

Meeting: Richmond (Yorks) Area Planning Committee

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

Date: Thursday, 12th September, 2024

Time: 10.00 am

Venue: The Grand Meeting Room, County Hall, Northallerton,
DL7 8AD.

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.

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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 objectors
Parish Council representative
Local Division councillor.
Speaker representing the applicant,

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 Stephen Loach, Principal Democratic Services Officer by midday on 9 September 2024.

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Agenda

1. **Apologies for Absence**
2. **Minutes for the Meeting held on 8th August 2024** (Pages 5 - 8)
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. **ZB23/02459/REM - Application for approval of reserved matters with access, appearance, landscaping, layout and scale to be considered relating to planning application 15/01083/HYB and associated with Phase 1 of the Neighbourhood Centre comprising foodstore and retail unit (Class E(a)) (formerly Class A1), restaurant and coffee shop with drive thru lanes (Class E(b)) (formerly Class A3) and associated car parking (additional application documents submitted, including: Noise Impact Assessment on 23.05.2024 and Odour Impact Assessment on 11.06.2024)** (Pages 9 - 34)
 - 4(a) **Update list for agenda item 4** (Pages 35 - 36)
5. **22/00227/OUT - Hybrid Application for Full Planning Permission for a Drive Thru' Coffee Shop, 4 No. Commercial Units and Associated Access Road, Car Parking, Drive Thru' Lane, Service Areas, Landscaping and Associated Works and Outline Planning Permission for a Place of Worship and Residential Development at Land Between Woodland Avenue and Maple Avenue, Colburn,** (Pages 37 - 70)
6. **ZD24/00093/FULL - Full Planning Permission for conversion of existing agricultural building to form 1 No residential dwelling, including change of use of adjacent land to form residential curtilage. Retrospective Permission for siting of Mobile Home on site for the purpose of providing temporary accommodation.** (Pages 71 - 86)
7. **Such other business as, in the opinion of the Chair should be, by reason of special circumstances, considered as a matter of urgency.**
8. **Date of Next Meeting**
10.00am, Thursday, 10th October 2024 - venue to be confirmed

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:

Stephen Loach, Principal Democratic Services Officer

Tel: 01609 532216

Email: stephen.loach@northyorks.gov.uk

Wednesday, 4 September 2024

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North Yorkshire Council

Richmond (Yorks) Area Constituency Planning Committee

Minutes of the meeting held on Thursday 8th August 2024 commencing at 10.00 am at Mercury House, Richmond.

Councillors David Webster (Chair), Kevin Foster, David Hugill, Heather Moorhouse, Karin Sedgewick, Angus Thompson and Steve Watson.

Officers present:-

Fiona Hunter and Caroline Walton - Planning Services; Fran Maxwell – Legal Services; Stephen Loach - Democratic Services

Members of the public

Copies of all documents considered are in the Minute Book

124 Apologies for Absence

There were no apologies for absence

125 Minutes for the Meeting held on 11th July 2024

The minutes of the meeting held on Thursday, 11th July 2024 were confirmed and signed as an accurate record, subject to a change of the meeting location to Mercury House, Richmond

126 Declarations of Interests

There were no declarations of interest.

Planning Applications

The Committee considered a report of the Assistant Director Planning – Community Development Services relating to an application 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 conditions 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 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.

127 ZD24/00303/VAR - Variation of Conditions 2, 15, 17, 19, 20 attached to Planning Permission ZD23/00564/FULL to alter and increase the amount of office space in the building. This in turn affects Conditions relating to approved drawings and strategies dealing with waste and acoustics - Land to the east of 42-44 Richmond Road, Catterick Garrison

Considered :-

The Assistant Director Planning – Community Development Services sought determination of a planning application for the ZD24/00303/VAR - Variation of Conditions 2, 15, 17, 19, 20 attached to Planning Permission ZD23/00564/FULL to alter and increase the amount of office space in the building. This in turn affects Conditions relating to approved drawings and strategies dealing with waste and acoustics on land to the east of 42-44 Richmond Road, Catterick Garrison

The application falls outside the current Scheme of Delegation, has been submitted on behalf of the Council and does not meet any exception criteria.

Councillor Kevin Foster stated that he had previously discussed the proposed development with the applicant, but had not discussed the enhanced proposals, and would be basing his decision on the information provided at this meeting.

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

- A Member considered that the amendments to the proposed development enhanced the original proposals.
- It was emphasised that this type of workspace was desperately needed in rural areas and the enhanced proposals assisted in providing that.
- The revised proposals accorded with the appropriate planning policies and guidance.

Resolved -

That planning permission be **MINDED TO BE GRANTED** subject to no comments being received on the EIA Screening Opinion by 14th August 2024 which raise either errors or legal challenge to the assessment and decision; and subject to the conditions listed in the report, with the final decision following the 14th August 2024 being delegated to the Head of Development Management.

Voting Record

A vote was taken and the motion was carried unanimously.

128 Any other Urgent business

There were no urgent items of business.

129 Date of Next Meeting

10.00 am, Thursday, 12 September 2024 (venue to be confirmed).

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North Yorkshire Council

Community Development Services

Richmond (Yorks) Area Constituency Planning Committee

12 September 2024

ZB23/02459/REM- Application for approval of reserved matters with access, appearance, landscaping, layout and scale to be considered relating to planning application 15/01083/HYB and associated with Phase 1 of the Neighbourhood Centre comprising foodstore and retail unit (Class E(a)) (formerly Class A1), restaurant and coffee shop with drive thru lanes (Class E(b)) (formerly Class A3) and associated car parking (additional application documents submitted, including: Noise Impact Assessment on 23.05.2024 and Odour Impact Assessment on 11.06.2024)

**At Taylor Wimpey, North Northallerton Phase 2 TW Land At Darlington Road
Northallerton, North Yorkshire
On behalf of Eshton Developments Ltd And Aldi Stores Ltd**

Report of the Assistant Director Planning – Community Development services

1.0 PURPOSE OF THE REPORT

- 1.1 To determine an application for reserved matters approval (layout, scale, appearance, access and landscaping) for part of the 'neighbourhood centre' element that was previously granted outline permission as part of Hambleton District Council's approval of hybrid application ref. 15/01083/HYB in December, 2016. Specifically, reserved matter approval is being sought for shop and restaurant elements of the neighbourhood centre.
- 1.2 This application is brought to the Planning Committee due to the significant level of local interest (i.e. representations submitted) in relation to the application.
- 1.3 It is recommended that reserved matters approval is **GRANTED**.

2.0 SUMMARY

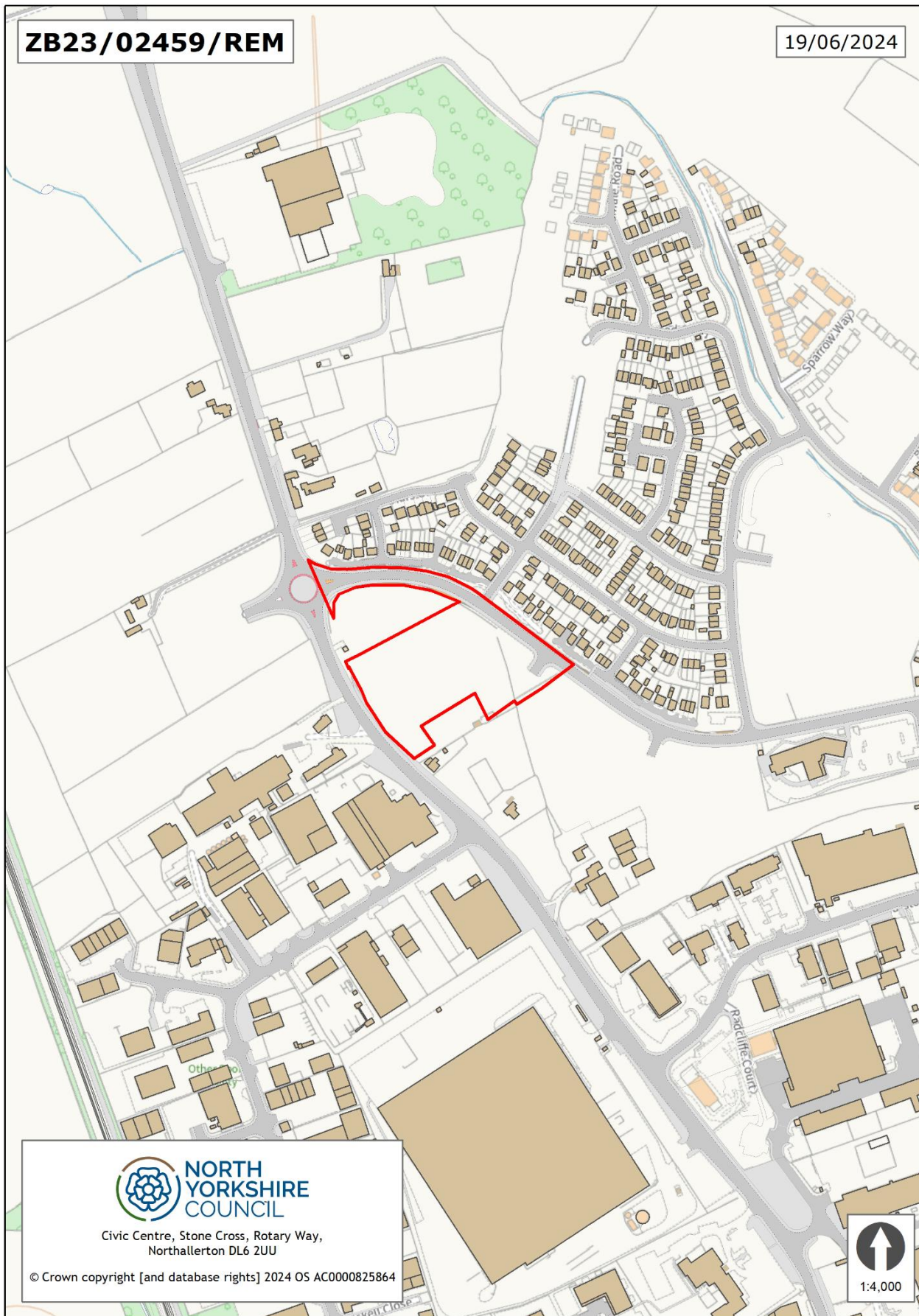
RECOMMENDATION: That reserved matters approval is GRANTED.

- 2.1 The application seeks reserved matters approval for (layout, scale, appearance, access and landscaping) for part of the 'neighbourhood centre' element that was previously granted outline permission as part of Hambleton District Council's approval of hybrid application ref. 15/01083/HYB in December, 2016. Specifically, reserved matter approval is being sought for shop and restaurant elements of the neighbourhood centre.
- 2.2 The application site forms part of the 'neighbourhood centre' element of the wider North Northallerton Development Area (NNDA), a 52.8ha, major mixed-use development located between Stokesley Road (A684) and Darlington Road (A167), approximately 1km to the north of the town centre of Northallerton. The site subject to this Reserved Matters application is on the southern side of Great Moor Road towards the western end of this new link road.

- 2.3 The principle of the neighbourhood centre on this site has already been established by the original hybrid planning permission, however because the proposed supermarket exceeded 500 square metres, condition 40 of this permission (as amended) required for it to be demonstrated that the development would not unacceptably impact the vibrancy and vitality of Town Centres by passing both the Alternative Sites Sequential Test and the Retail Impact considerations. Having sought independent advice on these matters, Officers are satisfied that the development passes the Sequential Test and that the retail impact considerations are acceptable and are in accordance with national and Local Plan policy. The proposals (subject to conditions) are also considered acceptable in terms of layout, scale design/appearance, amenity considerations (including noise and odour), landscaping, and access, connectivity and highway safety, and is in accordance with the relevant national and Local Plan policy considerations in these regards.

ZB23/02459/REM

19/06/2024



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:-

[Planning Documents](#)

3.2 The following applications related to the application site are detailed below:

15/01083/HYB: Hybrid planning permission for:

1. Full planning application for Phase 1 residential comprising 150 dwellings to the east of Darlington Road and 148 dwellings to the west of Stokesley Road, including earth works across the site, engineering works for drainage associated with Phase 1 residential, associated infrastructure, construction of strategic link road from Darlington Road to the west and Stokesley Road to the east including roundabouts and road bridge crossing railway line and village green; and
2. Outline planning application for a mixed use development of 900 dwellings (C3) which includes the residential development comprising Phase 1 referred to above, employment (B1, B2, B8), neighbourhood centre comprising shops (A1), restaurants (A3) and drinking establishments (A4), extra care facilities (C2), medical facilities (D1), primary school (D1), community uses including recreation playing pitches and allotments, car parking and means of access (all matters reserved apart from means of access)
3. The proposal is a major development which is accompanied by an Environmental Statement.
GRANTED, 05.12.2016.

3.3 The aforementioned original (hybrid) permission has been amended by virtue of non-material amendment (NMA) applications approved by the LPA. Of particular relevance to the current Reserved Matters application is NMA ref. ZB23/00886/NMC approved on 16.05.2023. This amended the wording of condition 40 of the hybrid permission, from:

“The floorspace of the individual A1 (Shops) units within the neighbourhood centre must not exceed 500 m2 gross unless otherwise approved in writing by the local planning authority.”

to:

“The floor space of the individual Class E (shops) units within the neighbourhood centre must not exceed 500m2 gross unless otherwise approved in writing by the local planning authority and following the prior submission and approval of a Retail Impact Assessment and Sequential Test Assessment.”

3.4 Reserved Matters Approval (for access, appearance, landscaping, layout and scale) has already been sought and granted for various elements that comprise the outline permission of 15/01083/HYB, including:

- 21/02226/REM: Reserved Matter Approval associated with the construction of 62 residential dwellings for Taylor Wimpey and Persimmon Homes (Granted 26.07.2022)
- 22/01835/MRC: Application for the modification of condition 2, for previously approved application 20/00898/REM. Remove drawing RFM-XX-00-DR-L-001 - New Drawings received 0780-RFM-02-00-DR-L-0001-S3-P02 - Northern Area Detailed General Arrangement Plan 1 of 2, 0780-RFM-02-00-DR-L-0002-S3-P02 - Northern Area Detailed General Arrangement Plan 2 of 2, 0780-RFM-01-00-DR-L-0001-S3-P02 - Southern Area General Arrangement Plan 1 of 2, 0780-RFM-01-00-DR-L-0002-S3-P02 - Southern Area General Arrangement Plan 2 of 2 (Granted 25.11.2022)

- 20/00898/REM: Application for reserved matters for previously approved application 15/01038/HYB. Condition 2- Appearance, Landscaping, Layout, Scale and Access for the Environmental Space elements of North Northallerton Sports Village. Condition 8 - Landscape Masterplan, implementation and management programme. Condition 14 - Sections showing proposed and existing ground levels. Condition 20 - Ecological Enhancement Management Plan. Condition 32 - Propose Scheme for pre-construction surveys for mitigation impacts for breeding birds. (Granted 15.02.2021).
- 19/01854/REM: Reserved Matters Approval associated with the construction of 226 residential dwellings on Persimmon and Taylor Wimpey 'Phase 2' (Granted 13.02.2020)
- 19/01530/REM: Reserved Matters Approval associated with the construction of 246 residential dwellings on Persimmon Homes 'Second Phase' (Granted 13.02.2020)
- 19/01854/REM: Reserved Matters Approval associated with the construction of 226 residential dwellings on Persimmon and Taylor Wimpey 'Phase 2' (Granted 13.02.2020)

3.5 In addition, other land that was included within the red-line-boundary of the original hybrid permission has subsequently been subject to the granting of separate planning permissions, including:

- ZB23/00938/FUL: Revised application for construction of 38no. residential dwellings with associated access, parking, landscaping and infrastructure on OS Field 6504 . (Granted 08.12.2023) This 'revised' application follows the refusal of an earlier application for 38 units on this site (21/02227/FUL) on 23.12.2022.
- NY/2019/0220/FUL: Change of use from agricultural use to a non-residential institution (use class D1) for the erection of a new single storey primary school (1,520 sq. metres), creation of hard standing (8,830 sq. metres), two vehicular accesses, car parking and coach layby, sprinkler tank, refuse store, two cycle shelters, 6m Lighting columns and wall mounting lighting two-metre-high perimeter fencing and gates, removal of trees, associated earthworks and hard and soft landscaping, GRANTED (by North Yorkshire County Council), 01.09.2020.

NB: It is noted that Hambleton District Council submitted a consultation response to the then County Council in relation to this application, confirming that in their view the development was broadly in-line with the approval as set out in the hybrid application and that they were satisfied in terms of the principle of the development, its siting and (broadly) with the layout and form, although some concerns were expressed regarding specific design elements.

- 19/01110/FUL: Construction of new healthcare building providing office and assessment spaces for multi-disciplinary, community based mental health teams. (Granted 20.09.2019)

3.6 ZB23/01280/FUL: Construction of 15 Dwellings, New Access Road and Associated Infrastructure (As Amended) on land north west of The Gath, Darlington Road, Northallerton, YET TO BE DETERMINED and not part of the North Northallerton Development.

3.7 As well as the application form, covering letter, Planning Statement, and Site Location Plan, the application was submitted with the various plans and documents, including:

Submitted Proposed Plans and Images:

- Proposed Site Masterplan
- Proposed Site Layout

- Proposed Layouts – Unit 1
- Proposed Layouts – Unit 2
- Proposed Layouts – Unit 3
- Proposed Floor Plan – Unit 4
- Proposed Roof Plan – Unit 4
- Proposed Elevations ('0003' & '0004') – Unit 4
- Proposed Pedestrian and Cycle Links
- Proposed Site Elevations, Sections, Levels
- Cycle Parking Details
- Landscape Plan (Soft Landscape)
- Lighting Plan
- Computer Generated Image (CGI)

Submitted Documents:

- Flood Risk and Drainage Assessment
- Design, Access, Site Waste Management and Sustainability Report
- Transport Assessment
- Retail Statement
- Retail Market Demand Correspondence Report
- Preliminary Ecological Appraisal
- Noise Assessment
- Tree Survey and AIA Report
- Landscape Management Plan
- Arboricultural Method Statement
- Air Quality Assessment

3.8 During the course of the application, several additional documents/assessments have been submitted to the LPA (and uploaded to Public Access), including:

- External Lighting Design Note (March 2024)
- External Lighting Plot Plan (Rev.P2)
- Noise Impact Assessment, on 23.05.2024
- Odour Impact Assessment, on 11.06.2024.
- Odour Risk Assessment
- Datasets/specification sheets for the filtration systems to be used (x2)
- (Amended) Proposed Boundary Treatments & External Finishes

A limited 10 day reconsultation exercise was undertaken in June, 2024 involving local residents and both Brompton and Northallerton Town Councils. Various specific reconsultations have also taken place with technical consultees at particular points when additional relevant clarification and information has been provided by the agent, including with Environmental Health in relation to the aforementioned Odour and Noise Assessments and related information.

4.0 SITE AND SURROUNDINGS

4.1 The application site forms part of the 'neighbourhood centre' element of the wider North Northallerton Development Area (NNDA), a 52.8ha, major mixed-use development located between Stokesley Road (A684) and Darlington Road (A167), approximately 1km to the north of the town centre of Northallerton. As part of the NNDA a new link road with bridge (North Moor Road) has been constructed between the A684 to the east and the A167 to the west, with new roundabouts created either end. As per the approved Masterplan for the NNDA, the majority of the residential development within the NNDA is located to the north of North Moor Road (GMR), as is the primary school site. In contrast, the majority of the neighbourhood centre elements of the NNDA are situated to the south of GMR. The site

subject to this Reserved Matters application is on the southern side of GMR towards the western end of this new link road.

5.0 DESCRIPTION OF PROPOSAL

- 5.1 This application is seeking reserved matters approval (layout, scale, appearance, access and landscaping) for part of the 'neighbourhood centre' element that was previously granted outline permission as part of Hambleton District Council's approval of hybrid application ref. 15/01083/HYB in December, 2016. Specifically, reserved matter approval is being sought for shop and restaurant elements of the neighbourhood centre.
- 5.2 It should be noted that Reserved Matters Approval has previously been granted for various parts of the 'outline' aspect of the hybrid permission, although others have been subject to separate planning permissions, including the medical facilities, primary school and community uses (including recreation playing pitches and allotments, car parking and means of access).
- 5.3 The proposal is intended to provide facilities for use by the increased local population arising from the occupation of the new housing created as part of the various phases of the wider mixed use North Northallerton development.
- 5.4 The Reserved Matters proposals consist of the following:
- a. Retail Unit (111 sq.m GIA) – labelled 'Unit 1' on the Proposed Site Masterplan
 - b. Coffee Shop (171 sq.m GIA) with drive thru lane – 'Unit 2'
 - c. 'Fast Food' Restaurant (167 sq.m GIA) with drive thru lane – 'Unit 3'
 - d. Foodstore (1,844 sq.m GIA) – 'Unit' 4.
- 5.5 The proposals also include associated parking provision (166 parking spaces), electric vehicle (EV) charging facilities, cycle parking, pedestrian routes, services and soft and hard landscaping. Details of the access arrangements (from Great Moor Road) are also provided for.

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, February 2022, and
- North Yorkshire Joint Waste and Minerals Plan, February 2022.

