

North Yorkshire Council

Community Development Services

Richmond (Yorks) Area Constituency Committee

8 JUNE 2023

21/00529/FULL - Full Planning Application for 240 Residential Dwellings and Associated Works

**At Land North of Catterick Road, Catterick Garrison
For Miller Homes Limited**

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 Application for 240 Residential Dwellings and Associated Works on Land North of Catterick Road, Catterick Garrison.
- 1.2 To set out details of the proposals, a description of the site and its surroundings, a summary of planning policy and planning history, details of views expressed by consultees, a summary of the relevant planning issues and a recommendation to assist the Committee in considering and determining this application for planning permission

2.0 Summary

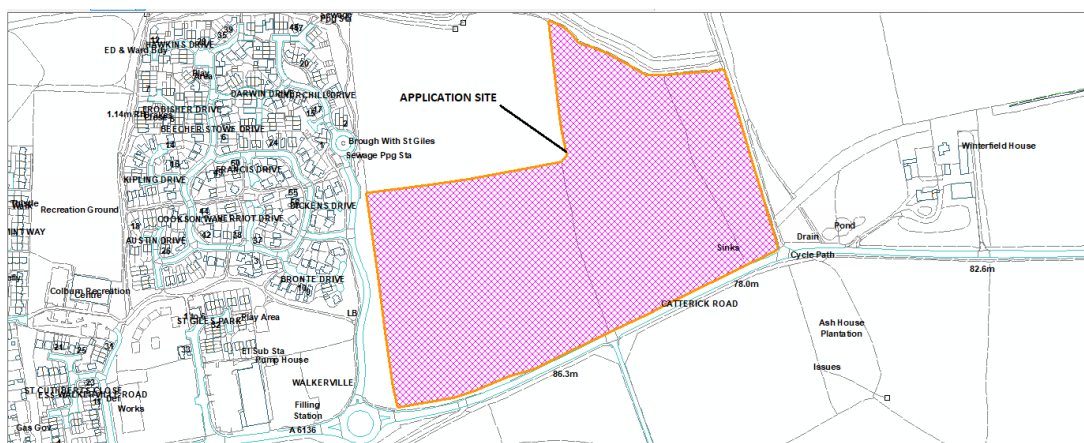
RECOMMENDATION: That planning permission be GRANTED subject to conditions listed below and completion of a S106 agreement with terms as detailed in Table 1.

- 2.1 The applicant seeks full planning permission for the construction of 240 residential units and associated works on land to the north of Catterick Road, Brough with St. Giles. The site is currently in agricultural use and is surrounded by open agricultural land to the north. To the west is Cookson Way with an existing housing development of Regents Park beyond. There is an extant Planning Permission for the adjacent north western parcel of land for 145 no. dwellings, allowed on appeal in 2022.
- 2.2 Richmondshire District Council Planning Committee considered the application on 4th October 2022 and resolved to approve subject to conditions and a 106 agreement including a commuted sum towards nearby Colburn Leisure Centre (to be negotiated by Officers) and an NHS contribution for the Catterick Integrated Care Centre.
- 2.3 As part of the 4th October 2022 resolution, Members also resolved that before the planning permission is issued that a Accessibility Assessment be undertaken to ascertain whether there are any further reasonable measures which can be secured to increase sustainability and reduce walking and cycling times. If any reasonable measures are identified officers were given delegated authority to secure these

within the planning decision notice or S106. The Accessibility Assessment has subsequently been completed.

- 2.4 This application is being brought back to planning committee due to the recommendation changing to remove the S106 contribution of £273,783 to the NHS towards the Catterick Integrated Care Centre in light of recent relevant case law. This is due to insufficient information being provided by the NHS to demonstrate that the contribution is necessary to make the development and thus fails the tests as set out in regulation 122 (as amended by the 2011 and 2019 Regulations).

3.0



Preliminary Matters

- 3.1 Access to the case file on Public Access can be found here:- [Public Access](#)
- 3.2 The information detailed in the Summary will not be duplicated in this Section.
- 3.3 In addition to the S106 contributions discussed in the Summary of this report (NHS and leisure centre), 4th October Committee resolution including contributions for: on-site affordable housing in perpetuity; provision and future maintenance of open space facilities; and contributions towards highways improvements.
- 3.4 At the time the application was presented at the October Planning Committee, the applicant had agreed to pay the £273,783 contribution required by the NHS. However, following further written correspondence and consultations between the applicant, NHS and LPA; Officers have concluded that insufficient information has been provided by the NHS to demonstrate that the requested contribution is necessary to make the development acceptable. This has triggered the need to return to committee for a new resolution.
- 3.5 Since the Planning Committee resolution, the applicants have successfully managed to negotiate a sum of £47,560 for the installation of solar panels (116 x 410 Watt panels) on the building at Colburn Leisure Centre with the operator Richmond Leisure Trust. This will provide significant future savings for the facility in terms of running costs and assist long term viability, saving an estimated £15,000 per annum on electricity bills. The reason why this off-site contribution is considered necessary is Adopted Development Plan Policy CP11 requires a MUGA for a development of this size on site which the applicant has not proposed/provided. This contribution is in-lieu of the on-site sports contribution and will support an existing

sports facility facing unprecedented increases in energy costs to the benefit of existing and new residents.

- 3.6 There is no other planning history relevant to the consideration of the current proposal(s) on this site. However, there are extant Planning Permissions for the erection of 107 no. units and a more recent scheme for 135 no. units that was allowed on appeal on land to the north of the application site (refs. 19/00757/AORM and 20/00322/FULL respectively). The main issues of the appeal were the effect of the development proposed on the character and appearance of the area, and whether the public open spaces would be functional and accessible.

4.0 Site and Surroundings

- 4.1 The application site comprises 11.3ha of agricultural land, in a backwards L shape, at the eastern edge of Catterick Garrison in Brough with St. Giles. A small watercourse runs along the eastern part of the site and enters the site from the north.
- 4.2 The sites western boundary adjoins Cookson Way with an existing housing development of Regents Park to the west. To the north and west is further agricultural land. There is an extant Planning Permission for the adjacent north western parcel of land for 135 no. dwellings, granted on appeal in 2022. Catterick Road (A6136) runs to the south of the application site boundary, with agricultural land and a wooded area on the opposite side of the road. Access to St. Giles Farm (located to the far north of the proposed development) is also directly off Catterick Road and immediately to the eastern of the application site.
- 4.3 A roundabout is proposed for access directly off Catterick Road near to the centre of the southern boundary, opposite the junction for Brough Hall/Park and the Richmond Equestrian Centre.
- 4.4 The site is a single parcel of land which is broadly level but with a slight incline to the south-west corner of the site from the centre. It is bounded by established hedgerows and trees, including some mature specimens. The hedge line towards the centre of the site is less well defined, however, there is currently a substantial mature hedge to the eastern boundary of the site (although outside the land edged red). There is a buffer/grassed strip of land between the western boundary with Cookson Way, which again contains some established and sporadic hedging but is predominantly outside of the applications site.
- 4.5 There are listed buildings and Scheduled Monuments within the vicinity of the site, the closest of which is Grade II Ash House (1179822)- a late 18th or early 19th century farmhouse located approximately 180m to the east. Brough Hall is a 15th century Grade I listed building (1318301) lying approximately 600m to the south of the Site. The Church of St Paulinus Presbytery (and attached outbuildings) lies roughly halfway between Brough Hall and the Site and is Grade II* listed. Five additional late 18th century Grade II listed buildings lie within the grounds of Brough Hall. These comprise gate piers approximately 75 metres north of Church of St Paulinus; an icehouse approximately 100 metres to west of Brough Hall; a bridge over Brough Beck; a converted Stable Block; and a bridge carrying a drive in front of Brough Hall (1131484). Located approximately 1km to the northeast of the Site is Thornbrough farmhouse which is listed at Grade II and dates to the late 18th century.

5.0 Description of Proposal

- 5.1. The proposal, as amended, seeks full planning permission for the construction of a 240 residential units and associated works on land to the north of Catterick Road, Brough with St. Giles. The proposed mix is:
- 34 no. two bedroom dwellings;
 - 120 no. three bedroom dwellings and
 - 86 no. four bedroom dwellings.
- 5.2 Of these 240 dwellings 30% (72 units) are proposed to be affordable tenure. 18 units would be affordable rent and 54 for discount market sale. These affordable units would comprise 34 x two-bedroom dwellings and 38 x three-bedroom dwellings, exact split to be determined via S106 obligation discharge if this application is approved.
- 5.3 In terms of materials, the proposed dwellings are to predominantly include a variation of red, orange/red and multi brickwork and grey-coloured 'slates' for roofs although there would be some fully rendered dwellings to create 'character areas' within the layout. Windows would be of UPVc with a mixture of stone and brick heads and sills. These reflect the traditional building methods common to the area. The dwellings also predominantly feature gable roofs with stone corbel detail and bay windows in some house types. Boundary treatments will be a mix of timber fencing heights, hedge demarcation, and wall and fencing.
- 5.4 The site would be accessed directly off Catterick Road via a new roundabout, pedestrian refuge and bus stops on both sides of the road. A second emergency access would be included in the southwest corner of the site. Resident parking would be split between bays directly in front of homes, side parking, detached garages and integral garages. Resident parking provision would equate to a total of 558 no. spaces inclusive of garages and 77 no. visitor parking places. The application is accompanied by an updated Transport Assessment and Travel Plan.
- 5.5 A Flood Risk Assessment was submitted as part of the application (dated April 2021 and updated end of March 2022). Surface water from the development would be attenuated on site and discharged to the existing watercourse to the east at a restricted rate. It is proposed to construct a new foul water drainage system to serve the development (directed to the east of the site with pumping station) which would connect/discharge into the existing public foul sewer network situated to the west of the site at Cookson Way.
- 5.6 The submitted Arboriculture Impact Assessment (both dated March 2022) has identified a number of tree works, including removal of nine individually surveyed trees; one entire group of trees; one entire hedgerow and sections of two other Hedgerows.
- 5.7 Public Open Space would be provided in the form of a Local Equipped Area of Play (LEAP) located within the centre of the site; a Local Area for Play (LAP) to the west and the proposed sustainable drainage system that would be located on the eastern side of the application site would provide an additional area of open space as well as being part of the water management system. A financial contribution towards the provision of solar panels for Colburn Leisure Centre has now also been agreed.

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

- 6.3. The Emerging Development Plan for this site is listed below. It is considered of negligible weight due to progress of the Local Plan ceasing with the intention to work towards a North Yorkshire Local Plan from 1st April 2023.

