

**RICHMOND (Yorks) CONSTITUENCY AREA PLANNING COMMITTEE**  
**SUPPLEMENTARY TO COMMITTEE REPORTS**

**11<sup>th</sup> April 2024**

Agenda Item	Application number and Division	Respondent	
7	21/00797/FULL – Catterick Village and Brompton on Swale	Local Reps	<p><u>Local Representation and Response</u></p> <p>An email from a resident adjacent to the south-east corner of the site wrote to the ward member on 08.04.2024 raising concerns with the drainage proposals. The Richmond Office Development Management Team Leader also spoke to the resident on site the same day. The concerns have previously been raised, however, it is considered expedient to provide a fuller explanation of this matter.</p> <p>The resident’s property is adjacent to a waterway/ wide ditch which we understand they own. This ditch connects northwards and southwards and currently received surface water from the application site due to land levels. Their concern is that the water will increase post development and this will cause: flooding of his property; further erosion of the banks; become urban water way; attract vermin; become polluted; and become overgrown with invasive plant species. Our understanding he has concerns about the ditch being maintained by the applicant to the south which he advised in the past they have not done. The resident wishes for the ditch the be culverted (covered over and enclosed) or moved away from his property.</p> <p>In respect of flooding and culverting the LLFA provided the below advise:</p> <p><i>“The Lead Local Flood Authority position is that the development (21/00797/FULL) proposals are, in principle, satisfactory and do not increase flood risk off or onsite in accordance with the requirements of the National Planning Policy Framework (Section 159). It is noted that there are some outstanding issues, however these issues are not material to ensuring there is no increase in ‘on’ and ‘off site’ risk. It also worth noting that the developer as landowner has the right of connection to the watercourse within their land ownership, with a drainage system</i></p>

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*restricted to the existing greenfield runoff rate, therefore it is anticipated that there is no increase in flood risk for up to the design flood event, plus allowances for climate change and urban creep.*

*In relation to the concerns of Mr Weatherby's and Ms Halls response. We would agree that the property owner has the right to protect themselves from flooding. However, in common law riparian rights do not allow the blocking up or altering of the watercourse unless appropriate consent is sought from ourselves. At this location we would not allow for any alterations to the watercourse as it is within a high risk area for flooding. We would also strongly advise against making any alterations to the watercourse and if any changes were to be made to block/alter the flow of the watercourse then it is likely that this will increase the flood risk to residents. Any alterations or works on the watercourse by any residents would ultimately be counterproductive.*

*I hope this is useful and clarifies any doubts as to riparian rights and the relationship between the new development and risk to neighbouring properties."*

It is therefore considered that moving the water course or requiring it to be culverted would not be reasonable or necessary under this standalone application. Please also note, this would require land outside the redline. The larger application for 200 dwellings reference 22/00657/VAR needs to be considered separately.

A scheme of this size will have a management regime for both the drainage systems (proposed condition 5) and landscaping (POS Delivery and Maintenance) and this will include if approved periodic checking and cleaning out of the ditch within the redline. To make it very clear to future persons we recommend updating condition 5 to specifically refer to ditch maintenance.

**Case Officer**

Public Open Space

There is 15m between the edge of the Play Area and the nearest existing front residential façade (back garden to the rear).

There is 16m between the edge of the Kickabout Area and the nearest existing residential units rear façade.

This area of North Yorkshire Council has no specific standards for distances between play areas and dwellings. Whilst distances may not be as large as specified by some councils it is considered these are acceptable as: (a) the play area faces neighbours front not rear gardens and will be well overlooked reducing late night nuisance type noises; and (b) the kickabout area is unlikely to be used frequently for long period of time having regard to other similar arrangements on newer developments. However, it is recommended to replace the level condition with a more detailed condition and requiring boundary treatment to be agreed to ensure appropriate screening between the kickabout area and existing neighbours back gardens.

S106 Heads of Terms Update

The report refers to a price cap for the discount market sale units. However, this cap has not yet been agreed and may need to change depending on the market and retail price index at the time the units are ready to be sold. We therefore recommending taking this price cap out of the heads of terms and will instead be agreed at the time of marketing and/or sale.

Site Location Plan

The submitted Site Location Plan excludes a small strip of land between the application site and the adopted highway at Caxton Close. The applicant has advised that Persimmon own this land and this has been a drafting error. They shall be submitting a new Site Location Plan today (10.04.2024) and a new 21 day consultation will be issued. Due to this, the recommendation needs to be updated.

Updated Conditions

**Condition 2 Approved Plans – Replace (b)**

With: “Location Plan, BOS-PH2-000 dated 07.04.22”

**Condition 5 Drainage Management & Maintenance – Replace Text with:**

No development shall take place until a drainage management and maintenance

scheme has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a watercourse/ ditch management and maintenance plan for its entire length within the application site.
- drawings showing any surface water assets to be vested with the statutory undertaker/highway authority and subsequently maintained at their expense; and/or
- any other arrangements to secure the operation of the approved drainage scheme/sustainable urban drainage systems throughout the lifetime of the development.

The approved drainage management and maintenance scheme shall be adhered to in perpetuity.

Reason: To prevent the increased risk of flooding and to ensure the future maintenance of the sustainable drainage system.

**Condition 7 Finished Floor Levels – Replace with: Levels and south-eastern boundary treatment**

Prior to commencement of any development whatsoever existing and proposed site levels, external and finished floor levels and a south boundary treatment scheme for the site boundary to the south of the Kickabout Area as detailed on approved plan Planning Layout – ref. BOS-PH2-001, rev. P shall be submitted to and approved in writing to the Local Planning Authority. These shall include a single north-south section through the eastern half of the site through the Kickabout Area as detailed on approved plan Planning Layout – ref. BOS-PH2-001, rev. P.

There afterwards, the development will take place in complete accordance with approved levels. The approved boundary treatment shall be installed prior to commencement of plots 57 to 61 or the pumping station and thereafter retained in perpetuity.

Reason: To ensure that neighbours do not experience an unacceptable sense of enclosure or overlooking together with reducing the visual and landscape impact of the

development.

**Condition 11 Open Spaces – word substitution:**

Replace “solid path” with “crushed stone path”.

**Condition 13 Contamination - Replace Text with:**

Prior to commencement of development a contamination remediation and verification strategy shall be submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include a timetable for the implementation and completion of the approved remediation measures. Prior to first occupation a verification report shall be submitted to and approved in writing with the Local Planning Authority unless another time is first agreed in writing with the Local Planning Authority within the remediate strategy.

The contamination remediation and verification strategy shall include a scheme to deal with:

1. During the ground investigations work, Boreholes TP12 and TP 16 encountered made ground. Pit TP12 revealed a previously used animal pit which must be suitably treated ahead of starting work on site.
2. Within 400m south of the proposed development perimeter are three areas of decommissioned landfill sites, capped and closed by 2005, with some gas control measures currently in place. As gases can migrate over time appropriate precautionary measures are required to minimise the risk to future occupants of the development with Amber 1 protection.

Reason: To deal with contamination on site for the future health of residents and the environment.

Updated Recommendation

Minded to Grant subject to the consultation period for the amended location plan having expired with no new material representations having been raised, and subject to S106 agreement and conditions as listed in the Committee Report and updated in the Update List, delegated to the Head of Development Management.

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