Emerging Development Plan – Material Consideration

- 6.3. The Emerging Development Plan for this site is listed below. It is considered to carry no material weight due to the current early stage of plan preparation.

Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:

- National Planning Policy Framework 2023 (NPPF)
- National Planning Practice Guidance (PPG)
- National Design Guide 2021 (NDG)

7.0 CONSULTATION RESPONSES

7.1. The following consultation and re-consultation responses have been received and have been summarised below:

7.2 **Brompton Town Council (BTC):** Responding to the original consultation, the Town Council have raised no objections, subject to the imposition of conditions for the provision of sympathetic lighting with regards to nearby housing and that no pedestrian access be made at the entrance of 'Greggs' so as to discourage stopping and parking on North Moor Road.

7.3 **Divisional Member:** No representations received.

7.4 **National Highways:** Had initially imposed a 'holding objection' (until 20.06.2024) so that confirmation could be provided that the remaining resident aspect of the outline permission will be subject to a separate Reserved Matters application (i.e. not to be considered as part of the current RM application.) NH did make the following observations:

- Having considered the submitted Transport Assessment (TA), they agree that the total number of trips generated by foodstore, retail and drive-thru developments are not comprised wholly of new or 'primary' trips onto the local highway network.
- Due to the distance from the A19 and A1, it is unlikely a significant volume of new, transferred or diverted trips will materially impact any one individual junction at the Strategic Road Network (SRN). It is unlikely vehicles will divert from the SRN to travel to the foodstore, retail or drive-thru's and the number of new trips is likely to be minimal.
- Transferred trips from other supermarkets are unlikely to result in an increase in vehicle trips at the SRN, and the distribution of transferred trips at the SRN are likely to remain unchanged.
- NH conclude that in principle, they would agree the foodstore, retail and drive-thru elements of the proposed development are unlikely to have a material impact on the operation of the SRN.

7.5 **Defence Infrastructure Organisation (MOD):** Have confirmed that, following a review of the application documents, the proposed development would be considered to have no detrimental impact on the operation or capability of a defence site or asset. The MOD therefore have no objection to the development proposed.

7.6 **Environmental Health (Contaminated Land):** EH have reviewed the information and are satisfied with the information. In light of this, they have confirmed that they have no concerns with regard to contamination in relation to this application. They advise however that a standard condition is applied which allows for unexpected contamination to be dealt with if encountered as part of the development [NB – should as condition is not considered to be reasonable or necessary as land contamination, including conditions, were considered and applied as part of the hybrid permission.

7.7 **Environmental Health (Residential Services):** In response to the original consultation, EH stated that having considered the potential impact on amenity and the likelihood of the development (in terms of its access; appearance; landscaping; layout and scale) to cause a nuisance, the EH initially raised a number of issues summarised below, concluding that they would not be able to support the application based on the information submitted, although they would comment further once further information is provided:

- The submitted Noise Impact Assessment (NIA) has not considered all potential receptors and the EH have significant concerns about the impact of the development in relation to the adjacent development (ZB23/01280/FUL) at land North West of The Garth. The NIA therefore needs to be reviewed to take additional Noise Sensitive

receptor(s) into account from this proposed development which would be adjacent to the drive-thru restaurant.

- The 2.4m acoustic fencing shown on the proposed plans is not referenced in the NIA. This needs to be investigated and it clarified as to whether it is required for noise mitigation purposes [NB – the acoustic fencing is subsequently shown on an amended Boundary Treatment Plan submitted by the agent].
- Other issues requiring clarification noted within the NIA to be addressed.
- Recommended the following is submitted/provided: An updated and comprehensive NIA to be submitted to support the application. Any mitigation required should be included.
- Although a Lighting Plan has been submitted, it was not accompanied by a report to provide context and there is a concern that the lighting could have a detrimental impact on developments beyond the site boundary, although insufficient information was submitted for EH to be able to assess the potential impact.
- Notwithstanding the suggestion within the submitted Planning Statement that the issue of odour control could be conditioned, because the Drive Thru restaurant would potentially be located adjacent to residential development, EH have recommended that odour is addressed pre-determination as there is the potential for odour from fried food to have a detrimental impact on residential amenity and could mean that the layout of the scheme would need to be reconsidered.
- Note that the submitted Air Quality Assessment indicates that best practice would be applied to dust suppression during construction with dust suppression methods to be submitted and approved by the LPA through a Construction Management Plan condition. In terms of traffic visiting the site once operational the impacts on air quality were considered not to be significant.

Following the subsequent submission by the agent of the External Lighting Design Note, the EH have confirmed that their previous concerns would be satisfactorily addressed subject to the lighting scheme adopting the proposed control measures in Section 6 (Control Measures) of the submitted External Lighting Design Note, including that external lighting shall be time controlled to ensure that the lighting installation only operates within the specified operating hours, and to provide a facility to switch part of the external lighting installation off during periods of low activity (i.e during store closure), and that external Lighting Time schedule shall be set "ON" between 0600 to 1000 hours, and 1400 to 2300 hour.

Responding to re-consultation in relation to the submitted Odour Assessments (and associated information), the EH provided the following comments and recommendations:

"The odour risk assessment compiled by the Air Quality Consultancy outlines the odour risk assessment for the proposed Burger King take away. The report also sets out the required odour abatement provision required to minimise any odour impact. It is recommended that the proposed odour abatement plant and maintenance schedule detailed in this report are conditioned for this unit. The odour impact assessment compiled by ACCON UK Environmental Consultants outlines the evaluation of the proposed Greggs facility. The report clearly sets out the abatement requirement for this facility, this should be conditioned to ensure compliance is achieved and any potential odour impact is minimised."

Responding to re-consultation in relation to the subsequently submitted Noise Impact Assessment, the EH provided the following comments and recommendation:

"This service has considered the potential impact on amenity and the likelihood of the development to cause a nuisance. We have given careful consideration to all the documentation submitted including the Noise Impact Assessment compiled by Dragonfly Consulting (DC4400-NR1v5). From the data provided we are satisfied that the predicted noise impact from the proposed development if all proposed mitigations are put in place will

not have a significant impact on local amenity and will be below the Lowest Observed Adverse Effect Level (LOAEL). As a result we have no objection to application as proposed.”

- 7.8 **Local Highway Authority (LHA):** There are no LHA objections to the proposed development but it is recommended the following conditions (as summarised) are applied to any permission granted and a contribution of £5000 is sought for Travel Plan monitoring:
- The access, parking, maneuvering and turning areas shall be constructed in accordance with details approved in writing by the LPA, and thereafter maintained clear of obstruction and for their intended purpose.
 - The submission and approval of a Travel Plan.
 - The submission and approval of a Construction Management Plan.
 - The submission and approval of a Service Vehicle Delivery Plan to manage the deliveries to and from each unit on the site (the plan shall also include the timing of deliveries and management of customer traffic (during deliveries)
- 7.9 **Environment Agency (EA):** In response to the original consultation, no objections to the proposals.
- 7.10 **Health and Safety Executive (HSE):** In response to the original consultation, the HSE have confirmed that the application doesn't meet the criteria/remit for consultation and have offered no comments/observations.
- 7.11 **Yorkshire Water Services (YWS):** In response to the original consultation, they have raised no objections, clarifying that the submitted Flood Risk and Drainage Assessment (revision P01) is acceptable.
- 7.12 **NYC Principal Archaeologist (PA):** In response to the original consultation, the PA has confirmed that the site was subject to previous archaeological assessment in the form of geophysical survey and trial trenching. The results of this work were negative and the PA has confirmed that he has no further recommendations for further work and has no objection to the proposal.
- 7.13 **North Yorkshire Police Designing Out Crime Officer (DOCO):** In response to the original consultation, the DOCO has provided a 'Designing Out Crime Report' which identified several issues relating to Designing Out Crime, which the DOCO recommends should be addressed prior to planning permission being granted, in order to ensure that the development provides a safe and secure environment for all users. The main issues identified within the Report are summarised below: Potential seating area for Unit 2 coffee shop (incorrectly identified in the DOCO as Unit 3) lacks overlooking from within unit; Details of proposed tables and seating for outside seating areas and the potential secure storage of these should be required; Surveillance of service yard/loading bay for the supermarket impeded; Aldi staff car park lacks overlooking from within building; Secure parking bays for motorcycles/mopeds should be provided; External cycle parking should be under cover; The proposed units should be fitted with security cameras.

Following the DOCO's response, the agent provided an email to clarify and provide further information in relation to the concerns raised. The DOCO has responded, and it is clear that the additional information as raised within the DOCO's initial concerns with regards to most of the initial concerns, although matters such as the overlooking of the seating area of Unit 2 and the lack of the provision of a covered cycle store remain areas of difference between the developers and the DOCO.

- 7.14 **Sainsburys Supermarkets Ltd:** An objection to the application (dated 11th May 2024) was received from Sainsburys, expressing 'significant concerns'. The detailed response can be read in full via Public Access, however concerns expressed are summarised below:
- The proposed development is inappropriate for the scale and nature of the neighbourhood centre.
 - There is no need for another foodstore.
 - The application fails to satisfy retail planning policy.
 - Concerns regarding the visual impact and a reduction in biodiversity.

Local Representations

- 7.15 A total of 89 local representation been received; 39 objecting to the proposals and 48 in support, with two representations neither supporting nor objecting. A summary of their comments is provided below, however, please see Public Access for the comments in full. Objections (including any concerns expressed in the representations of those neither objecting nor supporting the proposals):
- The development is unnecessary/not required; better use could be made of the site.
 - The development is not the 'small community shop and facilities' that was previously indicated/envisaged for the site.
 - Alternative sites should be considered for the development which are better suited/located for the type/nature of development proposed, including the reuse of existing vacant buildings within the town..
 - The development will occupy one of the only green spaces within the North Northallerton development used by playing children and dog walkers and should be left available for these uses.
 - The development will involve fast food units within convenient walking distance of the new local primary school and Northallerton School & Sixth Form College) undermining attempts to combat childhood obesity.
 - Traffic and congestion within the locale (including the new housing developments in North Northallerton and along North Moor Road) will increase as a result of the development, including greater HGVs movements; resulting in a greater safety risk (particularly to children given the close proximity to the new primary school) and more amenity and accessibility issues for local residents; cumulative traffic impacts once the new primary school opens; the development will negate the traffic easing benefits of North Moor Road/new bridge.
 - Access to the development should be via Darlington Road (rather than North Moor Road)
 - Additional landscaping (in term of additional tree planting) along North Moor Road should be considered.
 - The development will be an 'eyesore'; will have a detrimental impact on the appearance of the surrounding residential estate.
 - The development will generate waste, rubbish and litter; will attract vermin.
 - Risks of anti-social behaviour generated by the fast food units on site, including excessive noise/disturbance during antii-social hours.
 - Amenity issues for local residents (due to the relatively close proximity, of the site to residential properties) including glare/light pollution from external lighting/signage, decreases in air quality, additional odours, noise and disturbance, adversely affecting residents' quality of life, sleeping patterns and mental health.
 - Impact on water supply, water quality and air quality.
 - The development is sited in an 'out-of-centre' location and risk detrimentally affecting the vibrancy of Northallerton High Street and the existing businesses located within it.
 - Adverse impact on drainage and flood risk in the local area.
 - Detrimental impact on local house prices.
 - An Environmental Impact Assessment (EIA) is required.

- A more 'community-spirited' and 'upmarket' development for the site should be considered (e.g. a pub with children's play facilities)
- Greater consultation should take place so that 'all have the opportunity to respond'; lack of community engagement...greater community collaboration would have yielded a more suitable development better aligned with the needs and preferences of local residents.
- Concern that the provision of 'drive-thrus' does not comply with any of the Use Classes granted for the development as part of the original hybrid permission (i.e. as specified within the description of the hybrid permission)

Support (including any supportive comments expressed in the representations of those neither objecting nor supporting the proposals):

- Will create local job opportunities, replacing those that have been lost.
- Perfect location for the proposed development.
- The jobs and facilities created will benefit Northallerton as a whole.
- The provision of a supermarket run by a 'budget retailer' will reduce the need for Northallerton residents to travel further afield to patronise existing 'budget-retailer-supermarkets' in other settlements (e.g. Thirsk) reducing congestion and pollution and helping local residents with the 'cost of living.'
- The development will promote competition between retailers
- The development will bring much needed investment into the area.
- The development is not only desirable but essential due to the recent residential development within the vicinity...will only be a benefit to residents.
- Will result in an improved shopping experience for residents and improve the choice and range of local community services/
- The development of the site will enhance the appeal of the local area and bring into use land that is currently lying unused.

8.0 ENVIRONMENT IMPACT ASSESSMENT (EIA)

8.1 An Environment Statement (ES) was submitted with the original hybrid application (15/01083/HYB). No Environment Statement is therefore considered to be required for this Reserved Matters application.

9.0 MAIN ISSUES

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

- Scale of the Proposed Supermarket and the Impact on the Vitality and Viability of Town Centre(s)
- Health, Social and Economic Considerations
- Amenity
- Design and Appearance (including Layout and Designing Out Crime)
- Landscaping
- Access, Connectivity and Highway Safety
- Other Issues

10.0 ASSESSMENT

Scale of the Proposed Supermarket and the Impact on the Vitality and Viability of Town Centre(s)

Background/Context:

10.1 In terms of context, outline planning permission has been granted (by virtue of hybrid permission 15/01038/HYB) for a neighbourhood centre as part of the North Northallerton Development Area (NNDA), which (amongst other uses) was granted to consist of shops

and restaurants. This outline permission remains extant, with the approved masterplan indicatively showing shop, restaurant and other similar uses of the proposed neighbourhood centre to be located within the part of the NNDA that corresponds with the location plan of the RM application under consideration.

- 10.2 The aforementioned hybrid permission was granted with a planning condition imposed (condition 40) restricting the floorspace of individual shop units within the neighbourhood centre to 500m² (gross), unless otherwise approved by the LPA. In May 2023 the wording of the condition was amended (by a non material amendment application) to add the requirement for the prior submission and approval (by the LPA) of a Retail Impact Assessment and Sequential Test Assessment before any single unit over 500m² could be considered acceptable. Therefore, while considerations regarding the impact of new retail development on the vitality and viability of town centres would usually be a matter considered at outline stage, the (amended) wording of condition 40 of the hybrid permission coupled with the proposed scale of the supermarket unit (1,844 sq.m GIA) as shown within the current Reserved Matters application, means that the acceptability of the scale of the proposed supermarket ('scale' being a reserved matter consideration) is dependent on a Retail Impact Assessment and Sequential Test Assessment demonstrating that the proposed supermarket would not have an unacceptable impact on the vitality and viability of town centres, specifically Northallerton Town Centre. Approving the Reserved Matters application without this prior assessment would mean that the scale of the supermarket would be in direct conflict with the compliance requirements of condition 40 of the hybrid permission.

Retail Impact and Sequential Test Assessments:

- 10.3 Seeking to address the retail impact and sequential test requirements of condition 40 of the original hybrid permission, a Retail (Impact) Statement and Retail Market Demand Correspondence Report have been submitted as part of the application. These documents have been reviewed on behalf of the Council by Alyn Nicholls Associates who has duly produced a 'Retail Policy Advice' document (July 2024) (available for Members to view via Public Access) which assesses whether the retail unit would satisfy the sequential and retail impact tests and thus comply with condition 40 [as amended] of the hybrid permission.
- 10.4 Generally, the 'Retail Policy Advice' document produced by Alyn Nicholls Associates concludes that the evidence available points to Northallerton Town Centre being in 'relatively good health.' with vacancy levels below the national average...the vacancies that do exist generally being to the edges of the Primary Shopping Area. The presence of independent traders in the Town Centre is considered to be a 'major contributing factor' to its vitality and viability.

Sequential Assessment

- 10.5 Seven sites were identified for assessment within the submitted Retail Statement:
- Site 1: Yafforth Road
 - Site 2: Land at Finkill Way
 - Site 3: Applegarth Car Park
 - Site 4: Northallerton Auctions Car Park
 - Site 5: Former Wilco Store
 - Site 6: Former Prison Site (Treadmills)
 - Site 7: Crosby Road Car Park
- 10.6 The submitted Retail Statement concludes that none of the seven sites identified/assessed are suitable or available, a conclusion that Alyn Nicholl's Retail Policy Advice concurs with. This conclusion is based on the following assessments of the sites within the Retail Statement. The car park sites (sites 3, 4 and 7) can be discounted as they are not available, while the Finkill Way site (site 2) is not considered to be within a sequentially preferable location. The treadmills site (site 6) has been discounted as it has now been fully

developed while the former Wilco premises (site 5) within Northallerton Town Centre has also been discounted as not being viable because of its size (this is also now occupied). The Yafforth Road site (site 1) has also been discounted due to its size and that it is not in a sequentially preferable location. Alyn Nicholls has confirmed that there is not considered to be any suitable or available sequentially preferable site for the retail store, crucially, even if the retail store is disaggregated from the rest of the application proposals.

Retail Impact Test

- 10.7 Alyn Nicholls (within the submitted Retail Policy Advice document) has provided an alternative convenience trade diversion and impact assessment to the one provided in the submitted Retail Impact Assessment (February 2024) Alyn Nicholl's predicted 'diversion' and 'impact' figures are included in the table below:

Northallerton Town Centre		
<u>Store</u>	<u>Diversion (£m)</u>	<u>Impact</u>
Asda (Brompton Road)	-£0.26	-6.8%
Iceland (Crosby Road)	-£0.02	-4.5%
Lidl (East Road)	-£1.06	-11.0%
M&S Foodhall (Friarage Street)	-£0.23	-3.2%
Sainsbury's (High Street)	-£1.41	-9.0%
Tesco (East Road)	-£4.52	-10.2%
Other Shops	£0	0%
Total (NTC)	-£7.50	-9.0%
Elsewhere		
<u>Store</u>	<u>Diversion (£m)</u>	<u>Impact</u>
Brompton Convenience Store	-£0.03	-4.6%
Co-op (Boroughbridge Road)	-£0.11	-4.2%
Co-op (Brompton Road)	-£0.01	-4.6%
Co-op (Leeming Bar)	-£0.07	-4.6%
Aldi (Thirsk)	-£0.83	-4.8%
Aldi (Catterick Garrison)	-£0.57	-2.1%
Tesco (Catterick Garrison)	-£0.61	-1.6%

- 10.8 The estimated retail impact on Northallerton Town Centre is marginally higher within Alyn Nicholl's assessment (-9.0%) than within the submitted Retail Impact Assessment (-7%), although in Alyn Nicholl's opinion this is not sufficient to lead to a different conclusion as made within the RIA. The Alyn Nicholls report also states that a further potential scenario is a turnover of Aldi of £13.09 million the trade draw from zones as assumed in the impact assessment. This would increase the trade impact on Northallerton Town Centre convenience shopping to -11.6%. This is considered to be a moderate level of impact. Alyn Nicholl has concluded that although convenience shopping is an important function of Northallerton Town Centre, the health of the town centre is not dependent on it to the extent that such a moderate impact on convenience shopping would cause significant harm/adverse effect on the vitality and viability of the town Centre, even taking into consideration this alternative impact scenario (which Alyn Nicholls considers to be 'unlikely' to occur)

Sainsburys Objection:

- 10.9 Sainsburys Supermarkets Ltd have submitted an objection to the proposals for several reasons, including: that the proposed development is inappropriate for the scale and nature of the neighbourhood centre; that there is no need for another foodstore and that the application fails to satisfy retail planning policy. Regarding the sequential test, Sainsburys have argued that the application should be disaggregated into components as they do not need to be delivered together in order to operate. As Alyn Nicholls has stated in his assessment report, the sequential test should address whether the application, or something similar, could be accommodated on a sequentially preferable location, and it is therefore an important consideration that the original hybrid permission granted permission for the development of town centre uses on the site. Further, the requirement to address the sequential test arising from condition 40 (of the hybrid permission) is to justify any unit over 500 square metres gross floorspace. The only unit over 500 square metres is the supermarket unit, which in his view, there would be no suitable sequentially preferable sites available for, even if the supermarket unit is disaggregated from the other elements.
- 10.10 Sainsburys have also objected to the application in terms of how the applicant's submission of the assessment of the impact on existing retailers has been undertaken, drawing attention to more recent data of store performance which justifies the use of a higher turnover figure for the supermarket unit (Aldi). Alyn Nicholls concurs that a higher turnover estimate would be preferred. But, even taking into account a higher turnover estimate (as Alyn Nicholls has done within his impact estimates in the table above) the resultant impact on the Town Centre as a whole is higher than estimated by the applicant in the submission, but not materially so.
- 10.11 Overall, based on the advice received from Alyn Nicholls., it is concluded that there are no sequentially preferable sites for the development (even where the supermarket unit is disaggregated from the application), and that although the proposed supermarket unit is likely to have a moderate impact on convenience shopping within Northallerton Town Centre, this impact would not be sufficient to have a significant adverse effect on the vitality and viability of the town centre. As such, the sequential and impact tests are considered to be satisfied and the requirements of condition 40 (as amended) of the hybrid permission, met.