- Richmondshire Local Plan Issues and Options 2021

Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:

- National Planning Policy Framework 2021
- 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. **Colburn Town Council:** The application site is a greenfield site and on the entrance to the garrison, therefore design should be high quality with maintenance of a green perimeter to set a high standard of development. The Parish Council have concerns about the proposed filter lane; sewerage infrastructure; lack of funding towards Colburn Leisure Centre and it is hoped the scheme will include solar panels and heat pumps.
Further consultation was carried out in relation to revised plans and details received and Colburn TC stated that they appreciated the effort of the developer to gain the support and take the views of the local people and included bungalows, solar panels, changed the entrance and included more landscaping and green spaces. The increase in traffic remains a concern, as does tanker access along Colburn Lane and capacity of the sewerage works. A contribution towards the leisure centre should still be made.

- 7.3. **Brough with St Giles Parish Council:** Object to the application. Appreciate that the land has been designated for building for some 15 years, however, it is felt that the current scheme overdevelops what is a greenfield site and intrudes into open

countryside unnecessarily. The layout is considered to be high density and at odds with the beautiful countryside in which it lays. Disappointed in the lack of screening, planting and hedging therefore impacting on and degrading the environment and ecological footprint. Other concerns are around flooding, car parking, services (doctors, schools, dentists, etc.) and the capacity of the A6136. Recreation provision is considered to be inadequate and a pedestrian crossing is needed, as well as more footpath connections.

Further consultation was carried out in relation to revised plans and details received. The response on behalf of BWSG PC sets out that changes have been made to the scheme but BWSG PC still question the suitability of the site for development, as well as flooding issues. The scale and dominance of the development in terms of visual impact on the landscape traveling along the A6136 into the Garrison. The Local Plan recognises the development to the east of Cookson way but talks about the Cookson Way roundabout as the gateway to the Garrison.

- 7.4 **County Ecologist:** Expressed initial disappointment that the most up to date metric had not been used which includes flowing water habitats. In addition, the BGN assessment demonstrated less than 1% net gain in area based habitats. The gain for hedgerows was, however, considered satisfactory. The County Ecologist commented that habitats to be created or maintained on site require management and so the submission of an Outline Management Plan should be required. All reports ought to be pulled together within a CEMP so that it can be used by contractors on site (to be secured by condition). Any lighting strategy brought forward would need to demonstrate that it meets the specification set out in the submitted bat survey report.

Further to this response, the agent submitted an updated BNG assessment based on the latest Defra Metric (3.1), which shows a further improvement compared to the previous version at just under 8%, to be delivered through landscaping and the ecological plan. Given that we are in a period of transition until such time as the full 10% becomes mandatory, the County Ecologist considers this amount sufficient in order to comply with current policy. The Landscape and Ecological Enhancement Management Plan (LEMMP) can be secured by condition.

- 7.5 **CPRE North Yorkshire (CPRE(NY)):** Do not object to the principle of development in this location, although note that only part of the site was to be allocated as part of the emerging Local Plan, with provision for 117 no. dwellings. Should the Council be so minded as to approve this site in its entirety, they would need to ensure that this level of development, alongside that which is already in the planning process and has received permission on adjacent land, plus those sites at Catterick Garrison coming forward through the emerging Local Plan, will not totally engulf the area and cumulatively alter the character of Brough with St Giles to its detriment.

The Planning Statement details the fact that the affordable housing policy (which currently expects 40% of new homes to be affordable for sites of over 10) and that the favoured approach would be to follow that in the emerging Local Plan of 15-30%. Given the fact that the developer is proposed to build 50% more housing than that proposed in the Local Plan, CPRENY would hope that the Council would, if this

approach were to be adopted, ensure that the higher value is to be delivered across the site in line with local need – 30%.

It is not possible to ascertain whether there is a measurable net gain for biodiversity across the site in line with the requirements of the revised NPPF (2021) and the future Environment Bill. CPRENY would hope that the overall landscape masterplan of the site and overall design would be considered again prior to determination to incorporate these revisions. Furthermore, the applicant's energy statement showing a 24.66% reduction in emissions and the use of sustainable building materials and PV is welcomed. CPRENY would hope that this would be conditioned to ensure delivery

- 7.6 **Education Authority:** No objections, subject to the required financial contribution being secured by a section 106 agreement for school facilities prior to the approval of planning permission. The financial contribution would be £584,628 and indexed linked.
- 7.7 **Environmental Health:** have considered the Combined Phase I/II Geo Environmental Desk Study, dated March 2021 (as updated) and consider that the methodology used is acceptable. In addition to a Phase I desk study, the report includes the results of a Phase II site investigation. The results of the site testing show no contaminants above screening values for residential end use with home grown produce. No asbestos was detected and no sources of ground gas identified. The site is considered to have a very low overall potential risk from soil contamination to end users of the site and no specific remediation action is necessary.

In terms of noise, the site is considered to be 'low risk' in accordance with ProPG Planning and Noise, May 2017 however, EH required the submission of attenuation measures to those properties fronting both Catterick Road and Cookson Way. Measures were to include acoustic fencing to meet the recommended external amenity levels (key properties depicted within image 2 of the Noise Report).

With regards to air quality, the submitted report is considered to be acceptable and concludes no significant impacts at the construction phase with good site and implementation of suitable mitigation measures.

Further consultation was carried out on the on an updated Noise Report (dated March 2022) and EH have confirmed that in order to achieve the recommended noise levels contained within BS8233:2014 'Guidance on sound insulation and noise reduction for buildings', attenuation measures are required to those properties fronting both Catterick Road and Cookson Way. Acoustic fencing is required to meet the recommended external amenity levels for gardens. Those properties requiring this boundary attenuation are shown in Image 2 of the report. The acoustic fencing should be continuous, free from gaps and holes, have a minimum density of 15 kg/m² and be of a minimum height of 1.8m. In order to achieve the internal recommended noise levels contained within BS8233:2014, double glazing and trickle vents are required to the full façade of those properties along the southern

and western boundaries with windows remaining closed at the discretion of the occupants. This is permissible in accordance with both BS8233:2014 and ProPG providing that the scheme for ventilation complies with Building Regulations Approved Document F, however, those properties affected will experience a lower level of amenity as occupiers should reasonably expect to open windows at night and experience an acceptable noise level within bedrooms. For those properties affected, the report specifies Pilkington Insulight 4-20-4 glazing with a performance of 31dB Rw and 26db Rw+Ctr, as suitable to meet glazing attenuation requirements. Trickle vents should be a minimum of 30dB Dn,e,w to ensure attenuation levels of the composite window are adequate. Plots requiring a closed window specification are highlighted in red in Image 2 of the report. This is applicable to the full façade of the building that is facing the road source only as well as any side elevations possessing glazing to upper floor bedrooms, as outlined within Image 2.

- 7.8 **Highway Authority:** The proposed scheme has been the subject of numerous meetings and correspondence between the applicant/agent and the Local Highways Authority (LHA) since submission and suites of further documents and assessments have been submitted and reviewed by the LHA as part of the process. Initially, the LHA commented on the proposed access into the site, which was to be a protected right-turn lane in the form of a 'Ghost Island' arrangement onto the A6136 (Catterick Road), to include speed reduction measures. The LHA provided a full assessment of the initial proposals for access to and from the site in a letter dated 10th September 2021 recommending that the applicant considers the construction of a roundabout, which would provide a physical speed check as opposed to relying on passive measures. Other matters such as internal layout, connectivity, pedestrian and cycle access, swept path analysis, road safety, sustainability, Junction Capacity Modelling and the content of the Travel Plan (comments set out in a later response, dated 17th September 2021) were also covered in the response. The applicant later confirmed the inclusion and amendment of a roundabout, which involved relocation of the site access approximately 185m to the east. Further comments were provided and additional details/amendments sought in a response dated 2nd December 2021, on matters such as emergency access; connectivity; bus stop locations and detailed internal works. All previously outstanding matters have been subject to further discussion and negotiation between the applicant's agent, highways consultant and the LHA and were finally approved as set out in the LHA formal recommendation dated 29th September 2022. They are now able to confirm no objections on the proposal on highway or transportation grounds, however, this is subject to a contribution (£56,012) to fund improvement works (set out in full as part of their recommendation) on the Colburn Lane/Maple Avenue/Catterick Road roundabout. This financial sum would be secured through a S106 Agreement. In addition, the Highway Authority are recommending standard conditions.
- 7.9 **Highways England:** No objection following further road modelling carried out on behalf of the applicant, which included an up to date list of committed development for the next five years (and the Catterick MSA proposed development).
- 7.10 **Lead Local Flood Authority (LLFA):** The first formal response issued on behalf of NYCC LLFA recommended that the application be refused as a sequential test had not been applied, in line with the expectations of paragraph 162 of the NPPF. In addition, it had not been demonstrated that surface water flooding would not

increase elsewhere as a direct impact of the proposed development, along with inadequate CV values (volume control). No exceedance plan had been submitted and future maintenance arrangements for surface water required clarification. Following this, revised Flood Risk Assessments and hydraulic modelling was submitted in support of the application, the July 2022 versions of which have now allowed the LLFA to recommend the application favourably, subject to conditions that would ensure the development be carried out in accordance with FRA, dated 4th July 2022 and restrictions of flow rates to prevent the increased risk of flooding; ensure the provision of adequate and sustainable means of drainage in the interests of amenity.

- 7.11 **Local Access Forum:** In spite of advice given by the Forum last year, the perimeter path to the north of the site is marked for walkers only which is not providing best value, nor is there any provision for cycling routes through the site which is to be expected in a development of this size. The unclassified road to St.Giles adjacent to the site to the east is not recognised as such in the Design and Access statement but makes a perfect link to the bridleway connection to Brompton on Swale and Catterick village, all off road, so an exit along the eastern boundary of the site must be an obvious amendment and an opportunity not to be missed. There is no available connection west via the Cookson Way estate, which means there is urgent need to upgrade the margin on the south side of the A6136 to a good multi-user route to link into work, services and shops at Colburn and Catterick Garrison. The Forum robustly advises this should be done through a S106 agreement to reflect the guidance of the NPPF, objectives in Richmond's Local Plan and the fact that there will be a massive increase in the volume of traffic on the A6136 with 3 large new estates and the proposed industrial complex further along the road. In this respect a user-controlled signalised crossing would be necessary near the estate entrance. The Forum is disappointed that this revised plan has yet to make the most of sustainable opportunities for community linkage which is so important to prevent this development becoming isolated with residents not encouraged to a model shift from their cars. We advise that the plans be modified again, which we feel is easily achieved without major redrafting in order to provide a better environment suited for the future.
- 7.12 **NHS North Yorkshire:** The Clinical Commissioning Group (CCG) considers it necessary for measures to be put in place so the impacts to local healthcare as a result of this development are addressed. The NHS consider that such an obligation would be directly related to the development because it would assist in mitigating the impacts and used towards healthcare in the area. A contribution of £273,783 is sought, based on the size and nature of the development. The NHS consider that if the proposals are left unmitigated, there would be insufficient support towards the delivery of the CCG's estates strategy, and the proposal could be considered unsustainable development.
- 7.13 **North Yorkshire Police (NYP):** It is pleasing to note that principles of Crime Prevention through Environmental Design (CPTED) have been incorporated into this proposal. The overall design and layout of the proposed scheme is considered acceptable. No further comments to add as part of the reconsultation carried out.
- 7.14 **North Yorkshire Archaeology:** No comments to make with regards to the consultation and reconsultation.