Health, Social and Economic Considerations

- 10.12 Policy S1 seeks to ensure that development makes a positive contribution towards sustainability of communities, environmental enhancements and climate change adaptation/mitigations by (inter alia):
- Ensuring communities have a healthy, safe and attractive living and working environment with reasonable access for all to a good range of facilities and services;
 - Promoting Hambleton as a recognised location for business by providing a range of employment opportunities that meet local aspirations, including high quality jobs, meeting the needs of new and expanding businesses and recognising the contribution of the rural economy.
- 10.13 The principle of a neighbourhood centre within the NNDA has already been established through the granting of the original hybrid permission and does not need revisiting as part of this RM application. It is clear that the purpose of creating a neighbourhood centre as part of the NNDA was to provide local residents with a range of conveniently-located services and facilities within a sustainable distance/location with regards to the new residential housing. A range of uses within the neighbourhood centre were therefore proposed and approved as part of the outline element of the hybrid permission, including shops (Class A1 use; now Class E), restaurants (Class A3 use; now Class E) and drinking establishments (Class A4 use, now a *sui generis* use) Aside from any drinking establishment, the proposals would provide a range of retail and eating/drinking establishments, including a drive-thru restaurant and drive-thru coffee shop. Concerns

have been raised following consultation from local residents about the proposals for a drive-thru 'fast food' restaurant as part of the neighbourhood centre proposals. The main concern expressed in this regard is the proximity of the proposed fast food restaurant to the new school being built within the NNDA (approximately 250m to the east) and Northallerton Secondary School and Sixth Form (approximately 950m to the south-east, off the A684) and thus the potential adverse impact on the health of pupils who, due to the relatively short distances involved (i.e. within walking distance), are more likely to frequent the fast food restaurant before school, after school and/or during lunch times.

10.14 While Local Plan Policy S1 (Sustainable Development Principles) holistically states that development should ensure that communities have a healthy, safe and attractive environment with access to a good range of facilities and services, and Local Plan Policy E1 (Design) seeks to improve health outcomes and health inequality through the provision and design of high quality housing, open/recreational spaces and non-car modes of accessibility to services and facilities, there is no specific policy within the Local Plan or Supplementary Planning Document (SPD) that specifically restricts or prevents the provision of fast food restaurants within a specific distance of a school, nursery sixth form college. In any case, such an issue is not a reserved matter (i.e. it's not a matter of scale, layout, landscaping, access or appearance), so any control or restriction on the type of eating and drinking establishment approved would need to have been considered (and appropriately conditioned) as part of the original hybrid permission. Therefore, it would be unreasonable to refuse the application for 'health of the community' reasons, specifically the proximity of the proposed restaurant to school grounds.

10.15 There would be a modest additional economic benefit from the increased size/scale of the retail store in terms of additional employment opportunities which could potentially be accessed by local residents.

Amenity

10.16 Policy E2 (Amenity) of the Local Plan expects all proposals to maintain a high standard of amenity for all users/occupiers as well as for occupiers/users of neighbouring land and buildings, particularly those in residential use. This is echoed in criterion c. of Policy E1 which requires proposals to achieve a satisfactory relationship with adjacent development and not to have an unacceptable impact on the amenities or safety of future occupiers, for users and occupiers of neighbouring land and buildings or the wider area or creating other environmental or safety concerns.

10.17 In relation to privacy and physical impact, the proposals are likely to have the greater impact on proposed development (both subject to a current planning application or with extant permission) as well as existing individual dwellings located to the south and west of the site. However, the height of the development would by no means excessive or over-dominant within their surroundings, while existing and proposed landscaping and boundary features (including screen and acoustic fencing) on the boundaries would help to mitigate any overlooking, overshadowing or privacy impacts resulting from the proposed development.

Noise

10.18 The proposals would involve commercial activities involving retail sales and the serving of food/drink, with the associated customer and staff vehicular movements, servicing/delivery activities and fixed plant noise. Although noise was considered as part of the original hybrid application, there are elements of the layout, appearance/design and scale of the development that have the potential to impact on the current or future occupants of residential properties within the vicinity of the site (both those properties already in existence and those subject to current planning permission or applications) In terms of mitigation a section of 3m high acoustic fencing is proposed along part of the southern

boundary of the site adjacent to the parking areas and drive-thru lane of the proposed fast food restaurant (this is included on the amended Boundary Treatment Plan).

- 10.19 Environmental Health (Residential Services) responded to the original consultation to recommend that an updated Noise Impact Assessment be submitted to take into account all relevant sensitive noise receptors, including the site of the proposed residential development adjacent to The Garth and which is currently subject to a separate planning application. This has subsequently been submitted (V.5; 22.05.2024) The updated N.I.A. has assessed three potential noises sources (fixed plant; site servicing/HGV deliveries arrangements; and car parking/drive-thru use) Noise contributions have been assessed for seven noise sensitive locations (NSR 1-7) related to residential properties within the locale, with predicted noise contributions based on ground floor and first floor windows.

Fixed Plant

- 10.20 Based on several assumptions (including assumed noise limits for plant and that plant will be based on the roofs of units), noise contributions have been assessed for all seven NSRs as being (at most) equal to the background noise during both daytime and nighttime periods. This includes a +4 dB correction for uncertainty around the specific plant to be used. Noise impacts arising from the cumulative operation of fixed plant is therefore predicted to be below the lowest-observed-adverse-effect level (LOAEL)

Service Arrangements/HGV Deliveries

- 10.21 The results of the assessment indicate that noise contributions from site servicing arrangements (including HGV Deliveries) are predicted to be at most 2.1 dB below and 3.3 dB above existing measured background noise levels at all NSRs during the daytime up to 2100hrs and for night-time (0630h-0700h) periods for the Aldi and the retail unit only. The results of this assessment further show that predicted noise contributions fall below BS 8233:2014 target for internal noise criteria for night-time maximum criteria (45dB LAfMax) or will be significantly below noise levels of existing maximum noise events that occur due to traffic. The comparison of ambient noise levels for the period between 2100hrs and 2300hrs indicate that noise contributions from HGV deliveries, are predicted to result in a maximum increase in ambient noise level of no more than 1 dB during the daytime period at all receptors with the exception of NSR6. The IEMA impact scale categorises these impacts as "None/Not Significant". At NSR6 the maximum increase is 3dB which is categorised by the IEMA scale as a 'slight' impact Noise impacts arising from site servicing (i.e. HGV Deliveries) arrangements are therefore predicted to be below the LOAEL for the assessment for all periods assessed.

Car Parking/Drive-Thru Use

- 10.22 The predicted noise from car parking and drive-thru use fall below the external daytime amenity criteria (55dB LAeq,T for a location in this context) BS 8233:2014 target internal noise criteria for are not met for all daytime periods, although exceedances are small at a maximum of 2dB. The criteria are met for all night-time periods. The results of the assessment also indicate that noise contributions from car parking and drive-thru use, are predicted to result in a maximum increase in ambient noise level of 1 dB during the daytime period and 0.1 dB at night. It is noted that currently, night-time operation of the site between 2300hrs and 0600hrs is not part of the proposed operations. The IEMA impact scale categorises these impacts as "None/Not Significant". It is therefore considered that the predicted noise impact from use of the car park and drive-thru lanes will fall below the LOAEL.

Cumulative Impact Deliveries, Car Parking and Drive-Thru Uses

- 10.23 The results of the assessment demonstrate that noise contributions from all sources, including deliveries, car parking and drive-thru use, are predicted to result in a maximum increase in ambient noise level of no more than 2.4 dB during the daytime period and 0.3 dB at night. The IEMA impact scale categorises these impacts as "None/Not Significant". It

is therefore considered that the predicted noise impact from all noise sources will fall below the LOAEL.

Conclusion and EH's comments/recommendation:

- 10.24 The results of the assessment indicate that noise contributions from all processes on the proposed site, with the noise mitigation included in the design, are predicted to be below the LOAEL for the assessments. Environmental Health have not raised any concerns or objections in relation to the findings/conclusions of the NIA, but have recommended that if Reserved Matters approval is granted, that all mitigation is put in place. This can be required by condition if Reserved Matters approval is granted.

Odour:

- 10.25 An Odour Impact Assessment (O.I.A.) and Odour Risk Assessment have also subsequently been submitted by the agent following a recommendation by Environmental Health. The Odour Risk Assessment primarily outlines the odour risk assessment for the proposed drive-thru restaurant (Burger King). The report concludes that there is a potential risk of odour impact on local residents from the drive-thru restaurant although this would be reduced to an insignificant and acceptable level through the provision of odour abatement measures and requirements. The Odour Impact Assessment compiled by ACCON UK Environmental Consultants outlines the evaluation of the proposed retail unit (Greggs) facility. Again, the report clearly sets out that subject to the installation of extract systems used throughout Greggs stores, there is not considered to be any material risk to amenity as a result of odours from the unit. EH have recommended that the recommended abatement requirements (i.e. the recommended extract systems within the OIA) for should be conditioned to ensure compliance is achieved and any potential odour impact is minimised. This can be required by condition should Reserved Matters approval be granted.

- 10.26 If approval is granted, the LHA have recommended that conditions are imposed requiring a Construction Management Plan (CMP) and a Service Vehicle Delivery Plan (SVDP) to be submitted and approved. The CMP would require satisfactory construction working hours and noise and dust suppression measures (*inter alia*) to be agreed in order to protect the amenities of local residents during the construction of the proposed development, while the SVDP would manage the deliveries to and from each unit on the site, including the timing of deliveries and the management of traffic (during deliveries). Both conditions are considered to be necessary to protect the amenities of residents within the locale both during and post construction.

Design and Appearance (including Layout and Designing Out Crime)

- 10.27 Policy E1 (Design) states that all development should be high quality integrating successfully with its surroundings in terms of form and function reinforcing local distinctiveness and a strong sense of place. As such, development will be supported where the design is in accordance with the relevant requirements of Policy E1 (amongst other less relevant considerations):
- Responding positively to its context drawing key characteristics from its surroundings to help create distinctive, high quality and well-designed places (criterion a.);
 - Respects and contributes positively to local character, identity and distinctiveness in terms of form, scale, layout, height, density, visual appearance/relationships, views/vistas, materials and native planting/landscaping (criterion b.)
- 10.28 The proposed supermarket building would be a relatively large, mono-pitch-roof building with a mixture of brick and grey-coloured cladding to external walls. Despite its relatively large massing overall, the flat roof form of the proposed building would help to keep the

main roof height of the building under 7 metres and thus proportionate with its residential and commercial surroundings.

- 10.29 The proposed location of the supermarket building close to the western site boundary in combination with its aforementioned large scale would mean that, despite the mitigating impacts of screen fencing and a landscape buffer in front of its western elevation, the development (and the proposed supermarket building in particular) would be a prominent building on Darlington Road (A167), an important route in and out of Northallerton.
- 10.30 Nevertheless, despite its large scale and location adjacent to Darlington Road, the context of the site's surroundings is crucial to how the development will be perceived. The site is surrounded to the east and south by existing and approved (extant) residential development and is purposely located so that it is to be well integrated (as a 'neighbourhood centre') within the North Northallerton development. Furthermore, the land opposite the site to the west (i.e. on the opposite side of Darlington Road) is occupied by Standard Way, a well-established commercial area and a key employment location within Northallerton. Immediately north of Standard Way is an employment site location within the Local Plan (NOR2).
- 10.31 Within this context of existing, extant and allocated residential and commercial development in North Northallerton and along Darlington Road, the proposed development and its buildings would not appear incongruous in terms of scale or appearance and would integrate well into their immediate surroundings, particularly with the provision of the landscaping scheme proposed.

Designing Out Crime Considerations:

- 10.32 As referred in the 'consultation' section of this report, NY Police provided a 'Designing Out Crime Report' which identified several issues relating to Designing Out Crime that it is recommended are addressed. Following the DOCO's response, the agent provided an email to clarify and provide further information in relation to the concerns raised. The DOCO has responded, and it is clear that the additional information as raised within the DOCO's initial concerns have been answered, although matters such as the overlooking of the seating area of Unit 2 and the lack of the provision of a covered cycle store remain areas of difference between the developers and the DOCO. Nevertheless, it is considered that these few remaining matters can be agreed through the provision and approval of additional details and specifications by planning condition, if Reserved Matters approval is granted.
- 10.33 Overall, the proposed layout, scale and appearance of the proposals are considered to be acceptable and in accordance with Policy E1 of the Local Plan.

Landscaping (Including Green Infrastructure and Trees)

- 10.34 Criterion b. of Policy E1 (Design) states that a proposal will be supported where it respects and contributes positively to local character, identity and distinctiveness in terms of (inter alia) native tree planting and landscaping.
- 10.35 Policy E4 (Green Infrastructure) states that the Council will seek to protect existing green infrastructure and secure green infrastructure net gains by, amongst other things, incorporating green infrastructure features as integral parts of a development's design and landscaping, while also enhancing links and functionality between the site and any surrounding or adjacent areas of green infrastructure. To confirm, the site is located within an area designated on the Proposals Map of the Local Plan as a Green Infrastructure Corridor (GIC),
- 10.36 Policy E7 (Hambleton's Landscapes) states that a proposal will be supported where it seeks to conserve and enhance any existing tree and hedge of value that would be affected by the proposed development.

- 10.37 The proposed development would involve commercial units and associated parking/ infrastructure which would occupy the vast majority of the site. This is not uncommon for developments of this type and scale. However, despite this, the submitted Proposed Planting Plan shows that a relatively comprehensive and varied landscaping scheme is proposed, which would include additional tree planting, ornamental planting, new native hedgerow and species-rich grassland. This soft landscaping would predominately be carried out along the edges/boundaries of the site (including the provision of a so-called 'landscape buffer' along the western site boundary with Darlington Road), although it is evident that efforts have also been made to incorporate tree and ornamental planting within the interior of the development, e.g. within and around the car parking areas. The Proposed Planting Plan and Arboricultural Impact Assessment Plan show that areas of existing planting and trees would be retained along the southern site boundary.
- 10.38 Overall, given the nature of the development and size of the site, the proposed landscaping scheme would provide for a comprehensive, varied and acceptable landscaping scheme for the proposed development that would integrate well with, and contribute positively to, its surroundings and the Green Infrastructure Corridor within North Northallerton. The proposals would therefore be in accordance with Local Plan Policies E1 and E4 in these regards.
- 10.39 A Landscape Management Plan (with maintenance schedule) has been submitted as part of this Reserved Matters application. The LMP outlines the management principles and objectives and gives a detailed programme for the maintenance of the area following completion, covering all aspects of the soft landscaping; tree planting, ornamental planting; hedge planting, native species planting and grass (seeding / turf) and species rich grassland (seeding / turf). Having assessed the contents of the LMP (including maintenance schedule), on the whole, it is considered to provide a reasonable and acceptable approach with regards to the completion and future management/maintenance of the landscaping with the scheme. If Reserved Matters Approval is granted, it is recommended that a condition is imposed requiring the LMP to be adhered to.
- Access, Connectivity and Highway Safety
- 10.40 Policy IC2 (Transport and Accessibility) states that the Council will seek to secure a safe and efficient transport system accessible to all and that supports a sustainable pattern of development. As such, development will only be supported where it is demonstrated (amongst other less relevant considerations) that:
- the development is located where it can be satisfactorily accommodated on the highway network, including where it can be well integrated with footpaths, cycle networks and public transport (criterion a.);
 - highway safety would not be compromised and that safe physical access to be provided to the proposed development from footpath and highway networks (criterion e.)
 - adequate provision for servicing and emergency access is to be incorporated (criterion f.), and
 - appropriate provision for parking is incorporated (criterion g.)
- 10.41 Policy E1 (Design) reinforces the need for the proposals to be designed to achieve good accessibility and permeability, stating that development will be supported where it (amongst other things): promotes accessibility and permeability for all (criterion e.); and is accessible for all users...providing satisfactory means for vehicular access and incorporating adequate provision for parking, servicing and manoeuvring in accordance with applicable adopted standards (criterion f.)
- 10.42 Vehicular access to the site would be taken from Great Moor Road, while the submitted Proposed Layout Plan and Proposed Pedestrian and Cycle Links Plan show that there

would be good internal pedestrian and cycle accessibility, with links (north and south) to the existing external footways along the western side of Great Moor Road, including to the existing Pedestrian Crossing. There are also potential pedestrian/cycle links onto Darlington Road to the west (as shown on the Proposed Pedestrian and Cycle Links Plan).

- 10.43 Designated on-site car parking and cycle parking would be provided to serve the development with a total of 166 spaces, including 13 accessible spaces and 4 EV charge spaces (with a further 20 spaces 'cable enabled' to meet future potential demand. The accessible spaces are included along the northern boundary of the car park near to the proposed entrance to the supermarket, with further provision to the front of the drive-thru coffee shop and restaurant.
- 10.44 Many of the representations received from local residents who have raised objections/concerns regarding the proposals have sought to draw attention to potential issues regarding congestion in the local area, particularly along Great Moor Road, and highlighting existing issues with speeding. However, having considered the proposed impact of the proposals on the local road network and the safety of the proposed vehicular access, the LHA have provided a positive recommendation with regards to this application (subject to the conditions and Travel Plan monitoring fee detailed in paragraph 7.6 above).
- 10.45 The LHA confirm that the LHA raised no objections to the hybrid application and note that the supplementary Transport Assessment (submitted with the current application) has taken into consideration the proposed larger retail unit with the conclusion within the supplementary TA still being valid with regards to the traffic generated by the proposed food store being able to be accommodated on the local highway network. The LHA also accept that allowing for a reduction in floor space for some uses, with a larger food store in their place, is unlikely to significantly change the trips generated overall by the site and therefore the proposals would not significantly change those already accepted under the 15/01083/HYB application. The LHA also state that as with many retail type developments, a significant proportion of trips generated by the site are expected to already be on the road network, either passing by the site, trip diversion from elsewhere, or forming part of a linked trip. Based on post development surveys the percentage of these type of secondary trips can sometimes be as high as 60-70% leaving only a small percentage of the traffic generated being completely new trips. The LHA also state that they consider the access arrangements to be acceptable, including visibility splays. The site layout also includes footways for pedestrian access and a level of car parking provision in line with current (highway) standards.
- 10.46 Overall, in consideration of the appropriate location and visibility of the proposed vehicular access to the development, the provision of good internal and external pedestrian and cycle connectivity and the positive recommendation of the Local Highway Authority, the proposed development is considered to be in accordance with the relevant criteria of Policies E1 and IC2 of the Local Plan in terms of accessibility and highway safety.
- 10.47 It should be noted that there are no LHA objections to the proposals, subject to conditions and the payment of a Travel Plan monitoring fee. It would not be appropriate to require a separate Travel Plan (by condition) at Reserved Matters stage, particularly as this matter is addressed by condition on the original hybrid permission. Therefore, it would not be necessary or reasonable to impose this condition as part of any Reserved Matters Approval. Likewise, the payment of a £5,000 Travel Plan monitoring fee would need to be secured through a Section 106 agreement. The original hybrid permission was granted following the completion of a Section 106 agreement for this development within which any monitoring fees should have been secured. It would not be reasonable or appropriate to require a S106 agreement to secure a Travel Plan monitoring fee as part of a Reserved Matters approval.

Other Issues

Sainsburys' Representations

- 10.48 The Sainsburys objection has stated that the proposals would adversely impact on biodiversity at a time when the Government is seeking to maximise Biodiversity Net Gain (BNG) within new development. There is no BNG requirement for this application which is at Reserved Matters stage. Nevertheless, as referred to in the 'Landscape' section of this report, Officers consider the proposed landscaping scheme to constitute to be relatively comprehensive and varied including both new tree, ornamental and hedgerow planting as well as areas of native grassland.

Drive Thru Restaurant Use Class Query

- 10.49 Concerns have been expressed within the representations received that the proposals to include a drive-thru restaurant and coffee shop are sui generis uses and thus do not wholly comply with the original hybrid permission, the description of which specifically stated the Use Classes of the development, which included Class A3 which allowed for 'the sale of food or drink for consumption on the premises or of hot food for consumption off the premises'. Class A3 has subsequently been replaced, with the new Class E(b) now relevant to restaurants and cafes. Class E(b) states that it involves premises where food is 'mainly' consumed on the premises.
- 10.50 Whether the drive-thrus comply with Use Class E(b) (previously A3) is dependent on how any food bought by patrons is consumed, i.e. mainly on the premises or off-site. This matter has been raised with the agent who has confirmed that the proposed operators of the units are satisfied that the nature of their operations would meet the requirements of Use Class E(b), and while Officers have not been provided with any statistics and information to verify this, there is likewise no information and evidence available to dispute the operator's position on this matter. On the balance of probabilities, it is considered that the current proposals are in accordance with the original hybrid permission.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1 The principle of the neighbourhood centre on this site has already been established by the original hybrid planning permission, however because the proposed supermarket exceeded 500 square metres, condition 40 of this permission (as amended) required it to be demonstrated that the development would not unacceptably impact the vibrancy and vitality of Town Centres by passing both the Alternative Sites Sequential Test and the Retail Impact considerations. Having sought independent advice on these matters, Officers are satisfied that the development passes both the Sequential Test and retail impact considerations as set out in national and Local Plan policy. The proposals (subject to conditions) are also considered acceptable in terms of layout, scale design/appearance, amenity considerations (including noise and odour), landscaping, and access, connectivity and highway safety, and is in accordance with the relevant national and Local Plan policy considerations in these regards.

12.0 RECOMMENDATION:

- 12.1 It is recommended that Reserved Matters approval is **GRANTED**, subject to the following conditions:
1. The development hereby permitted shall be begun within two years of the date of this permission.

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

- 2 Prior to the first use of any part of the development, a 3 metre-high acoustic fence shall be installed along the site boundary in accordance with the approved site plan, the design, material(s) and finish of which shall have first been submitted to and agreed in writing by the Local Planning Authority. Once installed, the acoustic fencing shall be retained in situ as approved for the operational lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the amenities of the occupants of residential properties located adjacent to the site are appropriately protected in accordance with Local Plan Policy E1.

- 3 No part of the development shall be brought into use until a Service Delivery Management Plan to manage the deliveries to and from each unit on the site has been submitted to and approved in writing by the Local Planning Authority. The plan shall include amongst other relevant matters the timing of deliveries and management of customer traffic during deliveries.

Reason: In the interest of public safety and amenity in accordance with Local Plan policy E1 and IC2.

- 4 All external lighting shall be installed in accordance with the submitted external lighting scheme and in accordance with the requirements and recommendations within the External Lighting Design Note, including Section 6 (Control Measures) requiring the following measures/procedures to be followed: external lighting shall be time controlled to ensure that the lighting installation only operates within the specified operating hours; the provision of a facility to switch part of the external lighting installation off during periods of low activity (i.e during store closure), and that external Lighting Time schedule shall be set "ON" between 0600 to 1000 hours, and 1400 to 2300 hours. Any subsequent changes or alterations to the external lighting within the development shall accord with the external lighting scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that an appropriate external lighting scheme is installed with is appropriate to the character and appearance of the site's surroundings and to protect residential amenity, on accordance with Local Plan Policies S1, E1 and E2.

- 5 Prior to development commencing details of the existing ground and floor levels of site and neighbouring buildings and the proposed ground and finished floor levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The levels shall relate to an identified fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.

Reason: In order to ensure that the finished floor levels and ground levels post development are appropriate to the surroundings and to ensure that the amenities of the occupants of residential properties within the vicinity of the development are suitably protected, in accordance with Local Plan Policies S1, E1 and E2.

6. The approved landscaping scheme for the development shall be undertaken within the first planting and seeding seasons following the substantial completion of the construction works on site in accordance with the submitted Landscape management Plan (LMP) and the 'outline planting specifications' on the submitted Proposed

Planting Plan. The landscaping shall thereafter be thereafter managed and maintained in accordance with the LMP (including the maintenance schedule)

Reason: In order to ensure that the approved landscaping scheme is undertaken, and thereafter managed, appropriately, in accordance with Local Plan Policy E1.

7. All noise and odour-emitting plant and equipment shall be installed and thereafter maintained in accordance with the details, recommended procedures, mitigation measures and abatement requirements as set out within the submitted Noise Impact Assessment, Odour Risk Assessment and Odour Impact Assessment, unless otherwise agreed in writing by the Local Planning Authority. All mitigation measures and abatement requirements shall be completed, in-situ and/or fully operational prior to the first use of the plant and equipment concerned.

Reason: To restrict noise and odours generated from plant and equipment within the development and to ensure that any noise and/or odours generated by the are appropriately mitigated in order to protect the amenities of local residents and businesses, in accordance with Local Plan Policy E2.

8. No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users 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 provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development, in accordance with Local Plan Policy IC2.

9. 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. protection of contractors working adjacent to the highway;
7. details of site working hours;
8. details of external lighting equipment;
9. a detailed method statement and programme for the building works; and
10. 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, in accordance with Local Plan Policies IC2 and E2.

10. No part of the development shall be brought into use until a Delivery Management Plan to manage the deliveries to and from each unit on the site has been submitted to and

approved in writing by the Planning Authority. The plan shall include amongst other relevant matters the timing of deliveries and management of customer traffic during deliveries.

Reason: In the interest of public safety and amenity, in accordance with Local Plan Policies E2 and IC2.

11. Prior to the commencement of above ground works, precise details of the design of the cycle storage, the specific locations and storage areas of the outdoor seating areas; and the locations and specifications of CCTV cameras as well as the specifications and location of other crime and other relevant anti-social behaviour-related elements of the development as referred to in the Designing Out Crime Officer's submitted report. Once approved, the development shall be undertaken and completed in accordance with the approved details prior to the first operation of the respective units, and thereafter maintained for the lifetime of the development shall be submitted to and agreed in writing by the Local Planning Authority

Reason: To ensure that all reasonable measures have been taken to minimise the risk of crime and disorder having regard to Designing Out Crime principles, in accordance with Local Plan Policy E1..

12. Above ground construction shall not be commenced until details relating to boundary walls, non-acoustic fencing and other means of enclosure (including their precise location(s)) for all parts of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details. Once installed, the enclosures shall be retained in situ in accordance with the approved details for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.

Reason: In order that the enclosures are 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.

Target Determination Date: 13th September 2024

Case Officer: Ian Nesbit ian.nesbit@northyorks.gov.uk

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			<p>Proposed Contextual Elevations 0004 Rev P01 received 29.11.2023</p> <p>Proposed Building Elevations 0003 Rev P01 received 29.11.2023</p> <p>Proposed Site Elevations and Levels 1007 received 29.11.2023</p> <p>Proposed Floor Plan 0001 Rev P01 received 29.11.2023</p> <p>Proposed Roof Plan 0002 Rev P01 received 29.11.2023</p> <p>Proposed boundary treatments/External Finishes Plan 1003 Rev A received 31.07.2024</p> <p>Electrical Engineering Services External Lighting Plot 4477-00-DR-G-801 Rev P2 received 27.03.2024</p> <p>Arboricultural Impact Assessment Tree Protection Plan AIA TPP Rev A received 29.11.2023</p> <p>Planting Plan N1387-ONE-ZZ-XX-DR-L-0201 Rev P04 received 29.11.2023</p> <p>Landscape Management Plan dated 8th November 2023 PROJECT NO-N1387-ONE-ZZ-XX-RP-L-0001 REVISION: P01 received 29.11.2023</p>

North Yorkshire Council

Community Development Services

Richmond (Yorks) Area Constituency Planning Committee

12 September 2024

**22/00227/OUT - Hybrid Application for Full Planning Permission for a Drive Thru' Coffee Shop, 4 No. Commercial Units and Associated Access Road, Car Parking, Drive Thru' Lane, Service Areas, Landscaping and Associated Works and Outline Planning Permission for a Place of Worship and Residential Development At Land Between Woodland Avenue and Maple Avenue, Colburn, DL9 4WD
On behalf of Mr CG & CJ Robinson and Leonard**

Report of the Assistant Director Planning – Community Development Services

1.0 PURPOSE OF THE REPORT

- 1.1. To determine a planning application for Full Planning Permission for a Drive Thru' Coffee Shop, 4 No. Commercial Units and Associated Access Road, Car Parking, Drive Thru' Lane, Service Areas, Landscaping and Associated Works and Outline Planning Permission for a Place of Worship and Residential Development on land at 22/00227/OUT.
- 1.2. This site has been the subject of several Planning applications since the original Outline Permission was granted in 2010- all of which were considered by the previous Planning Committee as part of Richmondshire District Council. Whilst a development of this scale now falls within the Scheme of Delegation as set out within the Council's Constitution, the application is brought before Members for reasons of consistency and because it proposes what would be a relatively significant development within this part of the settlement of Colburn (raises a significant material planning considerations)

2.0 SUMMARY

RECOMMENDATION: That Full Planning Permission be **GRANTED** for a drive-thru coffee shop and 4 no. commercial units and associated access road, car parking drive-thru lane, service areas, landscaping and associated works.

AND:

That Outline Planning Permission be **GRANTED** for a place of worship and residential development.

Both recommendations are subject to conditions listed at the end of the report and the completion of a S106 agreement with terms as detailed in Table 1.

- 2.1. This hybrid application seeks Full Planning Permission for a drive thru' coffee shop; 4 No. commercial units and Outline Planning Permission for a place of worship and residential development.

- 2.2. The application site lies to the south of Colburn on the eastern fringe of Catterick Garrison and is located adjacent to the A6136 (Catterick Road) that divides Colburn north-south. A public bridleway passes through the northern part of the site crossing the lorry park from east to west.
- 2.3. As the scheme would incorporate various uses, there are a number of Local Plan policies that are relevant to the consideration of the application. As previously stated, the application site is located towards the eastern side of Catterick Garrison which is identified in Spatial Principle SP1 as being located within the Central Richmondshire Sub Area of “greatest growth”. Spatial Principle SP5 and Core Policy CP7 support sustainable new employment development and there is policy support for both the housing and community facility development proposed in Core Policies CP4 and CP11 respectively. CP9 supports development over 500 sqm that lie out of town centres, providing there are no suitable, viable and available sites firstly within, then on the edge of the existing town centre.
- 2.4. The application site lies adjacent to residential dwellings but is also located immediately to the south of an existing commercial centre, known as The Broadway and has remained undeveloped for a number of years and is now overgrown. There are therefore several material considerations to take into account, however, the key issues that are considered to be relevant to this application are employment growth; access and parking (including the proposed diversion of an existing bridleway); housing delivery; community development; biodiversity, design and appearance, drainage and impact on amenity of existing residential properties.
- 2.5. It is considered that on balance, the proposed development would utilise a currently undeveloped area of land close to the centre of Colburn and provide a positive contribution to the local economy, whilst providing additional housing and community facilities. The site is adjacent to existing residential properties but would have a satisfactory relationship in terms of amenity and privacy and the Local Highway Authority (LHA) are satisfied that the proposals are acceptable in terms of highway safety. Whilst it has not been possible to achieve Biodiversity Net Gains (BNG) on site, the applicant is agreeable to providing 2% off site BNG by way of mitigation and this, along with monies towards monitoring of the Travel Plan (as requested by the LHA) could be secured through a legal agreement.
- 2.6. Overall, the proposed development meets the requirements and expectations of Spatial Principles SP1, SP2, SP4 and SP5 and Core Policies CP1, CP2, CP3, CP4, CP7, CP9, CP11, CP12 and CP13 of the Local Plan and the relevant parts of the National Planning Policy Framework (NPPF).

Figure 1: Location Plan



3.0 PRELIMINARY MATTERS

- 3.1. Access to the case file on Public Access can be found here:- [Planning Documents](#)
- 3.2. There are several relevant planning applications for this application which have been detailed in **Appendix A**.

4.0 SITE AND SURROUNDINGS

- 4.1. The application site lies to the south of Colburn on the eastern fringe of Catterick Garrison and is located adjacent to the A6136 (Catterick Road) that divides Colburn north-south. There is an existing housing estate to the south of the site off Woodland Avenue and also to the west (off Maple Avenue), which is located immediately off the roundabout between Catterick Road and Colburn Lane. A public bridleway passes through the northern part of the site crossing the lorry park from east to west.

- 4.2. As well as this relatively recent residential development, there is also a range of retail, community, leisure and economic developments on the north side of the A6136 which forms part of the area known as “The Broadway”.
- 4.3. The application site itself is approximately 1ha in area and was once part of the wider former CPM Pipeworks factory site to the southern edge of Colburn. Currently, the site is overgrown with grass and self-seeded saplings.

5.0 DESCRIPTION OF PROPOSAL

- 5.1. This hybrid application seeks Full Planning Permission for a drive thru' coffee shop; 4 No. commercial units and Outline Planning Permission for a place of worship and residential development. Details of each element of the proposals are as follows:

Drive-Thru (Full Planning Permission)

- 5.2. The coffee shop (of 172 sqm) would be largely as proposed as part of application ref. 21/00467/FULL and would comprise of some vertically boarded timber “feature” panels, with large areas of glazing and cladding in dark grey. The building would have a “signage blade” with timber gladding and would be similar to other drive-thru coffee shops in form, with a modern, flat roof. Hours of operation are currently marked on the application form as “unknown”, although in previously applications these were to be between 07:00hrs – 23:00hrs. Similarly, whilst the enterprise(s) would be staffed and therefore create employment, no specific number of Full Time Equivalent (FTE) posts have been stated in the application.
- 5.3. The site as a whole is located off Catterick Road (A6136), however, vehicular access into the drive-thru and coffee shop would be via Maple Avenue, operating a one-way system that would exit onto Woodland Avenue. The submitted Planning Statement sets out that the precise positioning of the access/egress has been informed by earlier decisions, particularly in relation to residential properties along Woodland Avenue. Car parking would be located immediately south of the coffee shop building and a two metre high close boarded fence erected to screen the southernmost 5 no. car parking spaces. Cycle stands, “bike lockers” and 5no. car parking spaces with Electric (EV) charging capabilities would be included in this part of the scheme.

Commercial Units (Full Planning Permission)

- 5.4. Materials for the proposed units (totalling 470 sqm in floor area) would comprise of cream coloured render to the rear elevations and upper gables, with “feature” wooden façade panels for the walls; dark grey aluminium for windows and doors and grey Marley Modern grey tiles for the roof. The buildings would be very simple in design with large shop front window sections to the front, in dark grey coloured powder coated aluminium. The buildings would have a pitched roof.
- 5.5. As with the drive-thru coffee shop, vehicular access to the commercial units would be via Maple Avenue and egress onto Woodland Avenue. The submission confirms that the units would operate within Use Class E of the Town & Country Planning (Use Classes) Order 1987 (as amended) but precise hours of operation or numbers of jobs to be created have been stated in the submission. Car parking would be provided to the south of the units and a landscaped pedestrian route created through the centre of this part of the development, leading directly onto Catterick Road, linking up to the existing shopping centre to the north.

Place of Worship (Outline Planning Permission)

- 5.6. The submitted plans illustrate the proposed development of a place of worship within the north western portion of the site. At this stage, no detailed plans indicating design and appearance have been provided, although it is likely that the main entrance may be via the

car park and therefore via the southern elevation. As with the coffee shop and commercial units no precise details on hours of operation have been included, although a Noise Impact Assessment was later submitted with the application. This concluded that although greater assessment would be required at the Reserved Matters stage, noise “is not expected to pose an obstruction in granting of Planning Permission for the development”.

- 5.7. Indicative plans show a total of 18 no. standard car parking spaces created and 2 no. accessible spaces located near to the building itself. As with the aforementioned part of the proposed development, vehicular access would be via Maple Avenue and egress onto Woodland Avenue.

Residential Development (Outline Planning Permission)

- 5.8. In the south western part of the site, the Proposed Site Plan indicatively illustrates the development of 8 no. residential properties. No other details (such as scale; number of bedrooms; materials, etc.) are provided at this stage, other than that both access and egress would be via Maple Avenue and that 17 no. designated car parking spaces would be provided.

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

Emerging Development Plan – Material Consideration

North Yorkshire Council is preparing a new Local Plan, however, it is at too early a stage to be a material planning consideration.

Guidance - Material Considerations

- 6.3. Relevant guidance for this application is:

- National Planning Policy Framework
- 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. **Town Council:** *The Town Council has discussed the above planning application and are fully aware of the suggested improvements using the whole site and integrating the original idea of creating a Market Square to complement. The Broadway offering additional retail opportunities as well as a small number of houses. The green picnic area is also liked. The concern is the question of traffic safety for all involved whether this is cars travelling on the very busy A6136 and using the junctions, pedestrians and children crossing the A6136 or cyclists getting through Colburn. There is also a bridlepath involved.*

The points raised in the two Highways reports, one from the Highways Engineer and the other from the Sustainable Travel Team, appear to confirm that there are safety issues that need addressing before full support can be given to the application.

The Town Council has the following proposals:

- a) a site visit with Planning Officers is requested to look at the block map, traffic flows, one way system to ensure the new traffic flows are fully understood.*
- b) the Town Council would like to see the response to the Highways Engineer's queries and whether he feels he can support the application.*
- c) This is a large application creating businesses, homes and a church and the Town Council request a proper Section 106 agreement to cover some additional play equipment in the nearby Chase development and for further enhancements to the Open Spaces project for installing benches, flower tubs and wild flower areas which have been much appreciated and added colour within the ward.*

A further consultation response to additional information received was submitted in February 2024. Comments are as follows:

The Town Council discussed the site at their latest meeting held on Monday 19th February having noted the additional documents that have been added during 2024. The original application was refused 28th January 2022; the main reason for this refusal being the "severe impact on highway safety for motorists, cyclists and pedestrians".

Councillors cannot see from the amendments that the situation has changed and request an urgent meeting with yourself and highways representatives to discuss the entrance/exit from the coffee shop up to the traffic lights and the effect of this development on the roundabout at Maple Avenue.

The issues are the phasing of the traffic lights which stop the flow on the A6136 with the tripping of the lights when cars appear on either of the side roads (Woodland Avenue or the Broadway) combined with the crossing buttons used by pedestrians/cyclists. At peak morning and afternoon rush hour, this quickly creates a back log of traffic at present running back to the Garrison Centre (particularly Friday afternoons) or out towards the A1 junction.

Queuing on Woodland Avenue will affect the residents in the houses there and make accessing their properties difficult and there will be a noise/pollution issue with standing cars.

The roundabout at Maple Avenue urgently requires "hatching road markings" as the existing Keep Clear is ignored by frustrated drivers trying to leave the Garrison area and Colburn Lane exit is totally blocked. This creates rat running through residential areas to reach the Fourth Avenue exit missing the lights.

What is the status of the public bridleway? Has it changed as there is no amended site map showing the latest proposals so other than additional comments and some reports, what are the amendments?

The Town Council cannot evaluate the proposal without understanding what the changes are and how the increased traffic will affect this application.

- 7.3. Division Member(s):** *There seems to be more questions to this application than answers. I don't believe there can be any answers to the address the highways issues. Can I suggest a site visit and highways attend and address the traffic issues and at the site visit and any other issues can be addressed and be updated that I believe have not been addressed.*
- 7.4. Defence Infrastructure Organisation (DIO):** *No response received.*

- 7.5. **Ecology (NYC):** The PEA describes the site as a mosaic of grassland and scrub. The site was woodland with some grassland prior to 2018, when it was cleared. Further clearance has taken place subsequently but it is unclear when, which makes it difficult to ascertain the baseline value of the site for BNG purposes. Nonetheless, even using the present baseline, the Biodiversity Metric calculation shows a large net loss (-71.32%). The applicant therefore needs to demonstrate how they would make good this deficit, whether through on-site or off-site measures or via a third party offset provider.

NYC Ecology have since confirmed that they consider a **2%** BNG (off-site) reasonable as it allows a small margin for compensatory measures not working out as intended.

The PEA identifies few issues relating to protected/important species and the following conditions are recommended:

- the ecological mitigation measures recommended for nesting birds (PEA section 4.4.2), Hedgehogs (4.5.2) and reptiles (4.6.2)
- the compensation and enhancement measures set out in section 5 of the PEA

- 7.6. **Environmental Health (NYC):** Do not raise objections to the scheme, subject to conditions but did request further information on noise impact, particularly in relation to the proposed place of worship and potential impact on surrounding residential (existing and proposed) properties. EH are still of the view that the information provided is “limited” but agree with the overall findings of the submitted NIA that noise “is not expected to pose an obstruction in granting of Planning Permission for the development”. Recommended conditions would require further information to be provided on this at the detailed design stage in order to inform mitigation and conditions on hours of operation, plant, contamination and lighting are recommended.

- 7.7. **Local Highway Authority:** Have considered the submitted scheme (as revised) and do not raise objections, subject to conditions relating to road and footway layout; construction of adoptable roads and footways; visibility splays; delivery of off-site highway works; provision of access, turning and parking; parking for dwellings; Travel Plan delivery; Construction Management Plan and Landscaping works.

The revised Travel Plan details have also been being reviewed by NYC Sustainable Travel team who are satisfied with the amendments and approve the travel plan. The overall contribution would be **£7500**, made up of £5000 of monitoring of the business travel plan (up to 100 employees) and £2500 for the residential travel plan (up to 150 properties).

In addition to this, to make the proposals acceptable to the Local Highway Authority, a Traffic Regulation Order will be required as part of a separate s278 process to allow the introduction of additional waiting restrictions on the publicly maintainable highway adjacent to the site.

- 7.8. **Lead Local Flood Authority:** No objection subject to conditions.

- 7.9. **Health and Safety Executive (HSE):** No response received.

- 7.10. **National Highways:** No objections.

- 7.11. **Northern Gas Networks:** No objections.

- 7.12. **Police Architectural Liaison Officer:** In general, the overall design & layout of the proposal is appropriate and raises no significant concerns in relation to Designing Out Crime, however, there were some aspects where further information was required (such as a lack of hours of operation stated; illumination of cycle storage and other areas; defensible space for residential areas). As a result of revised plans having been submitted, no further

comments are offered, subject to conditions to require all recommendations to be incorporated into the final scheme and agreed in writing by the LPA prior to commencement of the development.

- 7.13. **Public Rights of Way (NYC):** *The development built as proposed would require the diversion of public bridleway 10.15/10/1. However to preserve the historic significance and current and potential future amenity of this bridleway which runs along the route of the Catterick Camp Military Railway it is recommended that the bridleway remain on its existing alignment. If consent is given for the development the bridleway diversion will need to be confirmed prior to any works taking place affecting the existing route.*
- 7.14. **Yorkshire Water:** No objections, subject to conditions relating to surface water drainage, including piped discharge and run-off from hardstanding.
- 7.15. **Waste and Streetscene:** No response received.