- 7.15 **Yorkshire Water:** Initially raised some concerns regarding waste water and stated that the public foul sewer network does not have adequate capacity available to accommodate the anticipated foul water discharge from the proposed site. It was noted as being essential that the development be phased to allow for any required improvements to the network/works to be undertaken. YW considered the cumulative effect of the development along with other proposed developments in the catchment that will cause the works to fail an agreed standard. Assessment on surface water drainage is directed to the LLFA, as drainage from the site is not proposed to discharge to the public sewer network. Further to the submission of the revised FRA, YW confirmed no observations earlier this year, subject to conditions relating to the provision and approval of a detailed scheme for foul and surface water drainage prior to occupation of the approved dwellings. Other conditions are recommended to ensure that there is no piped discharge of surface water from the application site until a satisfactory outfall has been provided in accordance with the approved details and a scheme for on-site and off-site works prior to the commencement of the development to ensure an adequate water supply.

Yorkshire Water were consulted on the latest revised FRA and Drainage Strategy and confirm points raised and conditions that were recommended as part of their initial response, in July 2021 (and April 2022) are to be attached to any approval.

- 7.16 **Yorkshire Wildlife Trust (YWT):** Issued a holding objection to the application for the following reasons:
- Breeding bird surveys are required and results not submitted. Once the breeding bird survey has been completed, the Ecological Impact Assessment will need to detail a comprehensive strategy in line with the mitigation hierarchy (avoid, then mitigate and finally compensate)
 - Confirmation that hedgerows will be retained and if not, bat activity surveys must be completed. In addition, full survey results requiring removal must be provided prior to determination.
 - In accordance with the NPPF, proposals should demonstrate 'measureable' net gain in biodiversity. Whilst the emerging Environment Bill is not yet released, achieving 10% net gain in biodiversity is already being implemented as 'good practice' across the country.
 - Requested the use of a biodiversity metric to demonstrate how net gains for biodiversity can be achieved on site.
 - Until the additional information has been provided and it has been sufficiently demonstrated that where impacts cannot be avoided, they can be adequately mitigated, and it has been shown that the development can deliver a Biodiversity Net Gain, YWT register a holding objection.

Since receiving the initial consultation response, further ecology surveys and reports, (including biodiversity metric) have been submitted on behalf of the applicant. No further response was received on behalf of the YWT.

- 7.17 **Climate Change Officer:** Notwithstanding the uplift that will be required as of 2023, the scheme would meet current Building Regulations in terms of insulation. Solar panels are not optimally distributed, although it is understood that this is because of

aesthetics of the development, presentation to the road, etc. A total of 90 properties would still benefit from solar PV.

7.18 **Conservation Officer:** Agrees in the main with the findings of the submitted Heritage Statement, in that the impact on Ash House; the Church of St. Paulinus Presbytery and the listed gate piers would be on the lower side of less than substantial harm and less than substantial harm respectively. The layout of the site allows for a strong road frontage which is set back from the road behind further landscaping to soften the appearance. It is important to create a sense of streetscene presence but for this to be rural in nature too. This is achieved effectively. As part of this, the SUDS area to the east of the Site enables a good buffer to be maintained between the developed area and the line of trees forming the key barrier between the Site and Ash House/Thornborough. These mitigation measures successfully reduce the level of less than substantial harm to a level which can be considered against public benefits of the proposal.

7.19 **Waste and Street Scene:** No response received

Local Representations

7.20 29 local representations have been received, some of which are second responses from an individual, of which all raise objections. A summary of the comments is provided below, however, please see website for full comments.

7.21 Objections:

- Existing Infrastructure cannot support more housing
- Catterick Road (A6136) is already congested
- Traffic surveys were conducted during school and military holidays and so are not representative of peak times.
- Increase in pollution as a result of more cars
- The Council should fund a bypass
- More pressure on local services – can existing ones cope?
- Increase to refuse services
- Loss of productive agricultural land
- Loss of biodiversity
- The application must be considered cumulatively with other existing and approved developments
- Disruption (up to 8 years as stated in the application) during construction
- The revised entrance and roundabout are an improvement on the application
- There should be better connectivity to the adjacent site for 107 no. units
- Only 23% of dwellings with solar panels (90 dwellings) – are they orientated appropriately?
- Is there a market for these dwellings?
- What is the housing mix – will they all be large 5 bedroom properties or for young families
- Archaeological Impact
- The application site already floods

- Development should be restricted to being within development boundaries and only going outside of this if necessary
- An all-weather path should be included around the site so it is disability-friendly
- Noise assessments are not comprehensive enough and do not include the whole site
- The site is too close to properties of historical interest
- Too high density
- The land should be used to produce renewable energy, not housing

8.0 Environment Impact Assessment (EIA)

- 8.1 The development falls within Schedule 2 Category 10(b) Urban Development Projects of The Environmental Impact Assessment Regulations 2017 (as amended) and exceeds threshold (ii) as a greater number than 150 dwellings are proposed and (iii) due to the site being over 5ha. As such the Council as Local Planning Authority have screened the development and found that it is not EIA development and no Environmental Statement is required to be submitted with the application. The Screening Checklist which acts as the report and decision is available to view on the Council's website. Nothing has changed since the Screening Decision and it is still effective for the Committee Decision. No conditions are required to rule of a likely significant environmental effect.

9.0 Main Issues

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

- Principle of development
- Location and Provision of Housing
- Housing Mix
- Open Space Provision
- Parking, Access, Highway Safety and Connectivity
- Flood Risk and Drainage
- Affordable Housing
- Design
- Landscape Impact
- Amenity
- Sustainability and Climate Change
- Heritage
- Ecology
- Healthcare Provision
- Education Provision
- S106 Agreement
- Ground Contamination

10.0 **Assessment**

Principle of Development

- 10.1. The principle of development (along with other material planning issues) were considered at the 4th October 2022 Planning Committee, at which Members resolved to grant Planning Permission in line with the Officer recommendation at that time. The key policy requirements that have the greatest bearing on the consideration of this application have not changed since that committee and remain policies CP4 (Supporting Sites for Development), CP5 (Providing a Housing Mix) and CP6 (Providing Affordable Housing) in pursuance of the objectives of Spatial Principles SP2, SP4 and the Central Richmondshire Spatial Strategy. Catterick Garrison (along with Richmond) is identified as a “Principal Town” within the settlement hierarchy of the Local Plan and is expected to deliver at least 1,898 dwellings over the plan period which 62% of allow housing growth for the plan area. The application site is not within the ‘Strategic Direction of Growth Area’ for new development at Catterick Garrison as referred to by the Central Richmondshire Sub Area Spatial Strategy but is nevertheless in a location that is well related to the existing settlement pattern and in accordance with the locational requirements of Policy CP4.
- 10.2. The Council’s Annual Monitoring Report October 2021 details that 513 no. dwellings have been delivered in or adjacent to Catterick Garrison and therefore we are some way off delivering the target of 1,898 dwellings in this area.
- 10.3. Policy CP4 supports development that is of a scale and nature appropriate to secure the sustainability of settlements in the defined settlement hierarchy and sites which are located adjacent to the defined Development Limits of the settlement, where deliverable opportunities do not exist within the Development Limits. The site adjoins the main built up confines of this part of Catterick Garrison and in this location there is no ‘Development Limits’ defined by the Local Plan for this eastern edge of the settlement. The proposal meets other expectations of Policy CP4 in terms of the scale of development in relation to the existing settlement along with its accessibility and relationship to existing facilities. However, consideration must also be given to the capacity of existing infrastructure and to ensure that the proposal does not conflict with the requirements of other core policies. It has been found that the relevant infrastructure is or can be improved to accommodate the development and this is discussed in more details under the relevant subsections.
- 10.4. Policy CP4 sets out that development proposals should be or adjacent to the settlement’s Development Limits as defined on the Local Plan 1999-2006 Proposals Map or main built up confines where they do not exist. The application site adjoins the main built up confines of this part of Catterick Garrison, however, only the western part of this site has been suggested for development as part of the Preferred Options Allocation Assessment in the previously emerging Local Plan. These documents are afforded negligible weight as a material consideration, as the Preferred Options Consultation Report has not been published and the forthcoming

new joint Local Plan for North Yorkshire Council will include the former Richmondshire area.

- 10.5. As of 2019 the Council is reporting a 5 year housing land supply of 7.54 years and therefore the 'tilted balance' is not triggered.
- 10.6. Having regard to the above, it is considered that this site and the number of units proposed would secure and make a positive and sustainable contribution to local housing land supply in Catterick Garrison, whilst making efficient and effective use of land. Overall, the proposed scheme would have an appropriate housing density given its surroundings, constraints and open space/infrastructure requirements and is considered to be in line with the expectations of the Local Plan in terms of its Spatial Principles for housing delivery.

Housing Mix

- 10.7. The application incorporates a mix of two, three and four bedroom properties, with a higher number of units being three bedrooms. In addition, the revised application makes provision for 24 no. single storey dwellings (bungalows) to be located towards the south part of the application site, nearest Catterick Road. Overall the scheme is considered to represent an appropriate approach to meeting the housing needs of the population across the Plan Area by providing a large proportion of needed two and three bedroom properties and one that meets the expectations of Policy CP5 in terms of the sizes/types of properties.