Local Representations

- 7.16. **Richmond Business and Tourism Association:** No response received.
- 7.17. **British Horse Society (BHS):** The BHS is neutral on this application but wishes to comment on the safety and consideration for horse riders who have priority user rights along with pedestrians on the public bridleway.

It would appear from the block plan that the proposed new route for the public bridleway is the same as shown on the last application, this was reluctantly accepted by the BHS but not by Sustrans.

The concern with this application is that the vehicular access to the drive through coffee shop, which by its very nature mean lots of motorised vehicles driving into and out of the coffee shop. The proposed access is now via Woodlands Avenue and then out again, meaning that the users of the public bridleway will now have to cross a road with significant motorised traffic where previously this was not the case. I cannot see that this is a safer option than the access previously suggested. I think at the very least there should be a crossing point which gives priority to users of the public bridleway, be this by signal control or some other means which will make motorists slow down and give way to those on the bridleway. Further, the pedestrian access to the market place will mean yet another crossing point across the public bridleway, there will be a risk for pedestrians walking across the bridleway from fast moving cyclists. Experience shows that despite legal requirement cyclists often forget about giving way to walkers and horse riders, so this crossing point and access arrangement to the market square is not really a very sensible idea from the point of view of safety of those on foot trying to enter the market place.

With regard to screening and safety measures alongside the A6136 as previously requested, this is a busy road and by moving the bridleway closer to it the risk for the bridleway users are increased, particularly for horse riders. There needs to be safety measures in place, be this hard landscaping or planting to protect the users and prevent the risk from the traffic which users will be walking, cycling and horse riding against the flow of.

In response to further consultation - *Nothing further to add to previous comments. Though it is noted that NYCC Rights of Way believe the bridleway should remain on its historic route of the Old Railway Line, this would mean that the proposal should not go ahead as it is shown on the plans. If it does then a suitable legal diversion must be provided that meets the criteria I have already given of being in a safe setting that preserves the current amenity value of the route.*

- 7.18. **Sustrans:** Commented *Without adequate mitigation measures the proposals will result in increased vehicular and pedestrian traffic crossing the bridleway route and this is likely to cause significant problems for bridleway users, especially cyclists and horse riders.*
- 7.19. There have been 56 no. local representations received of which 45 no. in support; 1 no. commented and 10 no. objecting. A summary of the comments is provided below, however, please see website for full comments.
- 7.20. **Support:**
- Consumer choice (locally)
 - Improve an overgrown site (aesthetic)
 - Economic growth
 - Place of worship is needed in this area
 - Employment opportunities
 - New housing
 - Good for the community

7.21. **Objections:**

- Highway Safety
- Noise and disturbance
- Pollution
- Anti-social behaviour
- Pest-control
- Competition
- Waste/litter
- Need (there are other vacant units elsewhere)
- Impact on the bridleway
- Loss of privacy
- Property value
- Drainage
- Maintenance and wear and tear on roads
- Loss of wildlife habitat
- Loss of an open area
- Construction traffic
- Proposed use (place of worship)
- Impact on nearby residents

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 Environment Statement is therefore required. The application site is 0.99ha.

9.0 MAIN ISSUES

- 9.1. The key considerations in the assessment of this application are:
- Principle of development
 - Employment
 - Access, Parking and Highway Safety
 - Impact on Bridleway
 - Housing
 - Community Development

- Design, Appearance and Landscaping
- Amenity
- Lighting
- Land Contamination
- Crime and Antisocial Behaviour
- Foul and Surface Water Drainage
- Ecology
- Sustainability
- S106 Agreement

10.0 ASSESSMENT

Principle of Development

- 10.1. As was the case when earlier applications were considered for this site in 2019/2020, the key policy requirements that have the greatest bearing on the consideration of this application are that of SP1 (Sub Areas), which identifies Central Richmondshire as the sub-area of “greatest growth” within the Plan Area and where most housing and employment-related development will take place. This is a reflection of the fact that the sub area contains the town of Richmond and Catterick Garrison as well as the scale of existing facilities and infrastructure. Spatial Principle SP5 and Core Policy CP7 support sustainable new employment development that consolidates and improves the Colburn area as a key location for new employment opportunities. The Central Richmondshire Spatial Strategy (CRSS) also supports high quality new employment development which is well related to the strategic direction of growth and particularly where it would take place on existing vacant or previously developed sites. Policy CP4 concerns the location of new development and supports sites which are either within or adjacent to existing settlement boundaries. This site is within the existing built confines of the Colburn/Catterick Garrison conurbation. Policy CP9 supports developments that are over 500 sq.m outside of town centres providing there are no suitable, viable and available sites firstly within, then on the edge of, the existing town centre.
- 10.2. Given the floor area proposed, the submitted Planning Statement includes a Sequential Assessment in seeking to meet the expectations of CP9, setting out the catchment area used and concludes that within this area, there were no sequentially superior sites that could accommodate the proposed development. The statement also takes into account the amount of town centre use floor space that was granted as part of the outline approval.
- 10.3. The defined area of search applied in this case is deemed acceptable given the nature of the proposal in terms of use and size. Within this search area, and as stated within the Planning Statement, Officers agree that there are no other suitable, viable or available sites for the proposed development. Furthermore, when extending the search area to include that of Catterick Garrison Town Centre it is also fair to assess that, although there may be some alternative sites within/on the edge of the Town Centre these are not readily available. Given the close proximity to The Broadway (to the north) and housing (to the north and south) there looks to be ample opportunities for users to access the facilities by foot or bike, further made more convenient by the amendments made to the overall layout and design of the scheme. The facilities can be easily accessed by car and there is also a bus stop on the other side of the road. Furthermore, it is not considered there will be any harm to the viability or vitality of Catterick Garrison town center from this development. The town centre is very popular with a large amount of free parking and this modest development is unlikely to take away sufficient trade and visitors to cause a notable impact.
- 10.4. As set out in paragraph 7.7 of this report, the Highway Authority do not have any objections to the application (subject to conditions and a signed S106 Agreement) as outlined in their response, with regards to ensuring the local transport system is capable of accommodating any potential traffic implications (as also required in part 3(c) of CP9 of the Local Plan).

- 10.5. As well as retail units and a drive-thru coffee shop, the application also seeks outline approval for the development of a place of worship and 8 no. residential properties. No precise details have been provided on house types or number of bedrooms, but in principle there is Local Plan policy support for the provision of housing in this location, in pursuance of the objectives of the Central Richmondshire Spatial Strategy and in line with the principles of Spatial Policies SP1, SP2 and SP4 in relation to the strategic provision of housing in this area. These policy expectations accord with those of the National Planning Policy Framework for the provision of sustainable housing that places great emphasis on significantly boosting the supply of homes. Spatial Principle SP4 of the Core Strategy sets out the scale and distribution of housing development in the district, with a minimum of 3,060 dwellings sought to be delivered during the plan period at a rate 180 no. per year. The Plans explanatory text states that “should further suitable, sustainable and deliverable housing sites come forward, they will be considered on their merits.”
- 10.6. A new Local Plan is now in place since the last outline Planning application on this site was determined (although regard was had to the then soon to be adopted relevant policies of the Richmondshire Core Strategy [ref. 12/00669/OUT]), however, similar policy principles apply in terms of housing delivery. Core Policy CP4 supports development within existing settlements providing it does not impact adversely on the character of the settlement or its setting; or cause significant adverse impact on amenity or highway safety. Precise details would need to be conditioned and submitted for consideration as part of a future Reserved Matters application, however, in terms of principle, a net gain of 8 no. dwellings on this site is therefore considered to be acceptable in Planning policy terms. The minimum number of dwellings allocated to “Catterick Garrison”, including Colburn, has not been reached.
- 10.7. With regards to the proposed place of worship, Core Policy CP11 of the Local Plan supports proposals that help to create or enhance community, cultural and recreational assets, particularly where they would be well served by public transport and accessible by walking and cycling.
- 10.8. Overall, the principle of the proposed development on this site is considered to meet the expectations of Spatial Principles SP1, SP2, SP4 and SP5 of the CRSS, as well as policies CP4, CP7, CP9 and CP11 of the Local Plan and guidance within the NPPF.

Employment

- 10.9. Spatial Principle SP5 and Core Policy CP7 supports sustainable new employment development that consolidates and improves the Colburn area as a key location for new employment opportunities. The details accompanying the application do not indicate the number of jobs that the development would be expected to generate, however, the drive-thru and commercial units in particular would clearly require a number of staff and so this needs to be taken into account and apportioned weight as a material factor in the overall balance of considerations.

Access, Parking and Highway Safety

- 10.10. As with previous similar schemes on this site, a number of objections have been received on behalf of the Town Council and local residents with regards to an increase in traffic as a result of the proposed development, especially in relation to the drive-thru aspect of the proposal. As set out in the Appendix A (Planning History), following the dismissed appeal relating to ref. 19/00218/FULL, a further application was later refused following an objection on behalf of the Highway Authority, as the applicant sought to satisfactorily address neighbour impact as well as the precise location of the access and highway safety.
- 10.11. This application includes a key change from refused 19/00218 in that there is no longer a access/egress point opposite the lorry park junction to the east.
- 10.12. The Local Highway Authority (LHA) did initially raise concerns in relation to this application and sought additional details, including (but not limited to) an updated Transport

Assessment, further modelling and section drawings. In addition to the consideration of additional information, the LHA have also been in correspondence with the agent dealing with the application and an appointed Highways Consultant over a number of queries relating to the proposed development in respect of trip rate, traffic generation and traffic distribution. As part of this, the designers response to the RSA has been amended to incorporate the recommendations made within it and has addressed the layout and visibility internally, along with pedestrian and cycle access. Whilst the issue of increased fumes was raised through the consultation process by local residents, the cumulative floorspace proposed is unlikely to increase existing air pollution to unacceptable levels.

- 10.13. Having now considered all relevant information associated with the application (including the current position of and the necessity for the applicant to apply to carry out a diversion of the existing bridleway) the LHA have been able to confirm no objections to the scheme. This would be subject to conditions relating to all aspects of this hybrid application and would include the provision of a Traffic Regulation Order (TRO) and monies towards the monitoring of both the business and residential travel plan (£5,000 and £2,500 respectively).

Impact on the Public Bridleway

- 10.14. The existence of a bridleway and the need to find an acceptable diversion places constraints on the development of the site and this application proposes to divert part of the existing route that runs in an east-west direction across the site up to the north, re-joining the route again to the south. Consultation responses have been received on behalf of NYC PRoW and also the British Horse Society (BHS), neither of which raise objections to the application as such but do express different concerns over the re-routing.
- 10.15. Of particular concern to the BHS is the position of proposed access points in relation to the bridleway and feel that there ought to be a crossing point that gives priority to users of the bridleway, perhaps by signal control. They also have concerns around the position of the pedestrian crossing to the north and the intersection between the two routes. The PRoW team recommend that the route be retained in its original position, as this has some historic significance (following the former route of the Catterick Camp Military Railway), which is deemed to positively influence amenity.
- 10.16. This has been a matter for consideration for all recent applications on this site that have been submitted in various forms and whilst this scheme would involve the diversion of part of the existing route, technical consultees have not raised objections from a highway safety point of view as a result of increased traffic. Notwithstanding users occasionally not adhering to "rules", the revised indicative position of the route would allow for continued access and all of the usual Highway Code requirements would continue to apply. In terms of the historic significance of amending the route, the proposed diversion would be relatively similar in orientation and length and there are no local designations within the Local Plan that suggest weight ought to be apportioned to protection of the existing alignment.
- 10.17. Any diversion would need to be the subject of a formal application to NYC PRoW department and as part of that process, considerations are likely to be limited to whether the proposed new route is similarly convenient and attractive to users of it as the existing route. The PRoW team have previously confirmed that whilst retaining the existing route would be their preference, it is unlikely that there would be objections on these grounds.

Housing

- 10.18. As set out in paragraph 10.4 of this report, the principle of housing development in this location is accepted within Spatial Principles SP1, SP2 and SP4 of the Local Plan and Core Policy CP4 supports development within existing settlements providing it does not impact adversely on the character of the settlement or its setting; or cause significant adverse impact on amenity or highway safety. Core Policy CP5 of the Core Strategy requires an

appropriate housing mix and requires proposals for housing development to take account of the local housing requirements.

- 10.19. As the Council have insufficient evidence published to require affordable housing for minor development (less than 10 dwellings and less than 0.5ha), it is considered acceptable that no affordable housing is required. A condition is recommended that the mix shall be agreed prior to approval of the first housing reserved matters application and to include 2 and 3 bedroom properties for which there is the strongest need. Subject to conditions, there is no reason to believe that this cannot be provided, and the scheme is capable of meeting the expectations of CP5 in this regard.

Community Development

- 10.20. Several letters of support have been received as part of the consultation process in relation to the proposed place of worship, as it appears that similar local facilities that are accessible are not easily available. As set out in paragraph 10.6 of this report, Core Policy CP11 of the Local Plan supports proposals that help to create or enhance community, cultural and recreational assets, particularly where they would be well served by public transport and accessible by walking and cycling. The proposed place of worship is therefore considered to be acceptable in principle, subject to a detailed scheme coming forward at the reserved matters stage. Such an application would need to be assessed on its own merits, however, in the interests of good design and the appearance of the surrounding area (which is essentially mixed use), there is no reason why a building of an appropriate scale so as not to over-dominate the street scene and constructed of materials that complement the surrounding built environment could not be designed/ accommodated.

Design, Appearance and Landscaping

- 10.21. As full planning permission is sought for the drive-thru coffee shop and commercial units, detailed plans have been submitted with the application. These include a relatively detailed Block Plan, illustrating new tree planting within the area immediately to the south of the drive-thru car park and commercial units, as well as sporadically around the perimeter of the site in order to retain “open” views into the development from Catterick Road.
- 10.22. Catterick Road creates a physical barrier between the application site and The Broadway opposite, nevertheless, it is considered important in design terms that a “link” is created between these two sites so that the application site does not appear and operate in isolation. A pedestrian link would be created centrally from the site onto Catterick Road, providing access between the two sites. Cycle parking would be included to the southern end of the proposed commercial unit (west) and “bike lockers” on either side of the walkway.
- 10.23. The design and appearance of the drive-thru building itself is largely influenced by “corporate branding” of the company involved. It is modern in design and finish, with much glazing and dark grey and timber feature panelling. It would have a flat roof and an advertisement “blade” extending up beyond the highest point of the roof, again faced with timber cladding. The proposed commercial units would include a pitched roof but also a cream coloured render to the rear elevations and upper gables, so that they make a visual connection with other retail units on The Broadway opposite. In considering the mix of materials and variation in form of buildings in the surrounding area, the design, layout and appearance of the scheme has regard to these considerations and are considered to comply with Policy CP13 (Promoting High Quality Design) of the Local Plan and the NPPF in relation to design and landscaping.
- 10.24. The outline housing and place of worship elements of the application would need to be the subject of a future reserved matters application and whilst they would need to be judged on their own merits (against current policy at that time), there would be an expectation that any detailed scheme respects the surrounding built environment, in terms of scale, materials

and design, which is considered to be particularly important when bearing in mind the street scene when viewed from Catterick Road and The Broadway.

Amenity

- 10.25. In October 2020, Members expressed a “minded” decision to grant Planning Permission for 19/00218/FULL (based on that scheme for a drive-thru and commercial units only) as the applicant submitted an appeal to the Secretary of State (Planning Inspectorate) against the non-determination of the application by the Local Planning Authority. At that time, Members had asked the applicant to provide further amendments to the scheme, but the applicant felt that the scheme had already been revised sufficiently to allow a positive outcome and that this needed to be the next course of action. However, the appeal was dismissed with one of the reasons being harm to the amenity of numbers 1, 3, 5 and in particular no. 7 Woodland Avenue, on account of noise and general disturbance caused by vehicle movements associated with the development. Please see Appendix B for the Proposed Site Layout plan of application reference 19/00218/FULL.
- 10.26. Since this time, both Officers and the Planning Agent have continued to give careful attention to residential amenity of existing properties and residents. Application ref. 21/00467/FULL involved the repositioning of the access further north along Woodland Avenue and away from these residential properties, however, this resulted in an objection on behalf of the LHA, who considered that the distance between the junction(s) and proposed access would lead to a “severe” highway safety impact. This application was subsequently refused by Richmondshire District Council Planning Committee in January 2022.
- 10.27. Both of the aforementioned applications only took up part of the overall site area that is now included in the pending application. By “opening up” the site in this way, the scheme proposes to operate via a one-way system, using Maple Avenue as the predominant entry point to the site and Woodland Avenue as exit only. Only the 8 no. residential properties proposed would have the benefit of both access and egress via Maple Avenue.
- 10.28. As is the case on the eastern side of the site, there are also existing residential properties located along Maple Avenue to the west, some of which are located directly opposite the entrance to the site. This would therefore mean an increase in activity and potential loss of amenity to these dwellings, particularly in comparison to the vacant/open site that is in situ presently. However, given the one way system that would be in place and the site layout as now proposed, the proposed scheme would not result in an unacceptable impact on amenity.
- 10.29. In assessing potential impact on these existing properties on Maple Avenue, other than for the 8 no. dwellings proposed, vehicles movements would be limited to entering the site only and car parking associated with the proposed place of worship would have a north- south orientation in terms of parked cars and direction of headlights. In addition, although it is unlikely that car parking would be restricted to those using the place of worship, it is unlikely that this car park would be in constant use.
- 10.30. Environmental Health were not initially able to assess the precise impact on these properties in full, as only information on plant and machinery had been included in the submitted Noise Impact Assessment (NIA), missing out aspects such as car doors slamming; vehicles entering and leaving the site, etc. As a result, the submitted NIA was updated in October 2023 and as requested, assessed the potential noise impact from vehicles and the potential noise impact on the proposed residential element of the mixed-use development, concluding that for all properties, suitable noise levels are likely to be achieved in garden areas without mitigation. The information remains limited, however, Environmental Health are now able to recommend conditions relating to external plant; noise mitigation measures to be required at the detailed design stage; time restrictions on

loading/unloading of vehicles and piling. A condition requiring opening hours to be agreed is recommended to be agreed prior to approval of the reserved matters application.

- 10.31. In terms of potential impact on properties to the east on Woodland Avenue, the access point has been moved further north from the position shown as part of ref. 19/00218/FULL. In addition, car parking would now be located further north into the site, separated by an open/landscaped area to the south of the site and a 2m high section of close boarded fencing to screen the 5 no. car parking spaces located towards the eastern side of the site. This layout is now considered to allow for an acceptable relationship between the proposed development and the surrounding residential properties.
- 10.32. The submitted NIA gives consideration to potential impact on the 8 no. residential properties proposed, as have Environmental Health, from the proposed place of worship and this is considered to be acceptable. As outline permission is sought for the proposed dwellings, only an indicative layout plan has been provided at this stage. Subject to the detailed design that would come forward as part of a reserved matters application, the submitted plan shows that appropriate separation distances can be achieved.
- 10.33. Overall, the proposals are considered to be in compliance with Core Policies CP3 and C4 of the Local Plan in terms of amenity.

Lighting

- 10.34. No details of external lighting on and around the building have been included within the application. The site is within close proximity to Catterick Road and also residential properties to the west and also the north. To ensure that any external lighting scheme is designed to minimise impact on neighbouring properties and does not subsequently change over time, a planning condition would be appropriate to require the prior approval of a scheme of lighting in the event of the development being approved.

Land Contamination

- 10.35. Having been consulted on the application, Environmental Health have confirmed that they have no objections to the application subject to the imposition of a planning condition setting out requirements in the event of contamination being found or suspected during construction. Overall, the proposed development does not raise any significant or unacceptable issues in relation to land contamination.

Crime and Antisocial Behaviour

- 10.36. The potential of the site to become a meeting place for crime and anti-social activity is a material consideration and has been raised as an objection by residents through the consultation process. North Yorkshire Police have been consulted on the application and do acknowledge this as a potential issue, based on analysis of police recorded incidents in the area of the proposed development that highlights the presence of crime and anti-social behaviour, which could impact upon the security of the scheme. Although they have not raised any objections to the development, they have recommended the implementation of measures in order to minimise crime associated with the development to be a minimum, including providing sufficient lighting (to be balanced with the protection of amenity as set out in paragraph 10.29 above); landscaping; the locking of bin and recycling stores and the management and maintenance of the site. These measures can be required by planning condition.
- 10.37. As part of the overall Police response, the consultation was also passed onto the Anti-Terrorism section of the service. The content of their response is confidential for reasons of public safety; however, Officers can confirm that there are no objections to the development in principle, subject to a condition to require written confirmation that the recommendations

set out in the response will be agreed in writing by the LPA, prior to the commencement of the development.

Foul and Surface Water Drainage

- 10.38. The application site is located within Flood Zone 1 and the submitted Flood Risk Assessment (FRA) dated October 2023 sets out that the site is at very low probability of fluvial and surface water flooding; very low risk of tidal/coastal flooding; is not at risk of flooding from reservoir failure and risk of flooding elsewhere from all sources of flooding would not change from the existing situation.
- 10.39. The submitted Drainage Strategy (DS) states that foul water from the development would be discharged to the foul water sewer in Maple Avenue, subject to third party agreement. The FRA also sets out arrangements for surface water drainage, against the hierarchy within the NPPF, SuDS guidance and Part H of building regulations. This discounts soakaways on account of the ground conditions not being suitable and discharge to watercourse as it is too far removed from the site for direct discharge. As such, surface water would be discharged to the public sewer, which again would be subject to a separate legal agreement with Yorkshire Water. Yorkshire Water have confirmed that they have no objections to the proposal in terms of being able to accommodate the additional foul drainage flows subject to standard conditions to ensure that foul and surface water drainage systems are kept separate and details of the surface water drainage arrangements to be submitted for approval.
- 10.40. The LLFA recommended a drainage scheme was submitted which the applicant has proceeded to provide. Officers have assessed the drainage scheme and it provides everything listed within the LLFA guidance and is considered to be acceptable. The scheme is capable of compliance with the requirements of CP2 (Responding to Climate Change) and CP3 (Achieving Sustainable Development) of the Local Plan with regards to drainage.

Ecology

- 10.41. An Ecological Impact Assessment was provided for consideration, dated January 2024. The submitted assessment describes the site as a “mosaic of grassland and scrub”, although prior to 2018 the site was wooded with some grassland until it was cleared. Further clearance has taken place and it is now difficult to ascertain the baseline value for the purpose of assessing Biodiversity Net Gain. However, the latest Biodiversity Metric calculation, that has now been submitted for consideration, shows a large net loss of 71.32%.
- 10.42. Core Policy CP3 (e) of the Local Plan supports development that promotes the quality of natural resources, including biodiversity with CP4 setting out that development should not lead to the loss of, or adverse impact on, or cause deterioration of biodiversity. Similarly, whilst the LPA do not require a 10% net gain for this scheme, paragraph 108 of the NPPF states *decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.*
- 10.43. The Ecologist has commented that the applicant needs to demonstrate how they intend to make good the reported loss but as the application was submitted prior to 12th February 2024 and a 10% gain is not mandatory, even a small gain should be achieved. The submitted EIA sets out that it would not be possible to provide gains on site, however, the applicant is agreeable to providing off-site mitigation. Officers, in consultation with NYC Ecology consider this to be a reasonable approach and one that would allow the scheme to comply with the expectations of CP3 and CP4 of the Local Plan and the NPPF. As BNG would be off-site and outside the land edged red, they would need to be secured through the signing a S106 Agreement.

- 10.44. NYC Ecology have also confirmed that they are satisfied on the remaining aspects of the Preliminary Ecological Appraisal (later updated as part of the EIA referred to above), subject to a condition to require all mitigation suggested in that report to be carried out as part of the development.

Sustainability

- 10.45. Core Policy CP2 of the Local Plan seeks to ensure that new developments demonstrate carbon savings and all new development is expected to be adaptable to climate change in terms of both location and the specific design and layout of buildings and associated space. Proposals should demonstrate how their design, orientation, materials and construction will minimise mechanical cooling needs and risk of overheating. In addition to this, green infrastructure should be incorporated where possible and show how development will seek to minimise waste production. The submitted Planning Statement does not detail how carbon savings and adaptability to climate change has been thought out and incorporated into the scheme. However, the agent has suggested that carbon savings could be achieved by using timber sourced from FS certified suppliers; striving for insulation U values that exceed building regulations; low energy lighting with photo electric controls and electric vehicle charging points (already shown) and that final details can be conditioned and determined at the building regulations stage. This is agreed with.

The Equality Act 2010

- 10.46. 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.

The application proposes the development of a place of worship, as well as commercial and residential development. However, there is no overt reason why the proposed development would prejudice anyone with the protected characteristics, as described above. Disability parking spaces have been provided.

S106 Legal Agreement

- 10.47. The following Heads of Terms have been agreed with the applicant for this applications.

Table 1		
Category/Type	Contribution	Amount & Trigger
Travel Plan (Highways)	Monitoring of the Travel Plan	The applicant to provide for the necessary contribution payment of £7,500 for monitoring towards the Travel Plan.
Biodiversity Net Gain	Compliance, funding, monitoring and enforcement	2% off-site BNG (mitigation)

- 10.48. As mentioned above, the LHA are seeking monies towards the monitoring of the Travel Plan (both business and residential), amounting to a total of £7,500. In addition to this, in complying with CP3 and CP4 of the Local Plan in terms of biodiversity, 2% off-site Biodiversity Net Gains would also be provided.

10.49. It is considered that the above S106 Heads of Terms are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development and as such complies with the Community Infrastructure Levy (CIL) Regulations 2010.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1. This application proposes a retail development with pedestrian links to The Broadway on the opposite side of Catterick Road, together with housing and a place of worship, on a piece of land that has remained unused and overgrown for some time. The proposed use would contribute to the local economy and although precise numbers are unknown, would provide several full time jobs. Information submitted with the application has demonstrated that there would be no significant impact on existing local town centres elsewhere as a result of the proposed development.
- 11.2. The route of existing bridleway no. 10.15/10/1 runs in a general east-west direction, crossing through the northern part of the application site at present. That being the case and if Planning Permission is granted, a diversion of this route to the north of the application site boundary, picking up existing points on either side would be required. North Yorkshire Council Public Rights of Way, as well as the British Horse Society (and Sustrans) are of the opinion that route ought to stay in its current position for reasons of historic significance and highway safety respectively.
- 11.3. Officers have considered the nature of the diversion and that the route would largely take a similar path (in terms of direction and visually). It is also very likely that the formal diversion would be accepted by NYC PRoW given that it would not significantly affect the amenity of users and there are no highway safety objections raised on behalf of the LHA. For these reasons, Officers are of the view that on balance, the diversion would represent an acceptable change that would allow for the development of an underused, overgrown site.
- 11.4. The proposed development will provide a business premises that will contribute to the local economy and provide additional employment and community facilities. The proposed development will have a satisfactory relationship with regards to residential properties and other businesses within the vicinity of the application site, maintaining acceptable levels of amenity. The scale, design and appearance of the proposed buildings will be compatible with their surroundings and the proposed development will not raise any severe or unacceptable issues with regards to highway safety, surface water drainage or flood risk and amenity and a suitable route for the diversion of the bridleway is achievable. The proposed development will not raise any unacceptable issues with regards to contamination, whilst sustainable foul drainage can be provided. Biodiversity Net Gains will be provided off-site (secured via a legal agreement, along with a financial contribution towards the monitoring of the travel Plan). The scheme would provide for the implementation of measures to minimise crime associated with the development to be a minimum. Subject to the approval of further details by planning conditions, it is considered that good levels of carbon saving/energy efficiencies and an appropriate lighting scheme can be achieved for the proposed development.
- 11.5. Overall, the proposed development meets the requirements and expectations of Spatial Principles SP1, SP2, SP4 and SP5 and Core Policies CP1, CP2, CP3, CP4, CP7, CP9, CP11, CP12 and CP13 of the Local Plan and the relevant parts of the NPPF.

12.0 RECOMMENDATION

- 12.1. That Full Planning Permission and Outline Planning Permission be **GRANTED** subject to the conditions listed below and the completion of a S106 agreement with terms as detailed in Table 1.

Recommended conditions (Full Element):

Condition 1 Time Limit

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

Reason: To comply with section 91 of the Town & 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) Location plan (dated 2022)
- c) Planning Statement
- d) Proposed Block Plan ref. L018099/002/J
- e) Proposed Drive Thru Coffee Shop Floor Plan ref. L018099/003/A
- f) Proposed Drive Thru Coffee Shop Roof Plan ref. L018099/004/A
- g) Proposed Drive Thru Coffee Shop Elevations ref. L018099/005/B
- h) Plan of Proposed Retail Units ref. L018099/006/B
- i) Elevations of Proposed Retail Units ref. L018099/007/D
- j) Bin Storage Details ref. L018099/008
- k) Transport Assessment, ref. P1294_20220308
- l) Transport Addendum, dated July 2022
- m) Sensitivity Testing, dated 7th December 2022
- n) Travel Plan, dated August 2022
- o) Flood Risk Assessment, dated 19th October 2023
- p) Drainage Strategy dated 19th October 2023
- q) Noise Impact Assessment, dated 2nd October 2023, Rev. A (Outline)
- r) Biodiversity Net Gain Assessment January 2024
- s) Ecological Impact Assessment, dated 10th January 2024
- t) Swept Path Analysis, ref. T-1003, rev. A
- u) Internal Visibility Splays ref. D-1001
- v) Road Safety Audit- Stage 1, dated September 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.

Recommended Conditions (Applies To Whole Scheme):

Condition 3 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) Location plan (dated 2022)
- c) Planning Statement
- d) Transport Assessment, ref. P1294_20220308
- e) Transport Addendum, dated July 2022
- f) Sensitivity Testing, dated 7th December 2022
- g) Travel Plan, dated August 2022
- h) Flood Risk Assessment, dated 19th October 2023
- i) Drainage Strategy dated 19th October 2023
- j) Noise Impact Assessment, dated 2nd October 2023, Rev. A (Outline)

- k) Biodiversity Net Gain Assessment January 2024
- l) Ecological Impact Assessment, dated 10th January 2024
- m) Swept Path Analysis, ref. T-1003, rev. A
- n) Internal Visibility Splays ref. D-1001
- o) Road Safety Audit- Stage 1, dated September

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 4 Construction Management Plan

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. restriction on the use of access for construction purposes;
3. wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
4. the parking of contractors' site operatives and visitor's vehicles;
5. areas for storage of plant and materials used in constructing the development clear of the highway;
6. measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
7. details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
8. protection of carriageway and footway users at all times during demolition and construction;
9. protection of contractors working adjacent to the highway;
10. details of site working hours;
11. erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
12. 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;
13. measures to control and monitor construction noise;
14. an undertaking that there must be no burning of materials on site at any time during construction;
15. removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
16. details of the measures to be taken for the protection of trees;

17. details of external lighting equipment;
18. details of ditches to be piped during the construction phases;
19. a detailed method statement and programme for the building works; and
20. 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 5 Counter-Terrorism

Prior to the commencement of development, security measures (as set out in the Police response, dated 3rd May 2022, as well as documentation provided as part of that response) shall be agreed in writing by the Local Planning Authority. Once approved, the development shall be carried out in accordance with the agreed measures and retained as such thereafter.

Reason: In the interests of public safety.

Condition 6 Pile Foundations

No piling work shall be undertaken until a Piling Method Statement has been submitted to and approved in writing by the Local Planning Authority. Piling work shall be undertaken in accordance with the approved method statement and shall include the following details:

- Details of the method of piling
- Days/hours of work
- Duration of the pile driving operations (expected starting date and completion date)
- Prior notification to the occupiers of potentially affected properties
- Details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaint

Any Piling operations shall be undertaken using best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties. All piling operations shall be restricted to:

- Monday – Friday: 09:00 – 17:30 hrs
- Saturday: 09:00 – 13:00 hrs
- No working on Sundays and Public Holidays

Reason: To minimise any increases in background sound levels and vibration levels and to protect the amenity of any residents.

Early Stage/ Construction Period

Condition 7 Boundaries

Prior to the erection of any external walls within a defined phase a Boundary Treatment Plan for the relevant Phase shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall include details of the positions, design, materials and type of boundary treatment to be erected. The boundary treatments shall be completed before occupation of the adjoining building; or in accordance with a timetable first agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details and the boundary treatments thereafter retained and maintained.

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.

Condition 8 Crime Prevention

Prior to the commencement of building works, details of precise measures to minimise crime and anti-social behaviour in relation to that phase of the development (to be in accordance with the advice provided by the Police Designing out Crime Officer dated April 2022) shall be submitted to and agreed in writing by the Local Planning Authority. The approved measures shall be implemented prior to the first use of the buildings within the phase.

Reason: To ensure that the development minimises the risk of crime and anti-social behaviour, and to reserve the right of the Local Planning Authority with regards to this matter.

Condition 9 Lighting

Prior to the erection of any external lighting on site, the developer shall submit a comprehensive assessment of lighting details for the entire site or for a defined phase. The scheme shall show levels of illumination around the site (isolux drawings) but shall also show any overspill lighting beyond the physical site boundary. Mitigation measures or installation requirements shall be clearly identified within the scheme as shall control measures such as time clocks/light sensors or other control methods.

Prior to first use of the development or a defined phase, the approved lighting shall be installed and used in accordance with the approved details. Thereafter they shall be retained and maintained in perpetuity.

Reason: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

Condition 10 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 structures 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 11 Visibility Splays at Maple Avenue/Woodland Avenue

There must be no access or egress by any vehicles between the highway and the application site at Maple Avenue (access) and Woodland Avenue (egress) until splays are provided giving clear visibility of 25 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres.

Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety.

Condition 12 Pedestrian Visibility Splays at Maple Avenue/Woodland Avenue

There must be no access or egress by any vehicles between the highway and the application site at Maple Avenue and Woodland Avenue until visibility splays providing clear visibility of 2.0 metres x 2.0 metres measured down each side of the access and the back edge of the footway of the

major road have been provided. In measuring the splay the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety.

Condition 13 Discharge of Surface Water

Prior to first occupation of the development hereby approved or discharge to the adopted sewer, the entirety of the drainage scheme as detailed by the approved Drainage Strategy dated 19/10/2023 shall be delivered in full and in an operational state; unless a phasing scheme is first agreed in writing with the Local Planning Authority. There afterwards, the drainage system shall be retained and maintained in accordance with the management and maintenance details in the approved Drainage Strategy dated 19/10/2023.

Discharge rates to the adopted sewer shall be restricted to a maximum rate of 5 (five) litres per second.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal.

Condition 14 Levels

Prior to commencement of development existing and proposed site levels shall be submitted to and approved in writing with the Local Planning Authority. The development shall take place in complete accordance with the approved levels.

Reason: To ensure the visual impact of the development is acceptable.

Pre-Occupation/First Use

Condition 15 Landscaping

No part of the development shall be brought into use until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of both hard and soft landscaping for that phase of the development. Soft landscape works shall include planting plans; written specifications; schedules of plants, noting species, plant sizes and proposed numbers/densities when planted; (where appropriate) details of phasing; and a management and maintenance plan.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding seasons following the development being brought into use or the completion of the development (whichever is the sooner); and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Once the soft landscaping has been installed, it shall be maintained in accordance with the management and maintenance plan.

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.

Condition 16 Contamination

A 'Watching Brief' shall be implemented to inspect and watch for unexpected or previously-identified contamination encountered during site works. Occupancy or use of the development

shall not be permitted until such time as written confirmation of the presence or absence of contamination during site works has been submitted to the Local Planning Authority in writing.

If contamination is not present, a 'Confirmation Report' providing suitable photographic (or other) evidence, shall be submitted to and approved in writing with the Local Planning Authority prior to occupation of any residential property.

If contamination is present work shall cease immediately until such time as provisions A to D below are completed to the written satisfaction of the Local Planning Authority. All requirements to be completed in accordance with the following guidance references: LCRM (Environment Agency, 2020); BS10175 (British Standards Institution, 2011); C665 (CIRIA, 2007).

A: CHARACTERISATION: With specific consideration to human health, controlled waters and wider environmental factors, the following documents must be provided (as necessary) to characterise the site in terms of potential risk to sensitive receptors:

- Preliminary Risk Assessment (PRA or Desk Study)
- Generic Quantitative Risk Assessment (GQRA) informed by a Intrusive Site Investigation
- Detailed Quantitative Risk Assessment (DQRA)
- Remedial Options Appraisal

Completing a PRA is the minimum requirement. DQRA should only to be submitted if GQRA findings require it.

B: SUBMISSION OF A REMEDIATION & VERIFICATION STRATEGY: As determined by the findings of Section A above, a remediation strategy (if required) and verification (validation) strategy shall submitted in writing to and agreed with the Local Planning Authority. This strategy shall ensure the site is suitable for the intended use and mitigate risks to identified receptors. This strategy should be derived from a Remedial Options Appraisal and must detail the proposed remediation measures/objectives and how proposed remedial measures will be verified.

C: REMEDIATION & VERIFICATION: Remediation (if required) and verification shall be carried out in accordance with an approved strategy. Following completion of all remediation and verification measures, a Verification Report must be submitted to the Local Planning Authority for approval.

D: REPORTING OF UNEXPECTED CONTAMINATION: All unexpected or previously-unidentified contamination encountered during development works must be reported immediately to the LPA and works halted within the affected area(s). Prior to site works recommencing in the affected area(s), the contamination must be characterised by intrusive investigation, risk assessed (with remediation/verification measures proposed as necessary) and a revised remediation and verification strategy submitted in writing and agreed by the Local Planning Authority.

E: LONG-TERM MONITORING & MAINTENANCE: If required in the agreed remediation or verification strategy, all monitoring and/or maintenance of remedial measures shall be carried out in accordance with the approved details.

The site shall not be taken into use until the investigations, remediation and verification are completed. The actions required in Sections A to E shall adhere to the following guidance: LCRM (Environment Agency, 2020); BS10175 (British Standards Institution, 2011); C665 (CIRIA, 2007).

Further guidance is provided in the document 'Development on Land Affected by Contamination, Technical Guidance for Developers, Landowners and Consultants, Yorkshire and Lincolnshire Pollution Advisory Group, version 11.2 – June 2020', which can be found here along with other YALPAG guidance: [Contaminated Land Guidance](#)

Reason: To mitigate risks posed by land contamination to human health, controlled water and wider environmental receptors on the site (and in the vicinity) during development works and after completion.

Condition 17 Delivery of Off-site Highway Works

Prior to commencement of any development whatsoever a programme for the delivery of the below information and schemes shall be submitted to and approved in writing by the Local Planning Authority. This shall include the interaction with delivery of the other below identified schemes.

- Road markings, combined pedestrian and cyclist facilities shall be provided on Woodland Avenue and Maple Avenue to current design standards prior to occupation of the development.
- Shared access routes for pedestrian and cyclists shall link onto the existing shared access facilities.
- An independent Stage 2 Road Safety Audit [commissioned in accordance with NYC protocol] carried out in accordance with GG119 - Road Safety Audits or any superseding regulations shall 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.
- An independent Cycle Level of Service (CLOS) and Junction Assessment Tool (JAT) auditing support of the proposal must be carried out in accordance with DfT LTN 1/20 Cycle Infrastructure guidance, which must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Audit prior to the commencement of works on site.

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

Please note: Drainage, lighting, linage and signage details will need to be assessed at the detailed design stage and improvements/modifications provided in line with NYC's design requirements and in consultation with the Local Highway's Authority. For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or 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.

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

Condition 18 Provision of Approved Access, Turning and Parking Areas at Woodland Avenue and Maple Avenue

No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for that part of the development they serve have been constructed in accordance with the details approved in writing by the Local Planning Authority, which should include layout design details and traffic directions contained within:

- Drawing Number L018099-002 Revision J

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 19 Construction of Adoptable Roads and Footways

No part of the development shall 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 20 Parking for Dwellings

No dwelling must be occupied until the related parking facilities 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 provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

Compliance

Condition 21 External Plant

External fixed plant shall be designed to meet a Rating Level of 41 LAr, Tr (dB) during the daytime (07:00 – 23:00 hours) and 31 LAr, Tr (dB) during the nighttime (23:00 – 07:00 hrs) at the nearest residential receptors.

Reason: In order to protect the amenity of nearby residential properties.

Condition 22 Hours of Operation (Coffee Shop and Units)

Unless otherwise agreed in writing by the Local Planning Authority, opening hours for both the coffee shop and commercial units shall hereby approved shall be restricted to 07:00 hours to 22:00 hours seven days a week.

Reason: To ensure that good levels of amenity are maintained in relation to residential properties within the vicinity of the development.

Condition 23 Restrict Loading / Unloading of Vehicles

No loading or unloading of vehicles associated with the final use of the site shall take place on the site except between the hours of 0700 and 2100 on Monday to Friday and 0800 and 1300 on Saturdays and not at any time on Sundays, Bank or Public Holidays.

Reason: To prevent an increase in background sound levels and protect the amenity of any nearby residents.

Condition 24 Separate Drainage Systems

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

Reason: In the interest of satisfactory and sustainable drainage.

Condition 25 Surface Water Drainage

The Development shall be built in accordance with the following submitted designs;

- Drainage Strategy, Lynas Engineers, Reference 23063-LE-ZZ-05-RP-D-0002, Revision P02, Dated 18/07/24.
- Flood Risk Assessment, Lynas Engineers, Reference 23063-LE-ZZ-05-RP-D-0001, Revision P01, Dated 19/10/23.
- Proposed Drainage Strategy, Lynas Engineers, Reference 23063-LE-ZZ-05-DR-D-0100, Revision P01, Dated 03/10/23.
- Proposed Drainage Catchment Areas, Lynas Engineers, Reference 23063-LE-ZZ-05-DR-D-0105, Revision P01, Dated 03/10/23.

The flowrate from the site shall be restricted to a maximum flowrate of 4.8 litres per second. A 45% allowance has been included for climate change and an additional 10% allowance for urban creep for the lifetime of the development. Storage will be provided to accommodate the minimum 1 in 100 year plus climate change plus urban creep critical storm event.