Open Space Provision

- 10.8. Core Policy CP11 expects new development to include provision of sufficient quality recreational facilities and, where on-site provision is not possible or appropriate, a contribution towards enhancing existing assets will be sought. More specifically, supporting text for Policy CP11 advises that "The Fields In Trust 'Planning and Design for Outdoor Sport and Play' (2008), formerly the National Playing Fields Association "Six Acre Standard", provides minimum national standards for play and recreation space.". This document has been superseded by the Fields in Trust (FiT) "Guidance for Outdoor Sport and Play, Beyond the Six Acre Standard, England, 2020" which the Planning Service now used for the purpose of applying Policy CP11.
- 10.9. The application proposes approximately 25,986sqm of public open space not including the attenuation basin. This significantly exceeds the FiT requirement of 15,667sqm. Incorporated into the public open spaces is Local Equipped Area of Play (LEAP) located within the centre of the site; and a Local Area for Play (LAP). The FiT guidance advises that a development of this size should include a LAP, LEAP and MUGA and therefore the development is not entirely compliant with Policy CP11.
- 10.10. As part of the resolution of the October 2022 Planning Committee, Members gave delegated powers to Officers to negotiate a financial contribution towards Colburn

Leisure Centre, in order to support an existing facility. The agent has since successfully negotiated a sum of £47,560 with the Leisure Trust, which would go towards the installation of solar panels. The panels would reduce the running costs for the centre and provide energy savings of around £15,000 per annum (as set out in the schedule/quote produced). Overall, Officer consider that this, along with the open space to be provided on site would reasonably satisfy the requirements of CP11 of the Local Plan.

- 10.11. The £47,560 Colburn Leisure Centre contribution will assist the short and long term viability of this local sports facility which is understood to have faced serious threat to its operation in around October 2022 due to the increase in energy prices. Securing the reduction in their running costs means that the proposed development would assist in keeping the facility open and enable the new residents of development to use this facility and is thus directly related to the development as this will give the new residents access to a conveniently located sports facility. It also, creates a planning benefit for the existing local population aiding the overall planning balance. The contribution is considered to meet the Community Infrastructure Levy (CIL) Regulations 2010 tests for planning obligations in that it is necessary, directly related to the development and fairly and reasonably related in scale and kind.

Parking, Connectivity, Access and Highway Safety

- 10.12. Following revisions, access to the site is proposed directly off Catterick Road (A6136) via a new roundabout which Highways have found to be acceptable. Due to the increase of road users from this and other committed development, a contribution of £56,012 (plus £5,000 contribution towards monitoring) has been agreed to improve the Colburn Lane/Maple Avenue/Catterick Road roundabout which is an apportionment amount of the total roundabout upgrade costs.
- 10.13. A number of concerns have been expressed by local residents regarding matters of highway safety, however, the LHA as the expert consultee on such matters are satisfied that, subject to the proposed junction mitigation for improvements to be made further west along Catterick Road; the traffic generated by the development can be accommodated by the existing and proposed local road network. The proposed new roundabout would provide both an appropriate form of access to the proposed development and create a 'gateway' feature for vehicles travelling west along Catterick Road.
- 10.14. Internal arrangements for parking, access and manoeuvring, as well as emergency access; access for service vehicles and drainage have all been subject to revisions and subsequently assessed by the LHA who now have no objections to the arrangements, subject to conditions. Footpaths within the site would be enlarged to three metres in certain sections to encourage cycling throughout the development and link Catterick Road within the approved development to the north of the site. Details to be submitted as part of applications to discharge conditions would include engineering drawings and precise layouts for road and footways, as well as a

programme for delivery. Other matters, such as visibility splays; the delivery of off-site works (roundabout, footway, cycleway, emergency access links, bus stops and gateway features) are all to be completed prior to occupation. Subject to the recommended condition and highways contributions, the development is considered to comply with Policy CP4.

Flood Risk, Surface Water and Foul Drainage

- 10.15. Both NYCC as Flood Authority and Yorkshire Water were consulted on the initial submission, as well as subsequent revisions. In the absence of a sequential test (usually part of the submitted FRA), the LLFA initially considered the scheme to be contrary to paragraph 162 of the NPPF. In addition, details around volume control, exceedance and maintenance were considered to be incorrect, however, this has since been addressed through the submission of a revised FRA and Drainage Strategy. The LLFA have therefore recently been able to confirm no objections to the revised maintenance details and the exceedance flow route drawing, as it now reflects the correct data set, subject to a condition to ensure the development is carried out in accordance with the FRA and DS (as revised, dated July 2022) and that flow rates are restricted to a maximum flow of 41.6 litres per second.
- 10.16. In terms of foul drainage, YW set out that the FRA and Drainage Strategy, prepared by Queensberry Design Ltd, is generally acceptable. The FRA (as now revised) sets out that there is an existing 150mm diameter foul sewer in Cookson Way to the west of the application site and it is proposed to connect foul drainage to this system, connecting to the north of the existing pumping station (subject to the connection point being formally agreed by Yorkshire Water). Foul drainage would ideally operate via a gravity system, but due to the topography of the site this is not possible and a pumping station is proposed with a peak discharge of eight litres per second. The off-site foul water system may need improvements to facilitate the development and there it is recommended to attach a condition to control this phasing in line with YW advise.
- 10.17. Yorkshire Water have considered the drainage details submitted within the updated Flood Risk Assessment (FRA) and confirmed in a response to consultation in April this year that there were no further observations, subject to conditions.

Education Provision

- 10.18. The Education Authority has confirmed that a financial contribution of £584,628 is required to extend Colburn Community Primary School which has insufficient places to accommodate the children from the development. This would be secured by means of a Section 106 agreement.

Health Services Provision

- 10.19. Representations have been received from the National Health Service (NHS) Humber and North Yorkshire Integrated Care Board (ICB), Humber and North Yorkshire Health and Care Partnership, detailing that the existing local general practice facilities have insufficient capacity to accommodate all the residents of the

development and seeking a contribution of £273,783 towards the provision of a new facility, the Catterick Integrated Care System (CICC). The CICC has been resolved to be approved by Planning Committee and the approval notice is expected to be issued before the end of June 2023. The CICC will be a shared MOD and NHS health facility. The supporting information for the CICC planning application detailed the development would provide primary care, advanced primary care, mental health services, physiotherapy, dentistry and Third Sector Healthcare Support providers.

- 10.20. The exact amount sought by the NHS is based on the consideration of three main surgeries that are within a two-mile radius of the application site (Catterick Village, Colburn Medical Practice and Harewood Medical Practice) for which there is a floorspace deficit at the present time. Based on the number of units associated with the proposed development, North Yorkshire NHS have calculated that an extra 47.31m² of floorspace would be needed and the cost of delivering this is the sought amount.
- 10.21. Core Policy CP14 of the Local Plan sets out that development should provide, or enable the provision of, the infrastructure made necessary by that development and where it cannot be provided directly, developers will be required to contribute towards the reasonable costs of the provision of new infrastructure.
- 10.22. Planning Contributions can only be lawfully required where they are necessary to make a development acceptable; and fairly and reasonably related in scale and kind. In this instance the applicant advised they did not agree the contribution. As such regard has been given to relevant case law set out below.

High Court Judicial Review Decision HFAG Limited v Buckinghamshire Council v Hampden Fields Consortium, Taylor Wimpey UK Limited, Buckinghamshire Healthcare NHS Trust, NHS Buckinghamshire Clinical Commissioning Group [2022] EWHC 523 (Admin) dated 11 March 2022

This case concerned a planning permission for 3,000 dwellings, two primary schools and retail facilities. The S106 required a 600sqm GP surgery built to shell and core with best endeavours to deliver before the 1,000 dwelling.

The relevant key finding from this decision are that LPAs should consider whether the current services cannot accommodate the development; whether there is a funding gap and why there is one; and to establish the real-world implications if the contribution is not obtained.

High Court Decision R (University Hospitals of Leicester NHS Trust) v Harborough District Council [2023] EWHC 263 (Admin) dated 13/02/2023

This case concerned an outline planning permission for a new neighbourhood including 2,750 homes. The NHS contended that under its block contracting arrangements with local NHS clinical commissioning groups (CCGs), there would be a "funding gap" in respect of healthcare services provided to those moving into the area during their first year of residence.

This Decision concluded that it is lawful for S106 contributions to fund revenue for services such as those provided by the NHS where it is shown there would be a direct impact from the development; with the onus on the party seeking the contribution to evidence the need.

The Decision also confirmed that the council was not only entitled to investigate whether a funding gap actually existed but was legally required to do so in accordance with CIL Regulation 122. In addition, it confirms that LPAs are entitled to exercise its discretion in terms of what obligations are sought and included in a section 106 agreement in the light of any evidence.

The decisions clarifies where the NHS existing funding system covers the necessary health development costs, that this should not be re-cooped by the development. Instead, we are looking for costs which are not covered by the existing NHS funding structures.

The Judge concluded that the developments occupation would be phased and could potentially be factored into the health authority's bid for additional block funding. This undermined the NHS case that there would be any short term shortfall.

A further, more detailed point is that where there is new housing, many of the new residents would come from within the administrative area of the NHS Trust and in this specific case they concluded only around a third would come from outside the area.

The judge concluded that "Whether there is a lack of funding for a trust to cope with the effects of a substantial new development is likely to depend not on those effects in isolation, but on wider issues raised by population projections used as one of the inputs to determine funding for CCGs.". Arguments put forward in the case, he added, "suggest that the issues merit further consideration as a matter of policy outside the courts and even outside the planning appeal system.".

10.23. Officers concluded from the first referenced Court Decision that further information/evidence was needed from the NHS in respect of whether there was a funding shortfall and wrote to them on 12th February 2023 requesting this including a list of specific information which could enable us to establish the shortfall. A response was provided by the NHS Humber & North-Yorkshire ICB on 10th March 2023 detailing the following:

- Further clarification on the floorspace shortfall
- The CICC total build costs are in excess of £25m with a mix of funding provision from the Humber & North Yorkshire ICB. They advised that the exact amounts are not in the public domain, however, there remains a shortfall.

- That the ICB do not receive directly aligned capital funding for expanding GP Surgeries/estate. There is an element of revenue funding that GP Practices receive for each registered patient to cover operational and clinical services. This funding is not received until a new patient register with a practice and is not related to capital funding for expansion of existing premises as it is only related to revenue (such as salaries).
- The ICB receives some elements of revenue funding based on a per capita formula that is used to provide all clinical services for its population, which is calculated annually based on adjusted population numbers and does not provide any capital resource (i.e monies for new buildings and infrastructure)
- The construction of the CICC is due to commence by end of 2023 with occupation anticipated to be in the first quarter of 2024/25

10.24 The NHS letter was considered to provide insufficient information to ascertain that a contribution is necessary to make the development acceptable for the following reasons:

- The real world implications of what would happen without the contribution was not established as it is understood that the CICC will be delivered whether or not more housing is built in the local area, including this application/site.
- Unknown why there is a shortfall of funding from the Humber & North Yorkshire ICB.
- No clarification of why funding from the Technical Guide to Allocations Formulae and pace of Change: For 2019/20 to 2023/24 revenue allocations” and “National Tariff” for block contracts is not applicable or insufficient. This may not apply for General Practice estate, but it does apply to other parts of the CICC which provides integrated care such as physiotherapy.

10.25 It is considered that there is insufficient information to evidence the amount of funding shortfall and why there is a shortfall for the overall CICC project. We also have not been provided any detailed information on what the existing GP surgeries will be used for and whether any of these may become surplus to requirements and could be sold for development to generate capital to fund the CICC. Lastly, the CICC project is understood to be proceeding irrespective of the outcome of this and any future housing applications and therefore there are no real-world implications in the event the contribution is not secured. For these reasons, it is considered that there is insufficient evidence to conclude that the obligation is necessary to make the development acceptable in planning terms as required by Regulation 122 of the Community Infrastructure Levy Regulations 2010. As such it is not recommended to include this obligation within the S106 if the application is approved.

10.26 A further issue is the population increase that the NHS has used. They have assumed each new home would have 2.3 people with an overall population figure of 552. This then requires 47.31m² of additional floorspace. However, as per the Harborough District Council High Court Judgment Decision, many of the occupants will come from the ICB administration area already and therefore the population increase within this area is likely to be significantly less than 552. It is therefore

considered that the amount of £273,783 is not fairly and reasonably related in scale and kind to the development and therefore fails Regulation 122(2)(c) of the Community Infrastructure Levy Regulations 2010.

- 10.27 For the reasons set out in the preceding paragraphs, it is not recommended to include this obligation within the S106 if the application is approved.

Affordable Housing

- 10.28 The target set by Policy CP6 of the Local Plan Core Strategy is for a 40% affordable housing provision for developments located within the Central Richmondshire Sub Area. This is an ambitious target for some schemes in parts of the Central Richmondshire Sub Area, but recent experience has shown that levels of 30% can be achieved. Unlike some previously developed land, “greenfield” sites do not always have the additional development costs that will affect the viability of the scheme and the amount of affordable housing that can be provided, however, the level of affordable housing can also be affected by the nature and levels of other contributions that might be required and by the overall amount of development and any economies of scale that can be achieved to reduce development costs.
- 10.29 Such factors have been considered through an Economic Viability Assessment (EVA) submitted during the application process. This Assessment has sought to determine the level of affordable housing (and other) contributions that could be made for a development of 240 no. dwellings on this site whilst still ensuring its overall viability.
- 10.30 The conclusion of the EVA is that the Local Plan target level for affordable housing (i.e 40% provision) could not be achieved on this site because at that level such development would no longer be viable. Officers have considered the submitted detail in the EVA and an appropriate level of affordable housing of 30 per cent, consisting of 34 no. 2 bedroom dwellings; 120 no. 3 bedroom dwellings and 86 no. 4 bedroom dwellings. Of these 18 no. would be Affordable Rent and 54 no. Discount for Market Sale, with a total of 72 onsite affordable dwellings. The Strategic Housing Market Assessment, Richmondshire District Council 2019 advises that affordable housing should be split evenly between affordable rent and intermediate tenure (part buy part rent). However, if we were to require this, then the overall amount of affordable units would reduce as increasing affordable rent would decrease viability. Therefore, for this specific application the affordable housing offer is considered acceptable.
- 10.31 The applicant is willing to enter into a Section 106 agreement with the LPA to ensure that 72 no. of the dwellings on site would be affordable units in perpetuity by means of affordable rent as set out above and “discount” of market value of 20 per cent, which is supported by the LPA. It is concluded that the proposed development (as amended) would be in compliance with the requirements and expectations of Policy CP6 of the Local Plan, subject to the applicant entering into a Section 106 agreement to secure the precise details and provision of the affordable housing, including that it remains affordable in perpetuity.

Ground Conditions

- 10.32 Environmental Health have considered the desk-top site assessment (Geo environmental Report Final Combined Version A.6, dated June 2022) which now accompanies the application and shows that there are no contaminants above screening values for residential end use with home grown produce. No asbestos

was detected and no sources of ground gas identified. The site is considered to have a very low overall potential risk from soil contamination to end users of the site and no specific remediation action is necessary. Subject to a condition requiring the developer to carry out a specific formal process for notifying the LPA in the event that contamination is found during the development process, Environmental Health do not object to the application.

Design Quality – House Types and Site Layout

- 10.33 The Garrison is the only location in Richmondshire where larger family-sized homes can be provided, which are affordable to a higher proportion of households. In recent years the new build programme in this location has provided a large proportion of two and three-bedroom dwellings which has allowed many households to gain that initial step onto the property ladder but there is a limited supply of property suitable and affordable enough to move on to as families grow. On this basis, whilst the scheme is still heavily weighted in favour of three bedroom dwellings, a greater number of four bedroom properties are now included, as well as 24 no. bungalows to the south of the site. Whilst not initially part of the scheme, in responding to local demand and discussions with the LPA during the application process, the 'bespoke' single storey dwellings now form part of the scheme in this part of the application site, with an outlook towards Catterick Road for the southernmost properties. Elsewhere within the site, 'corner-turner' properties have been included, particularly where internal roads meet/end and greater amounts of landscaping included, with existing trees and vegetation to be retained where specimens are in good health (as set out in the accompanying Arboricultural Assessment) and a supplementary native buffer to the eastern edge. Frontages onto Catterick Road would be open, be subject to further tree planting and grassed areas and boundary treatments to the front restricted to maintain an open street scene along Catterick Road.
- 10.34 The submitted Design Statements sets out that the design of the proposed development has been heavily influenced by existing properties within the local area. The nearest housing development to the application site is located to the west, off Cookson Way and comprises of two storey dwellings with both hipped and gabled roofs; front gable projections and predominantly brick with some rendered elements. Roofing materials are also a mixture of grey-coloured tiles and pantiles. The proposed scheme seeks to reflect similar materials in the proposed scheme, although does not propose the use of pantiles and all dwelling roofs would be slate grey in colour. A variety of brick (and render) finishes would be used for elevations with a mixture of stone and brick heads and sills. Sample images have been provided within the Design Statement, although it would be expedient to impose a condition requiring precise details and samples prior to the erection of the dwellings.
- 10.35 The proposed development would take place within an "edge of settlement" location, therefore securing a high quality design that takes account of the character and vernacular styles in the area is considered to be a key issue. The scheme would incorporate a great deal of planting and provision for open areas within the site (over and above that required for the LEAP and LAP) and whilst the area to the east of the site is required as part of a sustainable drainage scheme, this would also act as a further soft landscaped area and 'buffer' to the edge of the development. The frontage to the site has purposefully been designed with an 'open' character, with tree planting along Catterick Road (avoiding areas where visibility is required) which would provide a pleasant outlook for occupants but also create a strong relationship with Catterick Road. With the amendments made to the scheme throughout the

process and subject to conditions to ensure the development is carried out in accordance with the amended Landscape Masterplan, it is considered that whilst the character of this part of Brough with St. Giles would undoubtedly change as a result of the proposed development, the scheme would provide for a high quality housing development on the edge of Catterick Garrison.

Landscape Impact

- 10.36 The potential landscape impact of the proposed development is examined by the supporting Landscape and Visual Impact Assessment. In the wider landscape context and without further substantial landscaping, the proposed development would result in moderate adverse impacts on the topography and vegetation of the local landscape in the immediate vicinity of the site and major adverse effects to the land use. The site is not covered by any national, regional or local level designations that recognise specific landscape importance; however, the scheme would involve the development of what are currently two open arable fields that contribute to the edge-of settlement character. It is proposed that the locally important existing trees and hedgerows around the outer boundaries of the site are mostly retained as landscape features and the effects of the proposed development itself are to be mitigated by additional landscaping and planting around those boundaries with new buildings set back behind these landscape corridors (see indicative layout plan at Appendix A).
- 10.37 The surroundings of the site are made up of existing dwellings to the west, with Planning approval granted for the development of 107 no. dwellings on land to the north-west of the application site. However, the landscape to the south and east and north east remains very rural in character. The application proposes development across two parcels of land; the eastern of which contains an existing watercourse forming the basis of a sustainable drainage scheme; wild flower and further tree/hedge planting and open grassed areas. Although the proposed residential development would alter the character of the existing landscape at a localised level it is considered that this element of the scheme would ensure the proposed development does not present an inappropriately dense scheme, especially on the eastern edge of the development, that might be more suited to an urban context. On the basis of the submitted assessment and Landscape Masterplan and subject to specific conditions to ensure an appropriate and substantial level of landscaping along the aforementioned boundaries can be suitably achieved, the scheme is considered to be in line with the expectations of CP4 and CP12 of the Local Plan in terms of landscape impact.

Privacy/Amenity Between Dwellings and Crime and Disorder

- 10.38 The application site is located to the south east of the existing residential development off Cookson Way and there are no existing residential properties within the immediate vicinity of the application site. An access to St. Giles Farm runs along the eastern boundary of the site and Ash House lies beyond, separated by substantial and mature vegetation. The vehicular access to the site would be via a roundabout directly leading from Catterick Road and therefore there would not be conflict in terms of amenity and vehicular movements to and from the site. Whilst objections have been received on behalf of local residents in relation to the proposals, issues raised do not relate to a direct loss of amenity or privacy from the proposed access or dwellings themselves to a particular garden or dwellinghouse.
- 10.39 A positive response was received on behalf of North Yorkshire Police, who felt that the applicant had implemented advice on preventing crime and disorder through

design as part of the submission. Suitable standards of amenity/privacy for future occupiers of the dwellings are provided for in the design and layout of the scheme (with boundary treatments specifically shown on the Proposed Boundary Treatment Plan, revision P08), including provision of 1.1/1.8 metre high fencing around rear gardens.

- 10.40 A Noise Report was submitted with the application and assessed by Environmental Health, with particular focus on the impacts of the proposed development and the proximity of Catterick Road. Environmental Health are satisfied that impact on amenity would be low, however, properties towards the southern part of the site can expect to experience a lower level of amenity (although still within an acceptable level) due to road noise, particularly at night and when windows are open. Precise mitigation is in the report (such as acoustic fencing and Pilkington 'Insulight' for windows of affected properties) and it is recommended that conditions be attached to any Planning Permission granted to ensure that those measures are implemented as part of the development.
- 10.41 Concerns have been raised with regards to disruption throughout the development process, which for a scheme of this size (although phased) could take a number of years to complete. The Environmental Health Officer has been consulted on this issue and considers that details in the form of Construction Management Plan should be required by condition, covering issues such as noise and dust and a limit placed on the hours of work to protect the amenity of nearby residents. Overall, the scheme would deliver a development that would provide an acceptable level of amenity, with regards to noise impact to both existing and future residents, in line with CP3 and CP4 of the Local Plan.