The scheme has included a detailed maintenance and management regime for the storage facility. Principles of sustainable urban drainage shall be employed wherever possible.

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 26 Travel Plan Delivery

The development must be carried out and operated in accordance with the approved Travel Plan. Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation must be implemented in accordance with the timetable contained therein and must continue to be implemented as long as any part of the development is occupied.

Reason: To establish measures to encourage more sustainable non-car modes of transport.

Condition 27 Use (Units)

The commercial units and coffee shop development hereby approved shall be used solely for the following uses, or mix of following uses: E(c)(i) Financial services, E(c)(ii) Professional services (other than health or medical services), or E(c)(iii) Other appropriate services in a commercial, business or service locality of the Town & Country Planning (Use Classes) Order 1987 (as amended) and shall not be used for any other purpose without the prior consent in writing, of the Local Planning Authority.

Reason : These uses are considered sustainable uses for this location.

Condition 28 Ecology

The development shall be carried out in full accordance with the recommendations and mitigation measures specified in the approved Ecology Report and Biodiversity reports (listed in Condition 2), as updated January 2024. All on-site enhancement and compensation measures within a phase shall be provided/installed prior to first use of the development hereby approved and thereafter retained and maintained in perpetuity.

Reason: To ensure the full and proper implementation of the approved development in the interests of ecology any protected species.

Recommended Conditions (Applicable To Outline Planning Permission Only)

Condition 29 Time Limit

Application(s) for approval of reserved matters of each phase, or part thereof, shall be made to the Local Planning Authority before the expiration of three years beginning with the date of this permission. Thereafter, the development must be begun no later than the expiration of two years from the final approval of the reserved matters.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended

Condition 30 Reserved Matters

Approval of the precise details of the layout, scale, design and external appearance of the dwellings and the landscaping of the site (hereinafter called "The Reserved Matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason : To comply with Section 92 of the Town and Country Planning Act 1990 as amended.

Condition 31 Number of dwellings

The outline planning permission hereby granted is for 8 no. dwellings only, accessed from Maple Avenue.

Reason : To reserve the rights of the Local Planning Authority with regard to these matters.

Condition 32 Opening Hours

Prior to first use of the approved Place of Worship opening hours shall be submitted to and agreed in writing with the Local Planning Authority. There afterwards, the development shall be operated in accordance with the approved hours.

Reason: In the interests of protecting the amenity of nearby residential properties.

Target Determination Date: 20.06.2022

Case Officer: Caroline Walton, Caroline.Walton@northyorks.gov.uk

Appendix A – Relevant Application Site Planning History

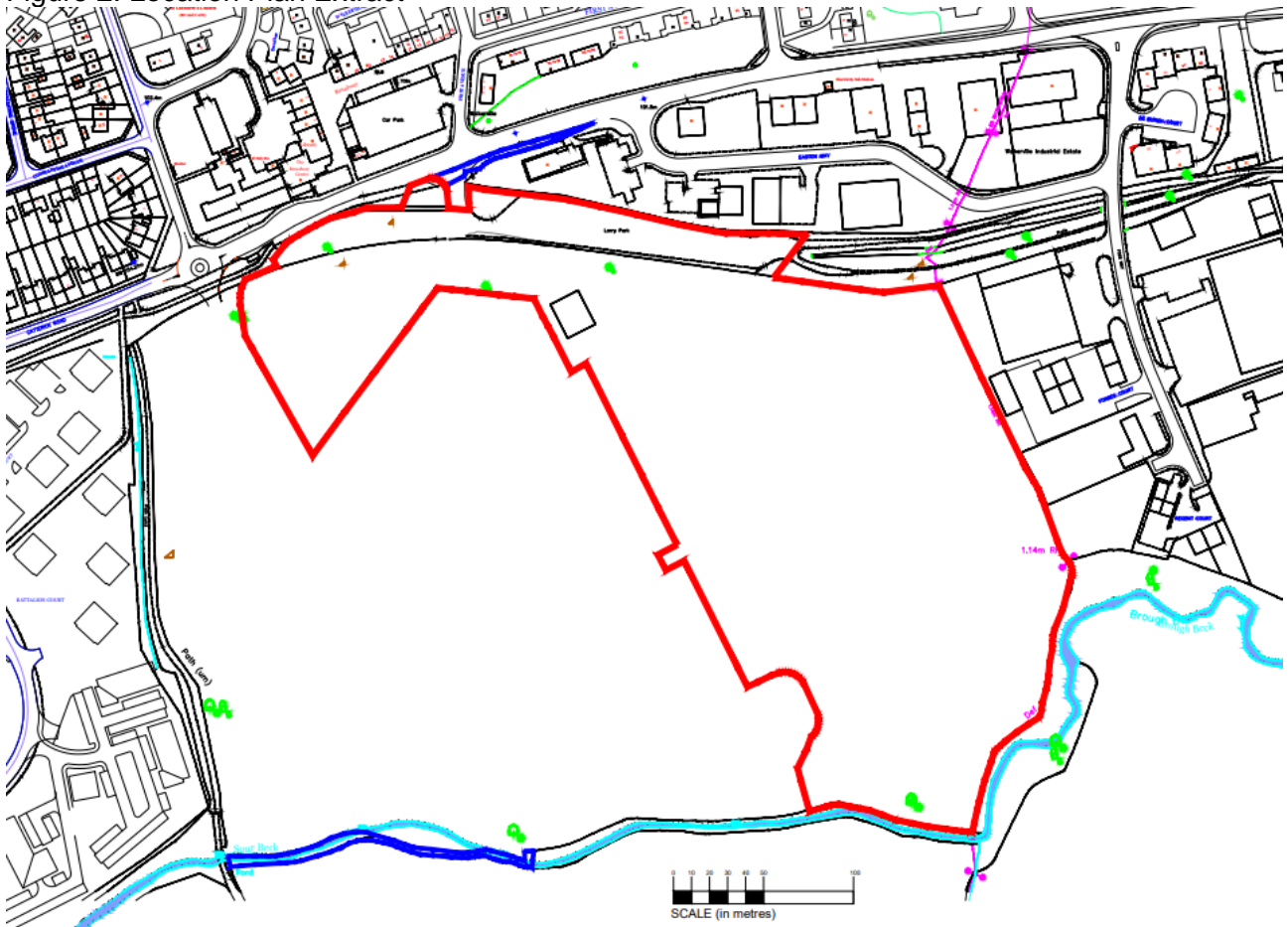
Outline planning permission was GRANTED in June 2015 for a mixed use development which included the application site, comprising of residential development (including community housing - Use Classes C2/C3); live/work units; office space (Use Classes A2/B1); office/industrial space (Use Classes B1/B2) and retail (reference 12/00669/OUT).

This outline permission “reserved” details of appearance, landscaping, layout and scale (the “reserved matters”) in addition to being subject to planning conditions covering other requirements including details of a phasing plan (for the residential development; roads, footpaths and cycle paths and tree buffers, open space and play/recreation areas); land remedial works; the provision of a 3 metre gap to protect a water main; the implementation of sustainable design and energy savings; submission of a Noise/Vibration Impact Assessment and the provision of bunding and close boarded fencing abutting the adjacent industrial land; the approval of a sustainable surface water drainage scheme; and highway construction and other highway related details, including the submission of a Travel Plan. Access, was considered and approved within the outline application.

A Section 106 Agreement was entered into in association with that outline planning permission which placed obligations on the developer of the site.

Documents: [Planning Documents](#)

Figure 2: Location Plan Extract



An earlier outline planning permission was GRANTED August 2010 for a mixed use development (reference 08/00451/OUT). This application (followed by a “variation of conditions” application approved in April, 2013) was in relation to a larger application site that included the land contained within the current application site as well as the land immediately to the west which has since been developed and built out by Taylor Wimpey following the granting of an Approval of Reserved

Matters application in July 2012 (reference 12/00227/AORM) and subsequent discharge of conditions applications. This earlier outline permission provided for the following development:

- up to 282 dwellings (of which 30% would be affordable dwellings)
- 80 Assisted Living Apartments (Class C2 Use)
- 2,200 square metres of Class B1 Use
- 10,700 square metres of Class B2/B1(c) Use
- 16,150 square metres of Class B8 Use
- retention of the existing Social Club
- 16,000 square metres of public open space, woodland and riverside walk
- 2,300 square metres of retained species rich grassland.

An Approval of Reserved Matters (ref. 18/00202/AORM) was GRANTED in November 2018, this dealt with the residential element of the aforementioned outline planning permission (ref. 12/00669/OUT) only, and excluded the current application site.

Application ref. 19/00218/FULL was received April 2019 and sought Full Planning Permission for the Erection of Drive Thru' Coffee Shop (167 sq.m) and 2 No. units (334 sq.m) with Car Parking, Drive Thru' Lane, Hard and Soft Landscaping, Refuse Areas and Associated Works. The application was deferred by Members in September 2020 to allow for further discussions between Officers and the agent to see if the issues raised by Members during the committee meeting could be resolved. The agent felt unable to make any further amendments to the scheme and submitted an appeal to the Secretary of State (Planning Inspectorate) against the non-determination of the application by the Local Planning Authority. Prior to the outcome of the appeal and without the legal jurisdiction to determine the application, the application was taken back to Planning Committee in October 2020 for a 'minded' decision to be made. This 'minded' decision was one of REFUSAL for the following reasons:

- Poor design and relationship to the road frontage. The NPPF sets out that 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. Close boarded fencing would be at odds with the character of The Broadway, which is open and set back from the road, contrary to CP13 of the Local Plan in terms of design; and
- The impact on the amenity of 7 Woodland Avenue. This is due to its close proximity to the access, which would cause significant adverse impact on the amenity of this property. Objections have been received from current residents, setting out their serious concerns about this issue specifically. One of the core principles of the National Planning Policy Framework is that good standards of amenity (along with high quality design) should be sought in all development for both existing and future occupants of land and buildings. This proposal would not achieve that objective or the requirement of Local Plan Policy CP3 (Achieving Sustainable development) in relation to amenity for the local community.

Appeal ref. APP/V2723/W/20/3260002 was DISMISSED with the Inspector concluding that:

- the abrupt and enclosed edge to the site would be significantly at odds with the character and appearance of the area, against Core Policy CP13 of the Richmondshire Local Plan Core Strategy (2014)
- the occupiers of No.s 1, 3, 5 and in particular No. 7 Woodland Avenue would suffer a significant reduction in living conditions, detracting from the enjoyment of their homes as a result of noise and general disturbance caused by vehicle movements associated with the development and that the scheme would not accord with CP3 of the Local Plan.

Application ref. 21/00467/FULL was later submitted for Full Planning Permission for Erection of a Drive Thru' Coffee Shop (Use Class E) with Car Parking, Drive Thru' Lane, Hard and Soft Landscaping and Associated Works. The Local Highways Authority recommended further information and amendments prior to any approval.

This application was REFUSED in January 2022 for the following reason(s):

Based on the current standards of the Highway Authority, the proposed development would give rise to a severe impact on highway safety for motorists, cyclists and pedestrians contrary to the requirements and expectations of Policy CP4 (Supporting Sites for Development (with reference to Saved Policy 23 of the Local Plan 2001)) of the adopted Richmondshire Local Plan Core Strategy which seeks to protect the amenity and safety of the population, as well as being in conflict with the expectations of the National Planning Policy Framework (paragraph 111) which supports the refusal of planning permission in situations such as this where the highway safety impacts would be severe.

No appeal was submitted. Please See Appendix D for the Proposed Block Plan L018099-002, Rev H.

Application documents: [Planning Documents](#)

Appendix B - 19/00218/FULL Proposed Layout Plan

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Appendix C – Existing Bridleway Route

Extract from: [Right of way map](#). See Green line for Bridleway route.



Photograph: From Woodland Avenue looking at Bridleway heading west.
© Google



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North Yorkshire Council

Community Development Services

Richmond (Yorks) Area Constituency Planning Committee

12 September 2024

ZD24/00093/FULL - Full Planning Permission for Conversion of Existing Agricultural Building to form 1 No. Residential Dwelling, Including Change of use Adjacent Land to form Residential Curtilage. Retrospective Permission for Siting of Mobile Home on Site for the Purpose of Providing Temporary Accommodation At Barn Accessed from Back Lane Thornton Steward North Yorkshire On behalf of A&I Hemlsey

Report of the Assistant Director Planning – Community Development Services

1.0 PURPOSE OF THE REPORT

- 1.1. To determine a planning application for conversion of an existing agricultural building to form 1 no. residential dwelling, including change of use of adjacent land to form residential curtilage. Retrospective permission for siting of mobile home within the site for the purpose of providing temporary accommodation on land accessed from Back Lane, Thornton Steward.
- 1.2. This application has falls outside the current Scheme of Delegation, as it has been referred to planning committee and accepted.
- 1.3. It is recommended that planning permission be granted subject to conditions.

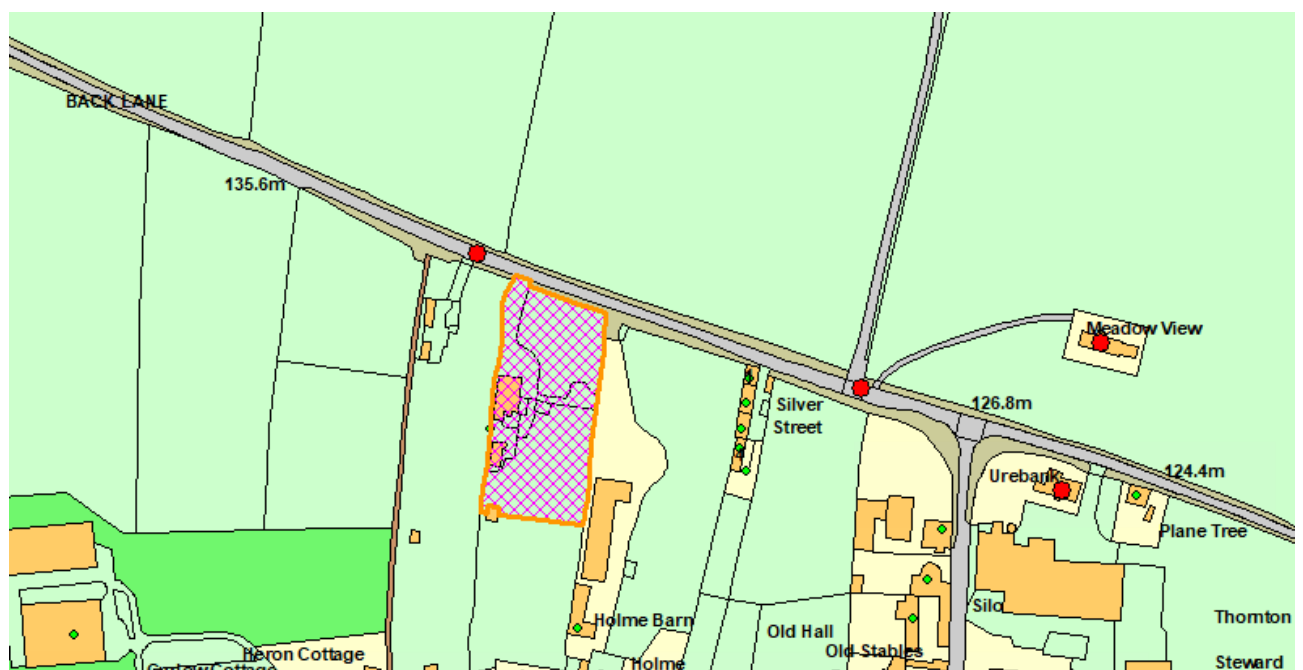
2.0 SUMMARY

RECOMMENDATION: That planning permission be GRANTED subject to conditions listed below.

- 2.1. The application seeks planning permission for the conversion of an existing agricultural building into a residential dwelling, change of use of adjacent land to be used as residential curtilage, and retrospective permission for siting a mobile home on the site to be used as temporary accommodation.
- 2.2. The application site is an agricultural field situated on the south side of Back Lane which leads into the village of Thornton Steward. To the east, in the adjacent field, is a stable block. To the south is an existing agricultural field. An existing access and driveway from Back Lane will serve the application site.
- 2.3. The proposed development would be located outside but adjacent to the Development Limits (on the southern side) for Thornton Steward which is not identified as a Primary or Secondary Service village in the adopted development plan. One of the key policies for the consideration of this application is Policy CP4 which states that development should be

in or adjacent to the settlement's Development Limits as defined in the Local Plan 1999-2006, accessible and well-related to existing facilities, and within the capacity of existing or proposed infrastructure.

- 2.4. Another key policy which has the greatest bearing is Policy CP8 which supports social and economic needs of rural areas lying beyond Policy SP2 settlements. This support encourages the reuse of suitable rural buildings for housing for which the application seeks planning permission. The Policy also supports developments that reuse such existing rural buildings without substantial alteration, extension, or reconstruction. Extensions are allowed subject to the scale and design complementing the character of the main building. Where conversion is not appropriate the policy allows replacement of buildings with similar scales and appropriate design that would achieve more sustainable development than by conversion. In all cases, development proposals should respond to climate change and be designed to be sustainable, consistent with the requirements of Core Policies CP2 and CP3; should not conflict with landscape character, amenity, environmental protection, or nature conservation policies of the plan.
- 2.5. The agricultural building benefits from permitted development and a change of use could be achieved under Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) allows for agricultural buildings to be converted into dwellings without the need for full planning permission subject to specified procedures being completed and subject to certain limiting provisions.
- 2.6. The proposed development would not raise any significant or unacceptable issues with regards to highway safety, amenity, ecology, drainage, landscape, and land contamination and would result in an acceptable and policy-compliant development. The provision of one dwelling which would be a four-bed unit over two storeys, would help meet the identified need within the Plan Area for smaller development proposals, which has been given moderate weight in the planning balance.



ZD24/00093/FULL – Extract from UNIFORM Maps Scale 1:2500

3.0 PRELIMINARY MATTERS

3.1. Access to the case file on Public Access can be found here:- [Planning Documents](#)

3.2. The proposed residential curtilage plan is attached as Appendix 1.

3.3. The relevant planning applications for this application are detailed below.

10/00377/FULL – Full Planning Permission for Erection of Lean-to Extension for Storage of Animal Fodder – REFUSED 16.07.2010

09/00401/FULL– Full Planning Permission for Erection of Agricultural Building for Wintering of Animals and Storage of Hay and Straw – WITHDRAWN 08.10.2009

05/00117/FULL– Full Planning Permission for Erection of Agricultural Building for Storage of Feed and Machinery – APPROVED 04.04.2005

4.0 SITE AND SURROUNDINGS

4.1. The application site measures approximately 0.38 ha and is located on the north side of Thornton Steward, and on the south side of Back Lane. There is an existing agricultural building finished on stone and metal profiling and a timber door and other outbuildings and mobile caravans. Immediately to the north are open fields on the opposite side of Back Lane, to the west are stables with surrounding open fields, and to the east is Holme Barn surrounded by open land. The nearest residential dwellings are situated to the west on Silver Street, approximately 80 metres away, and other residential dwellings sited within the development limits of Thornton Steward are approximately 100 metres away.

4.2. Two public rights of way run near the site, both directly from Back Lane and leading into the village centre.

4.3. The designated Conservation Area lies to the south of the application site and covers the main built-up area of the village.

5.0 DESCRIPTION OF PROPOSAL

5.1. This application seeks full planning permission for the conversion of an agricultural building to 1 no. residential dwelling and its associated curtilage, and for the retrospective siting of a mobile caravan to be used as temporary accommodation. The existing access and driveway will be used for the proposed barn conversion. The outbuilding to the rear shows that this will be demolished as part of the proposals.

5.2. The proposed dwelling will comprise four bedrooms over two storeys. The dwelling will be rectangular shaped and at the widest points will measure approximately 14 metres by 9.4 metres. The height to the eaves will be 4.4 metres on the east elevation and 3.5 metres on the west elevation, and it will be 5.8 metres to the highest point of the ridge. The total floor area will be 190 sq. metres as confirmed by the agent. The dwelling will be finished in stone for the walls and natural stone slates for the roof.

5.3. It should be noted that there is no public footpath on Back Lane including at the site entrance. However, there is a grass verge on both sides of the road. Pedestrian access to the centre of the village is achieved by using the pedestrian footpaths which run from Back Lane.

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 as far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:

Do not list or summarise policies.

- Richmondshire Local Plan 2012-2028 Core Strategy, adopted 2014
- Saved Local Plan Policy 23 of the Richmondshire Local Plan 1999-2006

Emerging Development Plan – Material Consideration

- 6.3. The North Yorkshire Council is preparing a new Local Plan; however, it is at too early a stage to be a material planning consideration.

Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:

- National Planning Policy Framework
- National Planning Practice Guidance

7.0 CONSULTATION RESPONSES

- 7.1. The following consultation responses have been received and have been summarised below.

- 7.2. **Parish Council:** The Parish Meeting object to this application and are concerned about the impact of this development on the rural character of the village and the potential for it to set a precedent for further development in the area.