Lighting

- 10.42 In addition to domestic lighting in and around the dwellings themselves, development of the site would also require additional highway lighting. Having regard to existing light levels in the area such additional lighting would not contribute in any significant way to light pollution levels and therefore there would be no conflict with policy requirements.

Sustainability and Carbon Savings

- 10.43 An Energy Statement has been included with the application and revised throughout the process. The Statement sets out that high carbon emission savings can be achieved through a "Fabric First" approach, with high performance construction materials, as well as PV panels on 90 no. dwellings. This would minimise heat loss and provide energy efficient building services to the development. The statement confirms that this approach would achieve carbon savings beyond what was and is currently required through Part L of the Building Regulations and that the scheme therefore meet the requirements and expectations of Policy CP2 in this regard. It is therefore recommended that if planning permission is granted by members, that a planning condition is imposed to ensure the development is carried out in accordance with the submitted Energy Statement (as revised) and calculations provided.

Accessibility

- 10.44 The connections shown on the plan are those agreed with NYCC and do include east-west perimeter paths within the scheme (see the submitted Landscape Plan); a good connection to the south and up to the northern boundary (enabling a future link to the approved development north of the site), as well as a series of footpaths

throughout the site more generally. There is a hedgerow and third party land to the west of the site so a link through here is not possible. Cookson Way itself does not have a footpath on the eastern side of the road and so the applicant considers providing a link here would not be of benefit to residents.

- 10.45 Also part of the previous committee resolution was a request for Officers to continue discussions with the applicants in order to ensure that maximum connectivity between the application site and the surrounding area had been achieved. The agent has since provided a plan (and accompanying statement), illustrating cycle and pedestrian links to the proposed bus laybys to the south of the site; new cycle paths along Catterick Road (west); 2m wide footpaths permeating the proposed development itself, as well as informal paths around the site that would link to open spaces and provide for recreational opportunities. In requesting further details around connectivity, Members also sought reassurance that the development would be integrated into the existing community to the west. In addressing this point, the submitted supplementary statement sets out that although the area immediately to the west of the application site and the road leading to Cookson Way is third party land, there is no existing footpath on this site to link to. Had a way through the boundary been possible, the applicants maintain that this would erode ecological/habitat benefits that the existing native hedgerow would otherwise continue to provide as part of the proposed development.
- 10.46 Having further assessed this matter in the light of the additional information submitted, Officers remain satisfied that the arrangement of the footpaths across the site allow for permeation through the proposed development and the scheme has been designed to allow for good connection to neighbouring areas. Subject to conditions, the LHA are satisfied on the level of accessibility and connectivity provided, in line with Core Policy CP2 in providing opportunities to link with neighbouring sites.

Heritage

- 10.47 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places a duty on the Council in respect of listed buildings in exercising its planning functions. In considering whether to grant planning permission for development which affects a listed building or its setting, the Council is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which the building possesses. These statutory duties are considered alongside the National Planning Policy Framework ("NPPF"), namely paragraph 202 of the NPPF (2021) which sets out that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use".
- 10.48 The application was accompanied by a heritage desk-based assessment that examines all available sources of evidence to consider the potential impacts on archaeology and heritage. Policy CP12 of the Local Plan seeks to conserve and enhance the significance of designated and undesignated heritage assets. The assessment confirms that there are no archaeological constraints on, or in the vicinity of, the site which might affect its suitability for development. North Yorkshire Heritage Services have confirmed in their consultation response that they concur with the findings of the desk-based assessment and that therefore there is no requirement for any further archaeological investigation as part of the development.

- 10.49 The submitted report also assesses the potential impact on the historical integrity of three designated heritage assets, these being Ash House (Grade II Listed Building); the Church of St. Paulinus Presbytery (Grade II* Listed) and the nearby Grade II Listed gate piers. In terms of Thornbrough, despite its relatively high elevation, the distance between it and the application site (almost 1km) and substantial mature vegetation would allow for the retention of its historical integrity. Similarly, although Ash House is located a short distance to the east of the application site, the presence of mature planting already negate any views across to the west. However, the application site does currently provide a level of 'openness' to the setting of the church and the eastern section is particularly visible from the gate piers and entrance track area of the building. The development of this part of the site in particular would alter the rural character of the wider setting of the church, although as depicted in the submitted report, the asset would continue to be surrounded by open fields which would allow for its historical integrity to remain largely unaltered. It is considered that the scheme of landscaping that would be incorporated in the proposed scheme to the eastern end of the site would soften any impact.
- 10.50 Therefore, it must be concluded that there would be some harm caused to the interpretation of these assets in the landscape, although sufficient historical context would remain to allow for the continued appreciation of their historical significance. On this basis, it is considered that there would be a limited degree of harm (at the lower end of the scale) of "less than substantial" and so this harm must be weighed against the public benefits of the proposal.
- 10.51 The Conservation Officer is in agreement with this assessment and commented that the mitigation provided as part of the landscaping scheme and strong street scene along Catterick Road reduced the level of harm further. As already set out, the scheme as a whole would provide public benefits primarily in the form of housing delivery, which has established in paragraph 7.4-7.7 of this report, is particularly required in this part of the district in order to secure the current and future housing needs of Catterick Garrison. The scheme would include the delivery of 72 no. affordable homes, provision of open space within the site and would exceed current building regulations in terms of carbon savings. In these respects, whilst the scheme would cause less than substantial harm to the setting of designated heritage assets, effective mitigation has been incorporated into the scheme and in this case it is considered that the harm would be outweighed by public benefit of providing housing in the Council's preferred location, in line with Core Policy CP12 and paragraph 202 of the NPPF.

Protected Species, Biodiversity and Off-Site Habitats

- 10.52 The submitted Arboriculture Impact Assessment (dated July 2022) has identified a number of tree works, including removal of nine individually surveyed trees of which 2 are category A (high quality) and six are category B (moderate quality); one entire group of trees (category B); one entire hedgerow (category B) and sections of two other Hedgerows (one category B and one category C). In terms of forthcoming landscaping around the site in the context of the proposed development, the applicants have submitted a Landscape Masterplan with accompanying detail, which would include new and replacement planting. The application is also accompanied by a Preliminary Ecological Appraisal which confirms that a "Phase 1" site survey took place in November 2020. This appraisal concludes that, there is no notable flora present on the site and that the plant species are common to the local area with comparatively low ecological value.

- 10.53 The Ecological Appraisal is considered to propose proportionate mitigation measures in the form of roosting provision for bats within the proposed housing; avoidance of vegetation clearance during the bird nesting season; and protection of existing boundary features with the provision of additional landscaping around the perimeters of the site. The County Ecologist generally concurs with the findings, conclusions and recommendations of the further information submitted; however, they recommend that a Landscape and Ecological Enhancement and Management Plan (LEMMP) should be prepared and implemented in order to maximise the biodiversity value of the retained and newly created habitats on the site. It has been confirmed that this can be required by condition.
- 10.54 In terms of the Biodiversity Net Gain assessment, NYCC are very pleased that this has now been undertaken to the current industry standard (currently version 3.1) and has in turn demonstrated that a biodiversity net gain of just less than 8% can be delivered through the landscape and ecological plan. This is a significant improvement to the earlier uplift which was just less than 1%. Whilst there is an aim to secure the recommended 10% during this transition period before net gain becomes mandatory, it is considered that 8% is sufficient to comply with current policy.

S106 Legal Agreement

- 10.55 The following Heads of Terms have been agreed with the applicant for this application.

| Table 1 | | |
|------------------------------|--|---|
| Category/Type | Contribution | Amount & Trigger |
| Affordable Housing | Submission and approval of a scheme to deliver 30% affordable dwellings (as defined by the National Planning Policy Framework) as part of the development. | Of the 240 no. dwellings, a total of 72 affordable houses are to be provided on site consisting of 34 two-bedroom dwellings and 38 three bedroom dwellings (18 of which to be made available for 'affordable rent' and 54 for 'discount for market sale' in terms of 'affordable' tenure type). 24 no. affordable units to be available per 50 market open market dwellings (split into three phases). |
| Education | Extension to Colburn Community Primary School | Payment of a contribution of £584,628 to the Education Authority, to be made in three phases (95 th , 180 th and 215 th dwelling). |
| POS Delivery and Maintenance | POS as per the most recent layout and landscaping plans and Maintenance | - Delivery to be agreed in Open Space Scheme. Maintenance £10 per sqm - £47,560 towards Colburn Leisure Centre, trigger still be to be agreed. |

| | | |
|------------|---|--|
| Highways | Junction Mitigation (Colburn Lane/Maple Avenue) | £56,012 contribution towards delivery of enhancements outlined within Appendix B of WSP's Strategic Modelling report (Junction Capacity Assessment, Ref 70040744, and Dated March 2020) and; £5,000 contribution towards Travel Plan monitoring |
| Monitoring | S106 Monitoring | £500 index linked, prior to commencement of development |

- 10.56 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. As previously set out, the Planning Committee on 4th October 2022 resolved to grant Planning Permission, in accordance with the Officer recommendation, subject to the signing of a S106 Agreement to secure affordable housing and open space, as well as financial contributions towards NHS, education, junction mitigation and the monitoring of the Travel Plan. In addition to this, Members asked Officers to continue to the work with the applicant to ensure all practical options for connectivity between the application site and existing development had been incorporated into the scheme, as well as a commuted sum towards the nearby Colburn Leisure Centre.
- 11.2. Following a review of case law including a 2023 High Court decision published after the planning committee, it has been concluded that the NHS requested contribution towards general practice floor space is not compliant with the Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. Specifically, that from the information provided by the NHS, it is not necessary to make the development acceptable nor is the amount fairly and reasonably related in scale and kind to the development.
- 11.3. Removing the NHS contribution constitutes a change to the Committee Resolution, as such the application is brought back to committee, again with a recommendation of approval.
- 11.4. In all other respects the previous conclusions still apply. The site is in a sustainable location well related to existing services and facilities and is in an appropriate location for new housing development as directed by the Adopted Development Plan. The number of units proposed is considered to be in accordance with the expectations for housing growth/delivery within this part of the Central

Richmondshire Sub Area and will provide an acceptable mix of housing types, sizes and tenures. The proposals would not put any unacceptable additional pressure on school places or healthcare in the local area, and provision has been made within the development for play facilities/provision. The proposals do not raise any unacceptable issues in relation to land contamination/remediation or in relation to heritage or ecology. Measures to reduce the risk of crime and ant-social behaviour have been adopted, where feasible and considered appropriate to do so. The scheme will deliver new properties designed to achieve policy expectations for good design and that will exceed Part L of Building Regulations in relation to carbon savings, where practicable to do so. The development will have an acceptable relationship to surrounding land uses and adjacent residential properties and will have good connectivity to local facilities and non-car modes of transport within the local area. The proposals are considered to provide sustainable means of drainage for the development without increasing flood risk and will not be harmful to the character of the surrounding landscape.