- 7.3. The following has been flagged up:

- The application is incorrect in stating that the 2010 extension application was granted.
- Concerns was raised about the mobile home, which has been on the land without planning permission since December 2021 and has some form of septic tank, which may not have the necessary building regulations approval.
- Concerned about the expected flow of water from the property.
- Concern by some nearby residents that the property being attached to an off-grid sewage system with a far greater flow could lead to local flooding of their properties.
- Concern that this application does not turn into the surreptitious beginning of significant development surrounding the local area.
- That consideration should be given to ensure the effectiveness of the robust policies to protect the countryside, particularly so close to a conservation area.

NB – The Parish Clerk has provided attached documents as part of their objection, including a letter written to the Local Planning Authority during the 2010 planning application referred to in Paragraph 3.3 above.

Minutes of discussions relating to the application site from January 12, 2022, to the date of application submission were also included.

- 7.4. **Division Member(s):** Councillor Tom Jones submitted a referral to planning committee request on 20 May 2024. The reason considered the planning infringement on the application site in question. The local community and the Parish Council felt it is important for the Planning Committee to make the decision on this matter and be informed of the situation.
- 7.5. **Ecology:** A licensed bat surveyor assessed the building and concluded that it has negligible potential for roosting bats or other protected species. Therefore, no further surveys are required by the ecology team. The applicant should follow precautionary advice outlined in section 4 of the bat risk assessment report.

The requirement for biodiversity net gain would not apply as the application is for a conversion.

- 7.6. **Environmental Health:** It is considered the development's impact on amenity and nuisance will be low.

A condition addressing contamination, along with two informative conditions: one about the proposed sewage treatment and the other about radon protection are recommended to be attached to any permission.

- 7.7. **Local Highway Authority:** No objection. A condition addressing parking is recommended to ensure adequate provision for off street parking.

- 7.8. **Yorkshire Water Services (YWS):** No response received, expired 8th May 2024.

Local Representations

- 7.9. 4 local representations have been received of which all objected. A summary of the comments is provided below, however, please see website for full comments.

- 7.10. Objections:

- The barn exceeds the original permitted size and has not been challenged.
- The site has not been used for agriculture for years.
- The mobile home has been present since 2021 without permission.
- Two other caravans, a container, and other non-agricultural sheds exist on site.
- Density and design are not in keeping with surrounding area and character of nearby Conservation Area.
- This would undermine the rural character of the area.
- There has been recent flooding on Back Lane in the winter.
- Increased traffic along Back Lane would be problematic.
- This would set a precedent for further development, not only on that site but also on other greenfield sites around the conservation area.
- The land is located adjacent a conservation area and should be considered within this wider context.
- This contravenes Spatial Principle SP3 of the Local Plan
- Request enhanced monitoring of the developments by the Local Planning Authority to ensure compliance with any rules or restrictions.
- Green space should be protected.
- This application should be referred to a full Planning Committee

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 Environment Statement is therefore required.

9.0 MAIN ISSUES

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

- Policy Considerations
- Principle of Development
- Housing and Affordable Housing
- Highway Safety
- Design and Impact on the Character and Appearance of the Thornton Steward Conservation Area
- Impact on Amenity
- Foul and Surface Water Drainage
- Ecology
- Biodiversity Net Gain
- Land Contamination
- Sustainability
- Other Matters

10.0 ASSESSMENT

Policy Considerations

10.1. The list of documents with relevant policies are set out in Section 6 above.

10.2. Policy SP4 which sets out that 5% of housing growth will be 'elsewhere in the plan area' which equates to 153 dwellings, with 60 of those in Lower Wensleydale where the site is located. The entire plan area housing target is 3,060 dwellings per year. The policy guides that the target of homes each year is not a ceiling for the level of expected growth. It is realistic, deliverable, and therefore an achievable target to address current and future needs. A managed approach will be taken should further suitable, sustainable, and deliverable housing sites come forward, such as the application site and they will be considered on their merits.

10.3. Policy CP4 is a key consideration for this planning application as it encourages development on the edges of villages as a means of bringing forward additional housing that is required to meet Local Plan housing targets. In all cases development proposals should be accessible and well related to existing facilities and within capacity of existing infrastructure or should demonstrate that necessary additional infrastructure can be provided.

10.4. In terms of location, Policy CP4 states that development should be:

- in, or if deliverable opportunities do not exist within adjacent to the settlement's Development Limits as defined in the Local Plan 1999-2006;
- accessible and well-related to existing facilities; and,
- within the capacity of existing or proposed infrastructure.

10.5. Another key policy requirement that has the greatest bearing on the consideration of this application is Policy CP8 as this policy encourages re-use of suitable rural buildings for

housing, tourism and employment generating uses supporting Spatial Principles SP3 and SP5.

- 10.6. Other policy considerations of the Local Plan Core Strategy that need to be noted at this point are :
- Policies SP1 Sub Areas and SP2 Settlement Hierarchy which give a pattern of settlements for organising development in rural areas.
 - Policy SP3 Rural Sustainability promotes rural vitality and quality for the plan area. The policy notes state that the Council need to strike the balance between growth and protecting the countryside.
 - Policy CP3 sets out that development will be encouraged to utilise previously developed land first (brownfield land), where that land is in a sustainable location and is not of high environmental value, in preference to greenfield sites.
 - Policy CP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework and working proactively with applicants to find solutions which mean that proposals can be approved wherever possible.
 - Policy CP2 ensures that all new residential development makes carbon savings by exceeding the minimum level of standards prevailing through Part L of the Building Regulations or equivalent standards that would be feasible and viable on site and should be adaptable to climate change in terms of its location, design, and layout.
 - Policy CP12 supports development that conserves and enhance the significance of environmental and historic assets.
 - Policy CP13 promotes high quality design of both buildings and landscaping and supporting visually attractive developments.

Principle of Development

- 10.7. The application site is outside but adjacent to the Development Limits for Thornton Steward which is not identified as a Primary or Secondary Service village in the adopted development plan. The proposal seeks planning permission for conversion of the existing agricultural building to a four-bedroom dwelling, without significant extension. Whilst this is outside of the defined 'development limits' of the settlement, Policy CP8 fully supports the re-use of suitable rural buildings for housing. Furthermore, this is supported by Policy SP3 and CP4 which seek modest level of additional residential growth in villages outside of the settlement hierarchy (such as Thornton Steward) and to be sited adjacent to development limits of these settlements, where deliverable opportunities within 'development limits' do not exist.
- 10.8. Overall, the principle of the proposed development on this site is considered to meet the expectations of Spatial Principles SP3, as well as policies CP4 and CP8 of the Local Plan and guidance within the NPPF.
- 10.9. It is also highlighted that the application site could benefit from permitted development rights under Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) allows for agricultural buildings to be converted into dwellings without the need for full planning permission subject to specified procedures being completed and subject to certain limiting provisions which might require

changes to the submitted proposals. It is considered that this planning application provides an opportunity for the Council to ensure that the development will be sustainable and not cause any adverse impacts as a result.

Housing and Affordable Housing

- 10.10. The change of use to one additional housing unit of accommodation makes a small contribution to the housing stock and accords with the expectations of Policies SP4 and CP4 of the Local Plan.
- 10.11. The affordable housing requirement as stated within Policy CP6 therefore does not apply to this application. The Council have insufficient evidence published to require affordable housing for minor development (less than 10 dwellings and less than 0.5ha), and it is considered acceptable that no affordable housing is required for this application.

Highway Safety

- 10.12. The proposed development would utilise the existing vehicle access to the site located on the south side of Back Lane. The site has two separate access gates from Back Lane. The proposal utilises one of the accesses to the west side. The proposed development includes sufficient driveway and an area to accommodate within the site the parking and associated manoeuvring requirements of the occupants of the proposed barn conversion without compromising the existing parking and manoeuvring arrangements of the existing property. The Highway Authority are satisfied and have raised no objections to the proposed development, subject to the imposition of standard conditions to ensure satisfactory arrangements are provided for off street parking.
- 10.13. Notwithstanding the objections raised about increased traffic on Back Lane, it is considered that the proposed development would meet Highway Authority requirements and the proposals accord with the expectations of Policies CP3 and CP4 of the Local Plan in this regard.

Design and Impact on the Character and Appearance of the Thornton Steward Conservation Area

- 10.14. One key planning objective, set out in the adopted Local Plan, is 'to protect and enhance the historic heritage and the unique character and identity towns and villages by ensuring that new developments are appropriate in terms of scale, location and appearance in the context of settlement form and character.' Policies CP12 and CP13 require the highest quality design for buildings that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, form, and space, with CP12 requiring development to preserve the character of designated and no designated heritage assets (including Conservation Areas).
- 10.15. The site is located outside the Conservation Area boundary, but it is adjacent to the boundary. The overall scale of the existing building would remain as existing in terms of the eaves and ridge height. The caravan has been on the site, and it is considered that the temporary feature will be removed and therefore any harm is not permanent. The proposal retains the appearance of the original building, particularly as viewed from Back Lane and

the proposed alterations to include windows and doors are to enable the conversion of the agricultural building to residential use. The existing roof and walls made of corrugated iron sheets on the building will be replaced with natural stone slate for the roof, and matching stone for the walls. It is considered that the proposed external changes are minimal, considered appropriate and will enhance the overall character and appearance of the original building and appearance when viewed as part of the wider Conservation Area.

- 10.16. The visible changes on this unlisted building, outside the Conservation Area boundary are limited and would not introduce any features that are not in keeping with the surrounding area. It is considered the proposed changes enable the building to be reused as housing. Overall, the broad appearance of the building will remain the same and the design is acceptable, as it would preserve the character and appearance of the adjacent Thornton Steward Conservation Area. I am therefore satisfied that this accords with the expectations of Policies CP3, CP12 and CP13 in this regard.

Impact on Amenity

- 10.17. It is considered the proposed conversion and mobile caravan will not have any significant harm to residential amenity, particularly that of immediate neighbours including the stables and Holme Barn, and the other properties within the wider area, in terms of loss of privacy. This is due to the existing separation distances to the properties and the positioning of the proposed windows. It is also noted that the site is bounded by mature hedgerows and shrubs which provide further privacy.
- 10.18. The position of the proposed amenity area for the proposed barn conversion has also been considered and it is concluded the site can provide adequate private amenity space for the proposed dwelling, without prejudicing the amenity space of neighbouring uses.
- 10.19. It is considered there will be limited impact on amenity during the conversion works and a condition recommending working hours will be attached to any permission to avoid severe impact in terms of nuisance for neighbouring users. I am therefore satisfied that the proposals accord with the expectations of Policies CP3 and CP4 with regards to neighbour amenity and privacy.

Foul and Surface Water Drainage

- 10.20. The submitted proposed site with drainage details shows that foul water from the development would be discharged to a package treatment plant proposed on the east side with a linked drainage field to the south. It is recommended that if planning permission is approved conditions are imposed requiring additional details of the means of foul sewage disposal system. The applicant will also be required to ensure that all necessary approvals by building control for the treatment system are implemented.
- 10.21. No details have been provided regarding surface water. The Local Plan, the NPPF and NPPG require more sustainable ways of surface water disposal to be considered first. Only where other more sustainable disposal methods (e.g. to soakaway and watercourse) based on the surface water hierarchy are not feasible, should the discharge of surface water to the mains sewer be accepted. Therefore, notwithstanding the outstanding details regarding foul and surface water disposal, it is recommended that if planning permission is approved

conditions are imposed requiring precise details of the means of foul sewage and surface water disposal (following the principles of the surface water hierarchy) to be submitted to and agreed in writing by the Local Planning prior to completion of the development. This being the case, the proposals would comply with policies CP2 and CP4 with regards to providing the most sustainable means of surface water drainage for the development.

Flood Risk

- 10.22. The application site is located within Flood Zone 1 which has the lowest probability of flooding from rivers and the sea. Most developments that are less than 1 hectare are not required to provide flood risk assessments as part of the planning application. Concerns have been raised by the Parish Council and objectors about recent flooding on Back Lane. According to the flooding map for planning, the site is not at risk of flooding from either rivers and seas and surface water. However, Back Lane itself is prone to flooding with some low and high-risk areas. Yorkshire Water have not responded to the consultation of this application. A further email was sent to request a response, however, a response as not been received.
- 10.23. For the reasons set in paragraph 10.21 of this report, it is considered that the condition will ensure that sustainable means of drainage can be achieved for the site and that surface water flooding on Back Lane will not be intensified as a result.

Ecology

- 10.24. NYC Ecology have confirmed that they are satisfied with the submitted supporting Bat Risk Assessment report which concludes there is negligible potential for roosting bats and other protected species. A condition will be attached on any permission to ensure the applicant adheres to the precautionary advice in that report to be carried out as part of the development.

Biodiversity Net Gain

- 10.25. This application is exempt from this condition due to being a conversion of an existing building. NYC Ecology confirms biodiversity net gain would not apply.

Land Contamination

- 10.26. Having been consulted on the application, Environmental Health have confirmed that they have no objections to the application subject to the imposition of a planning condition setting out requirements in the event of contamination being found or suspected during construction. Overall, the proposed development does not raise any significant or unacceptable issues in relation to land contamination.

Sustainability

- 10.27. For the reasons set out in the paragraphs of Section 10 above, it is considered that the proposed barn conversion represents a modest, small-scale development of a site adjacent to the confines of the existing settlement. The reuse of existing agricultural buildings is supported by policies, and this includes housing uses. The final finish has been designed to reflect traditional building materials, such that it would not be harmful to the character of the countryside or the setting of the Thornton Steward Conservation Area. The use of separate drainage systems will be required for this site to ensure satisfactory drainage system for the

site. The proposal is therefore considered to be sustainable development that can accord with the expectations of Policies CP2 and CP3 of the Local Plan and the NPPF with regards to the provision of sustainable development.

Other Matters

- 10.28. Concern has been raised regarding planning infringement including the mobile caravan home in question which is noted to have been on site December 2021. The supporting Design and Access Statement states the mobile home has been sited for temporary accommodation whilst the agricultural barn is being converted. This planning application has come forward following an enforcement case of which a complaint was made by the Parish. The applicant was advised to submit a planning application to seek to rectify this breach. It is considered that should this planning permission be granted, it would be considered reasonable for the mobile caravan to be used temporarily.
- 10.29. Concern has been expressed about an existing septic tank, which may not have the necessary building regulations approval. This a separate matter to planning and there are no other records detailing such. It is noted that this application seeks to discharge foul sewage to a package treatment plant to be sited behind the mobile home. This will be further assessed by condition to ensure this is the most suitable arrangement for the proposals as the details provided are limited.
- 10.30. Concern has been raised that this application might set off significant development surrounding the local area. Every planning application is required to be considered on its own merits, and in this case the proposals put forward in this scheme are considered to meet the expectations of both the Development Plan and the National Planning Policy Framework. Whilst the granting of planning permission to this scheme would accept the principle of the barn conversion on this site, any subsequent separate applications would have to be considered having regard to the merits submitted, all relevant material planning issues raised and the relevant policy requirements at the time of consideration.
- 10.31. Concern has been expressed that the existing agricultural barn was extended without consent. The original consent for the agricultural barn was approved in 2005 under planning permission reference 05/00117/FULL, almost 20 years now. An application was submitted in 2010 for an extension and this was refused under application reference 10/00377/FULL. It is noted that the Design and Access Statement supporting the application incorrectly states that this was granted. This could mean that the existing agricultural building is unlawful. However, if the breach has not been subject to enforcement action and the 4-year period or whichever is relevant has lapsed, the applicant could seek to rectify the breach by submitting a Lawful Development Certificate.
- 10.32. Concern has been raised that the site has not been used for agriculture for years. There is no record of any official change, and the sites lawful use is for agricultural purposes. Part of this application proposes to change the main building to residential and only a small parcel of land to be used as the residential curtilage. The remaining site will remain in agricultural use.

The Equality Act 2010

10.33. 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.

The application proposes a barn conversion to residential with an associated curtilage and to retain an existing caravan for use as temporary accommodation. There is no overt reason why the proposed development would prejudice anyone with the protected characteristics, as described above.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1. The development site meets the expectations of Policy CP8 of the Local Plan Core Strategy which enables existing rural buildings to be re-used for housing. The proposal for the change of use of the building can be achieved through permitted development rights under Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
- 11.2. The proposed finishing materials and overall scale of the proposed development will sit comfortably in relation to the surroundings on the edge of the adjacent settlement and surrounding countryside. The proposed barn conversion will not introduce any new buildings or extensions. The proposed development will preserve the setting of the Thornton Steward Conservation Area. The proposal will not result in any significant or unacceptable impacts on the amenities of the occupants of neighbouring users. The mobile caravan home is temporary and will be removed following completion of the conversion.
- 11.3. The proposed development incorporates sufficient on-site parking provision to meet the needs of the development and will maintain highway safety and amenity.
- 11.4. The proposed development represents an appropriate and efficient use of the land. The development is therefore considered to be sustainable. Overall, the proposed development meets the requirements and expectations of the policies of the Development Plan, the NPPG and the National Planning Policy Framework.

12.0 RECOMMENDATION

12.1. That planning permission be GRANTED subject to conditions listed below.

Recommended conditions:

Condition 1 Time Limit

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

Reason: To comply with section 91 of the Town & 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 certificate

- b) Location Plan
- c) Location Plan with site curtilage outlined in red.
- d) Design and Access Statement
- e) Proposed Plans and Elevations – Drawing no. PR01
- f) Proposed Site/Drainage Plan – Drawing no. PR02A
- g) Protected Species Survey and Risk Assessment for outbuilding dated March 2024.

Reason : To comply with the requirements of Section 91 of the Town and Country Planning Act

Condition 3 New windows and doors

Prior to their installation, details of all new windows and door frames, and any glazing bars, together with details of the method of construction and opening mechanism and opening movement of all windows shall be submitted to and approved in writing by the Local Planning Authority. All windows shall be set in a reveal of a minimum of 100mm. The windows shall then be installed and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the visual amenities of the area in accordance with Policies CP12 and CP13 of the Richmondshire Local Plan Core Strategy 2014.

Condition 4 Roof Tiles

Samples of the roof blue slate and pantiles to be used shall be made available on site for inspection and approved in writing by the Local Planning Authority prior to their use in the development.

Reason: In the interests of the appearance of the proposed development and to reserve the rights of the Local Planning Authority about this matter.

Condition 5 All new stone work

All new external stone work used in carrying out the development hereby permitted shall match as closely as possible the stone work of the existing building as observed during the site visits by the Council, unless approved otherwise in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the proposed development.

Condition 6 Parking

The dwelling must not be occupied until the related parking facilities have been provided in accordance with the details approved in writing by the Local Planning Authority and as shown on Drawing Number PR02. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

Condition 7 Separate drainage systems

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

Reason: In the interests of satisfactory and sustainable drainage.

Condition 8 Foul Drainage

No development approved by this permission shall commence until a scheme for foul drainage has been submitted to and approved in writing by the Local Planning Authority. This should comply with the NPPF and PPG on foul drainage matters and include details of nearest public foul sewer, dimensions of the proposed treatment plant, points of discharge, distances to buildings and details for future maintenance of the drainage system.

Reason : To prevent pollution of water environment.

Condition 9 Surface Water Drainage

The development hereby approved shall not commence until a scheme for surface water drainage has been submitted to and approved in writing by the Local Planning Authority. Principles of sustainable drainage shall be employed wherever possible, including following the sustainable drainage hierarchy. Any works shall be implemented in accordance with the approved scheme prior to the first occupation of the dwelling.

Reason: To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk.

Condition 10 Ecology

The development hereby approved shall be undertaken in accordance with all mitigation measures and method statement contained within the Protected Species Survey and Risk Assessment for outbuilding report (March 2024) listed within condition above.

Reason : To ensure that appropriate ecological mitigation and working practices are adhered to in accordance with .

Condition 11 Contamination

If contamination is found or suspected at any time during development that was not previously identified, all works shall cease, and the local planning authority shall be notified in writing immediately. No further works (other than approved remediation measures) shall be undertaken, or the development, occupied until an investigation and risk assessment carried out in accordance with the Environment Agency's Land contamination: risk management (LCRM), has been submitted to and approved in writing by the local planning authority.

Where remediation is necessary, a scheme for the remediation of any contamination shall be submitted and approved by the local planning authority before any further development occurs. The

development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours, and other offsite receptors

Condition 12 Construction Hours Restriction

Construction works shall not take place outside 8am - 6pm Mondays to Fridays; and 8 am - 1pm on Saturdays. No noisy works shall take place on Bank Holidays and Sundays.

Reason: In the interests of the amenities of neighbouring properties.

Condition 13 Removal of PD Rights

Notwithstanding the provisions under Article 3, Schedule 2, Part 1, Classes A - E; Part 2, Classes A - C: and Part 14, Classes A to I of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any subsequent Order revoking and re-enacting that Order, no development of the types covered under these Classes shall be undertaken without the prior submission to, and approval by, the Local Planning Authority of a formal application for planning permission.

Reason: In the interests of the appearance of the proposed development and to reserve the rights of the Local Planning Authority regarding these matters.

Condition 14 Caravan to be removed

The caravan hereby permitted to be sited is temporary and should be removed upon completion of the barn conversion hereby permitted.

Reason: In the interests of protecting the character and appearance of the countryside and wider Conservation Area.

Target Determination Date: 15.09.2024

Case Officer: Nyasha Mapanga, nyasha.mapanga@northyorks.gov.uk

Appendix A – Location Plan with proposed residential curtilage outlined in red.