- 11.5. It is therefore considered that the proposals accord with the requirements and expectations of the relevant Spatial Principles and Core Policies of the Richmondshire Local Plan Core Strategy, and with the relevant sections of the National Planning Policy Framework and the national Planning Practice Guidance, subject to the completion of a Section 106 Agreement.

12.0 Recommendation

- 12.1 That planning permission be **Granted** subject to conditions listed below and completion of a S106 agreement with terms as detailed in Table 1.

Recommended conditions:

Condition 1: The development hereby permitted shall be carried out precisely in accordance with the approved drawings and particulars as set out below, together with any conditions attached to this approval which may require any variation thereof:

- a) Application Form and Certificates
- b) Location Plan, ref. RES777-BHA-ST-XX-DR-A-0510, rev. P02
- c) Design and Access Statement., rev. P19
- d) Planning Statement, June 2021
- e) Statement of Community Involvement, June 2021
- f) Transport Assessment and Travel Plan, May 2021
- g) Transport Technical Notes (1-6)
- h) Travel Plan Framework, October 2021
- i) Flood Risk Assessment and Drainage Strategy (incl. Hydraulic Modelling Report by GHD), rev. C, June 2022
- j) Sequential Test, Version 2, March 2022
- k) Heritage Statement, by BWB, ref. P02

- l) Air Quality Assessment, by Delta Simons, Issue 1, May 2021
- m) Noise Assessment, by FES Group, Issue 2.7, June 2022
- n) Landscape and Visual Impact Assessment, rev. c, dated June 2022
- o) Landscape Masterplan, dated June 2022, rev. J
- p) Arboricultural Impact Assessment, by Elliot Consultancy, June 2022
- q) Preliminary Ecological Appraisal, by Delta Simons, Issue 11, June 2022
- r) Wintering Bird Survey Report, by Delta Simons, Issue 9, June 2022
- s) Breeding Bird Survey Report, by Delta Simons, Issue 7, June 2022
- t) Great Crested Newt (eDNA) Survey, by Delta Simons, Issue 1, May 2021
- u) Biodiversity Net Gain Assessment, by Delta Simons, Issue 4, June 2022
- v) Bat Survey Report, by Delta Simons, Issue 5, June 2022
- w) Energy Statement, by Energy & Design, revision B, March 2022
- x) Combined Phase I/II Geo Environmental Desk Study, by Earth Environmental & Geotechnical Ltd, rev. A.6, June 2022
- y) Proposed Boundary Treatments Details, ref. RES777-BHA-ST-XX-DR-A-1315, P04
- z) Proposed Site Plan Alternative Layout, ref. RES777-BHA-ST-XX-DR-A-1210, rev. P27
- aa) Proposed Coloured Site Planning Layout Alternative Layout, ref. RES777-BHA-ST-XX-DR-A-1206, rev. P07
- bb) Proposed Boundary Treatment Layout Alternative Layout, ref. RES777-BHA-ST-XX-DR-A-1311, rev. P08
- cc) Proposed Surface Treatment Layout Alternative Layout, ref. RES777-BHA-ST-XX-DR-A-1321, rev. P07
- dd) Proposed External Finishes/ Material Layout (Render Option) Alternative Layout, RES777-BHA-ST-XX-DR-A-1412, rev. P09
- ee) Proposed Site Hipped Roof Locations Alternative Layout, ref. RES777-BHA-ST-XX-DR-A-1421, rev. P07
- ff) Proposed Ownership / Management Plan - Alternative Layout, ref. RES777-BHA-ST-XX-DR-A-1430, rev. P05
- gg) Proposed Site Section/ Proposed Street Elevations Alternative Layout, ref. RES777-BHA-ST-XX-DR-A-1591, rev. P08
- hh) 1.5 Storey Bungalow Corner Turner Planning Drawing ref. RES777-BHA-ST-XX-DR-A-1500, rev. P02
- ii) M3 Accessible Bungalow. ref. A02
- jj) Marchmont (Plans and Elevations), ref. 203C801V
- kk) Overton (Plans and Elevations) ref. 302C801V
- ll) Buxton (Plans and Elevations) ref. 303C801V
- mm) Kingston (Plans and Elevations) ref. 305T801V
- nn) Tiverton (Plans and Elevations) ref. 307M801V
- oo) Elderwood (Plans and Elevations) ref. 405N801V
- pp) Hazelwood (Plans and Elevations) ref. 407N801V
- qq) Pearwood (Plans and Elevations) ref. 410T801V
- rr) Maplewood (Plans and Elevations) ref. 411N801V
- ss) Oakwood (Plans and Elevations) ref. 415C801V
- tt) Double Garage – Sales (2019) ref. 06

- uu) Double Garage – Shared (2019) ref. 03
- vv) Single Garage – Offset Door (2019) ref. 02
- ww) Sub Station Plan & Elevations ref. SS
- xx) Landscape Masterplan ref. P20-2826.001, rev. J
- yy) Site Access Arrangement ref. 3224-F03, rev. A
- zz) Internal Highway Layout Visibility Plan, ref. 3324-F04, rev. E
- aaa) Internal Highway Layout Cycle Plan, ref. 3324-F05, rev. A
- bbb) Internal Highway Layout Refuse Vehicle Tracking, ref. 3324-SP01, rev. H
- ccc) Internal Highway Layout Refuse Vehicle Tracking ref. 3324-SP03, rev. E
- ddd) Engineering Layout ref. QD1722-00-01, rev. H
- eee) External Works Sheet, ref. 1 QD1722-00-02, rev. G
- fff) External Works Sheet 2 ref. QD1722-00-03, rev. G
- ggg) External Works Sheet 3 ref. QD1722-00-04, rev. E
- hhh) Road Sections Sheet ref. QD1722-00-05, rev. C
- iii) Road Sections Sheet 2 ref. QD1722-00-06, rev. C
- jjj) Impermeable Area Plan ref. QD1722-00-07, rev. A
- kkk) Exceedance Flow Path ref. QD1722-00-08, rev. C
- lll) Kerb Notes Sheet 1 ref. QD1722-00-09, rev. A
- mmm) Kerb Notes Sheet 2 ref. QD1722-00-10, rev. A
- nnn) Kerb Notes Sheet 3 ref. QD1722-00-11, rev. A
- ooo) Connectivity Statement and Plan, dated 19th October 2022

Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

Condition 2: With respect to any condition that requires the prior written approval of the Local Planning Authority, the works thereby approved shall be carried out in complete accordance with that approval.

Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

Condition 3: All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:

- 0800 to 1800 hours Monday to Friday, 0800 to 1300 hours Saturdays and at no time on Sundays or Bank Holidays.

Reason: In the interests of protecting the amenities of local residents during the construction phases of the development.

Condition 4: The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be first agreed in writing with the Local Planning Authority prior to development above ground level.

Reason: In the interest of satisfactory and sustainable drainage.

Condition 5: No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network

Condition 6: No development shall take place until details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works, off-site works and phasing of the necessary infrastructure, have been submitted to and approved by the Local Planning Authority. Furthermore, unless otherwise approved in writing by the Local Planning Authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works and phasing programme.

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

Condition 7: No building or other obstruction including landscape features other than grass shall be located over or within 3 (three) metres either side of the centre line of the public water main i.e a protected strip width of 6 (six) metres, that crosses the site other than shown on the approved plans. If the required stand-off distance is to be achieved via diversion or closure of the water main, the developer shall first submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.

Reason: In order to allow sufficient access for maintenance and repair work at all times.

Condition 8: 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 1), as updated November 2021 and June 2022.

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

Condition 9: The development shall only be carried out in full accordance with the recommendations and remedial measures specified in the approved Tree Survey document, including all tree and root protection measures.

Reason: To ensure the full and proper implementation of the approved development in the interests of the trees to be retained in association with the proposed development.

Condition 10: Prior to works above the laying of foundations of the buildings hereby approved a Landscape Phasing and Planting Plan shall be submitted to and approved in writing with the Local Planning Authority. The landscaping as detailed on the approved Landscape Masterplan (dated June 2022, revision K) shall thereafter take place in full accordance with the approved Phasing and Planting Plan.

Any trees or plants which, within a period of five years from the completion of the development or within 5 years from when they were originally planted 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.

Reason: In the interests of the appearance of the development and to secure a biodiversity net gain and to ensure the proper implementation of all aspects of the proposal.

Condition 11: No materials shall be used in the construction of the external walls and roofs of the development hereby permitted until sample materials have been submitted to and approved in writing by the Local Planning Authority. Only such approved material shall be used in the development.

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 12: All guttering and downpipes shall be black in colour and any fascia boards shall be kept to a minimum practical depth. Alternatively, guttering may be fixed by spiked rise and fall brackets.

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

Condition 13: The approved boundary treatments for each plot shall be fully delivered prior to first occupation of the dwelling on that plot.

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

Condition 14: 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 CLR11, has been submitted to and approved in writing by the local planning

authority or in accordance with agreed no development area. Where remediation is necessary a scheme for the remediation of any contamination shall be submitted and approved by the LPA before any further development occurs in the no development area. 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 for Condition

To minimise the risks from contamination and to reserve the rights of the Local Planning Authority with regard to this matter.

Condition 15: A detailed layout of the open space area including specifications of any equipment, seating, surfacing, associated fencing and tree and shrub planting to be provided shall be submitted to and approved in writing by the Local Planning Authority prior to any development above the laying of foundations. Precise details of the arrangements to be made for the future maintenance of the open space area shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

Reason: To delivery of good play facility for children. Furthermore, to ensure satisfactory arrangements are made for the future maintenance of the area in the interests of both the residential amenities of the dwellings and the visual amenities of the site in general.

Condition 16: Before the first dwelling hereby approved is occupied, details of external lighting in both private and shared parts of the site as a whole shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for low level, low intensity lighting without street lighting. The scheme shall thereafter be fully installed and operated in accordance with the approved details before the final dwelling on the site is occupied. No other external lighting shall be installed or erected.

Reason: To reserve the rights of the Local Planning Authority in this matter and in the interests of amenity and minimising light pollution.

Condition 17: No dwelling shall be occupied until the drainage systems have been provided in full and in functional condition in complete accordance with the following approved reports:

- Flood Risk Assessment - Ex - Queensberry 59 – 116, June 2022
- Flood Risk Assessment - Ex - Queensberry 1 – 58, June 2022

The flow rate from the site shall be restricted to a maximum flow rate of 41.6 litres per second. A 30% allowance shall be included for climate change and an additional

10% allowance for urban creep for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 years plus climate change plus urban creep critical storm event. Principles of sustainable urban drainage shall be employed wherever possible.

No dwelling shall be occupied until a drainage system management and maintenance scheme are submitted to and approved in writing by the Local Planning Authority. From the first occupation of the development hereby approved the drainage system will thereafter be managed and maintained in accordance with the approved details.

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 18: The development hereby permitted shall be carried out in full accordance with the revised Energy Statement (dated May 2021 and revised March 2022).

Reason: To secure a more sustainable form of development and to meet the expectations of Policy CP2 of the adopted Local Plan Core Strategy.

Condition 19: Prior to the commencement of the development hereby approved, an Ecology Management Plan shall be submitted to and agreed in writing by the Local Planning Authority.

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

Condition 20: 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 such works have been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in full compliance with the approved engineering drawing.

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 21: No dwelling hereby approved 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 first 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 22: The development must not be brought into first use until the access to the site and individual frontage property developments off Catterick Road (A6136) have been set out and constructed in accordance with the DMRB design standards and NYCC's 'Specification for Housing and Industrial Estate Roads and Private Street Works'; published by the Local Highway Authority, and the following requirements:

The crossing of the highway verge and/or footway must be constructed in accordance with the approved details and/or Standard Detail and the following requirements.

- Any gates or barriers must be erected a minimum distance of 3 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
- That part of the access extending 20 metres into the site from the carriageway of the existing highway must be at a gradient not exceeding 3.3% or 1 in 30.
- Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway must be constructed in accordance with an approved detail, which will be maintained thereafter to prevent such discharges.
- The final surfacing of any private access within 3 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
- Measures to enable vehicles to enter and leave the site in a forward gear.

All works must accord with the approved details.

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

Condition 23: There must be no access or egress by any vehicles in connection with the construction of the development hereby approved between the highway and the application site at Catterick road (A6136) 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 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 24: The following schemes of off-site highway mitigation measures must be completed prior to first occupation of the development hereby approved and as indicated below: Construction of a DMRB compliant roundabout and supporting infrastructure will be provided to gain access to the site; along with improved footway and cycleways, emergency access links, bus stops and gateway features, with all surrounding ancillary highway's infrastructure fully integrated and made compliant to National and NYCC standard design requirements. The design shall be generally in line with the indicative Site Access Plan identified below:

- Site Access Plan, Eddisons, Dwg Ref# 1807005-SK14, Rev A, Dated May 22.

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 NYCC'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.

An independent Stage 2 Road Safety Audit carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site. An independent Cycle Level of Service (CLOs) and Junction Assessment Tool (JAT) audit in 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.

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

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

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

Condition 25: No dwelling shall be occupied until their related parking facilities have been constructed in accordance with the approved plans. 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 26: The development must be carried out and operated in complete 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: 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 complete 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 shall be assessed and approved by the Local highway Authority;
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 27: Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of express planning permission from the Local Planning Authority.

Reason: To ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity of the development.

Condition 28: Details of what steps shall be taken to prevent the emission of dust and noise from the site during construction, in the form of a Construction Environment Management Plan, shall be submitted to, and approved in writing by the Local Planning Authority prior to the development commencing.

Reason: In the interests of public amenity.

Condition 29: The development shall be carried out in complete accordance with the submitted Noise Impact Assessment, dated June 2022. All plot boundary acoustic measures including acoustic fencing, shall be delivered in full prior to occupation of the adjoining dwelling.

Reason: In the interests of the amenity of existing and future residents.

Condition 30: Prior to commencement of the development hereby permitted, existing and proposed site levels shall be submitted to and agreed in writing with the Local Planning Authority. There afterwards the development shall take place in complete accordance with the approved levels.

Reason: The site is gently sloped, however, a large attenuation feature is proposed at the easter part of the site. Re-distribution of soil needs to be carefully considered to ensure that parts of the site are not built up chasing landscape or visual harm or domination to the approved development to the north-west.

Condition 31: Prior to occupation of the 150th dwelling, or in accordance with a phasing timetable to be first agreed in writing by the Local Planning Authority, the 3m cycle path providing a foot and cycle link to the off-site north-east parcel of land, as shown on the approved Proposed Coloured Site Plan revisions P04 shall be delivered in full to the site boundary and shall be open for public use.

Reason: To ensure, as far of this individual development is able, to provide a pedestrian and cycle link between the two housing developments to encourage healthy and sustainable methods of travel, walking and cycling as a form exercise, and to reduce travel times.

Target Determination Date: 03.09.2021

Case Officer: Caroline Walton

Caroline.Walton@northyorks.gov.uk

Appendix A - Proposed Coloured Site Plan

Appendix A

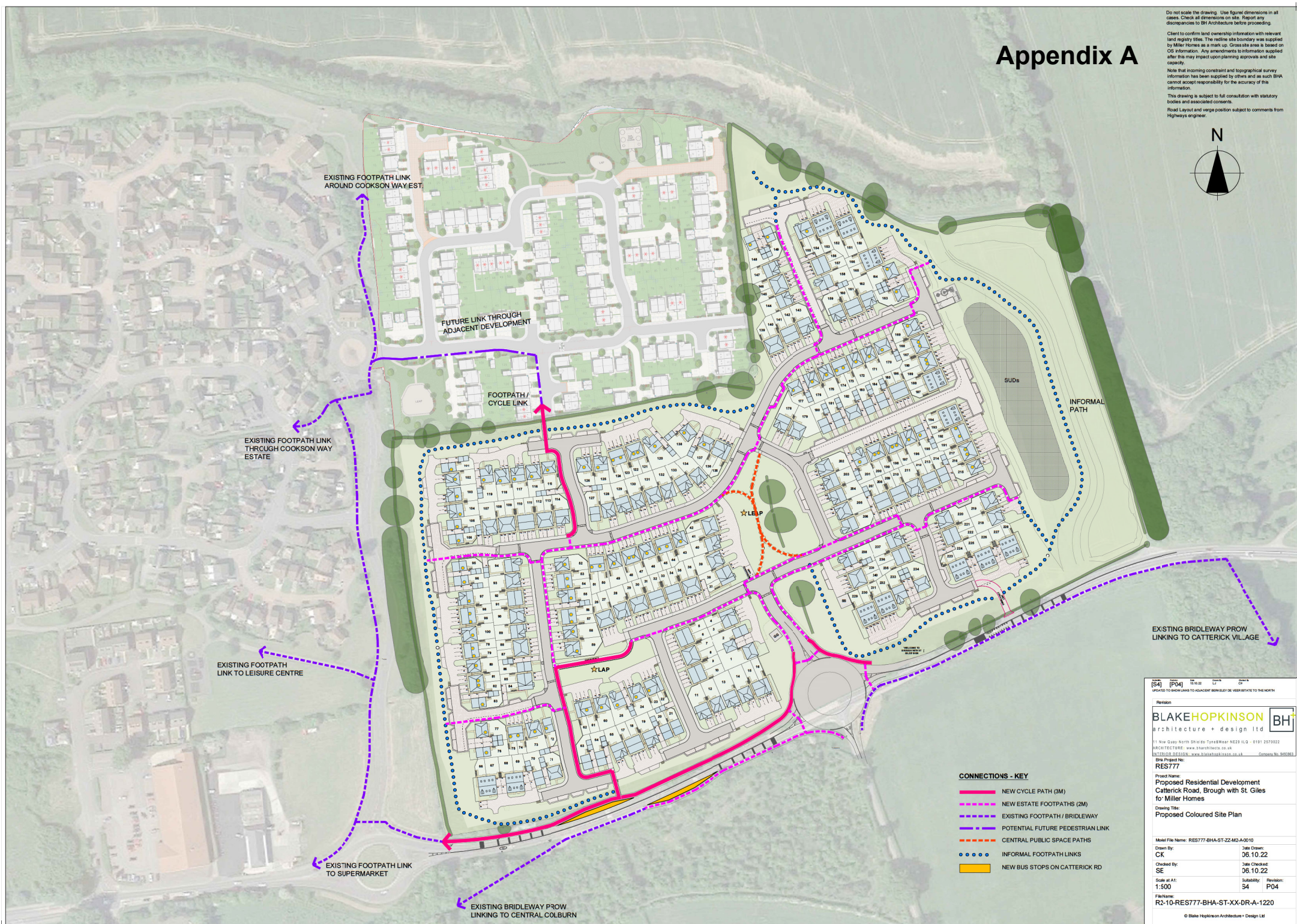
Do not scale the drawing. Use figured dimensions in all cases. Check all dimensions on site. Report any discrepancies to BH Architecture before proceeding.

Client to confirm land ownership information with relevant land registry titles. The redline site boundary was supplied by Miller Homes as a mark-up. Gross site area is based on OS information. Any amendments to information supplied after this may impact upon planning approvals and site capacity.

Note that incoming constraint and topographical survey information has been supplied by others and as such BHA cannot accept responsibility for the accuracy of this information.

This drawing is subject to full consultation with statutory bodies and associated consents.

Road Layout and verge position subject to comments from Highways engineer.



- CONNECTIONS - KEY**
- NEW CYCLE PATH (3M)
 - NEW ESTATE FOOTPATHS (2M)
 - EXISTING FOOTPATH / BRIDLEWAY
 - POTENTIAL FUTURE PEDESTRIAN LINK
 - CENTRAL PUBLIC SPACE PATHS
 - INFORMAL FOOTPATH LINKS
 - NEW BUS STOPS ON CATTERICK RD

[S4] [P04] 10.10.22 1:500 20m

Updated to show links to adjacent bridleway & user estate to the north

Revision

BLAKE HOPKINSON BH
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LANDSCAPE DESIGN: www.blakehopkinson.co.uk Company No. 901361

BHA Project No: RES777

Project Name: Proposed Residential Development
Catterick Road, Brough with St Giles
for Miller Homes

Drawing Title: Proposed Coloured Site Plan

Model File Name: RES777-BHA-ST-22-M2-A-0010

Drawn By: CK Date: 06.10.22

Checked By: SE Date Checked: 06.10.22

Scale at A1: 1:500

Subsidiary: S4 Revision: P04

File Name: R2-10-RES777-BHA-ST-XX-DR-A-1220

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