

North Yorkshire Council

Community Development Services

Richmond (Yorks) Area Constituency Committee

8 August 2024

ZD24/00303/VAR - Variation of Conditions 2, 15, 17, 19, 20 Attached to Planning Permission ZD23/00564/FULL to Alter and Increase the Amount of Office Space in the Building. This in Turn Affects Conditions Relating to Approved Drawings and Strategies Dealing with Waste and Acoustics.

**At Land To The East Of 42-44 Richmond Road, Catterick Garrison
On behalf of Assistant Director Community Development, North Yorkshire Council**

Report of the Assistant Director Planning – Community Development Services

1.0 PURPOSE OF THE REPORT

- 1.1. To determine a planning application for Variation of Conditions 2, 15, 17, 19, 20 Attached to Planning Permission ZD23/00564/FULL to Alter and Increase the Amount of Office Space in the Building. This in Turn Affects Conditions Relating to Approved Drawings and Strategies Dealing with Waste and Acoustics on land To The East Of 42-44 Richmond Road, Catterick Garrison.
- 1.2. This application has falls outside the current Scheme of Delegation, as has been submitted on behalf of the Council and does not meet any exception criteria.

2.0 SUMMARY

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

- 2.1. Following the submission of a successful funding bid to HM Government for Levelling Up Funding (LUF) and the submission of application ref. ZD23/00564/FULL, Full Planning Permission was granted in March 2024 for the erection of a new community building, multi-use space, covered external canopy and creation of public square and mini-plaza, off Shute Road, Catterick Garrison. This application seeks to vary conditions 2, 15, 17, 19 and 20 of that permission, under Section 73 of the Town and Country Planning Act (TCPA) 1990, which enables additional office space to be incorporated into the Community and Enterprise Centre (CEC) and altered Multi-purpose Events space at ground floor.
- 2.2. In making these changes, amendments to some of the approved plans and supporting documents was necessary, as well an application under S96a of the TCPA 1990 for a Non-Material Amendment, to alter the description of development, approved 19th July 2024 – ref. ZD24/00314/NMA. The previously approved improvements to Coronation Park; three new main building structures; landscaping; car parking and south-facing growing area created towards the southern end of the site as well as an accessible link from the proposed development to the existing Town Centre off Richmond/Gough Road; a ramp with central steps and public plaza on the western side of Shute Road would remain as approved.

- 2.3. The application site is located centrally within Catterick Garrison and comprises approximately 7.2 ha of land, which includes an area of established open woodland and parkland to the east (known as Coronation Park). The Princes Gate Shopping Centre, Tesco supermarket and Catterick Leisure Centre are located within the vicinity (west), as well as Aldi supermarket which lies to the immediate south of the western part of the application site. All are within walking distance of the application site.
- 2.4. The key issues for the consideration of this S73 application are that of the principle of the proposed change to and creation of a first floor in the CEC and Multi-purpose Events buildings, design changes and any implications that might affect approved technical supporting documents, such as the Transport Statement (highway safety), Acoustic Assessment (amenity), Waste Management Strategy (waste management) and Energy Statement (carbon savings).
- 2.5. Further to an assessment of the changes against relevant Local and National Planning Policy, as well as formal consultation with consultees, is it considered that the scheme would continue to deliver significant economic and community 'hub' as part of the wider regeneration aspirations for this part of Catterick Garrison Town Centre. In weighing up all material Planning issues, the scheme is considered to be in accordance with policies CP1, CP2, CP3, CP4, CP7, CP9, CP11, CP12 and CP13 of the Development Plan and the NPPF.



Figure 1: Location Plan Extract

3.0 PRELIMINARY MATTERS

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

3.2. There are 3 relevant planning applications for this application which are detailed below.

ZD23/00564/FULL – Full Planning Permission for Proposed Development to Erect a New Community Building Including Food Preparation Areas and Attached Multi-use Space 1912 sq m (use class E and F1), a Covered External Canopy 444 sq.m, Creation of new Public Square and Mini-Plaza (1724 sq m), Car Parking and Delivery Bay, External Plant Room, Bin Store and Covered Cycle Shelter, 6.0m High Lighting Columns and Building Mounted Lighting, 2.0m High Perimeter Fencing and Gates, Removal of Trees, Associated Earthworks, Hard and Soft Landscaping and to Include Demolition of Buildings on Site.
APPROVED 25.03.2024

ZD24/00233/DIS - Discharge of Condition 3 Attached to Planning Permission ZD23/00564/FULL. APPROVED 23.05.2024.

ZD24/00314/NMA - Non Material Amendment to Planning Permission ZD23/00564/FULL for Alteration to the Description of Development on the Approval Notice to: Full Planning Permission to Erect a New Community Building Including Food Preparation Areas and Attached Multi-Use Space (Use Class E and F1), a Covered External Canopy 444 Sq M, Creation of New Public Square and Mini-Plaza (1724 Sq M), Car Parking and Delivery Bay, External Plant Room, Bin Store and Covered Cycle Shelter, 6.0 M High Uplighting Columns and Building Mounted Lighting, 2.0M High Perimeter and Gates, Removal of Trees, Associated Earth Works, Hard and Soft Landscaping and to Include Demolition of Buildings.
APPROVED 19.07.2024.

4.0 SITE AND SURROUNDINGS

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

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

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

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

- 4.5. Leadmill Beck runs through part of the application site, within Coronation Park, entering the site from the west (north of Cherry Avenue) and leaves the site towards the north eastern end of the site, just beyond an existing footbridge.
- 4.6 Below ground utility alignments are evident throughout, including an above ground pipe that crosses the beck to the east of the site (recorded as a 'sewage pipe' on historical mapping). There are also existing residential properties within the vicinity, both in and around Shute Road and also around the perimeter of Coronation Park.

5.0 DESCRIPTION OF PROPOSAL

- 5.1. This application seeks a variation of planning decision ref. ZD23/00564/FULL on land to the east of 42-44 Richmond Road, Catterick Garrison.
- 5.2. The following conditions are sought to be amended:
- Conditions 2 (plans list),
 - Condition 15 (approved use classes)
 - Condition 17 (Waste Management Strategy)
 - Condition 19 (Drainage Strategy)
 - Condition 20 (Acoustic Assessment)
- 5.3. Section 8 of the submitted Design and Access Statement sets out proposed arrangements for the scheme which mostly involve the Catterick Community and Enterprise Centre (CCEC) and the Multi-purpose Events Space and the first floor allocated to office use as opposed to open plan community space, training kitchen and community room. The office accommodation would extend into the adjacent Multi-purpose Events Space via a linking corridor across the flat roof and served by stairs, a passenger lift and toilets in a central core. A statement submitted on behalf of the applicant in July sets out that the changes are deemed necessary in order to *increase the commercial viability of the scheme and to provide more flexibility*.
- 5.4. In order to accommodate the additional linked office space, a first floor would be created within the Multi-purpose Events Space, 40% of the volume of which would be retained as a double height, top-lit area that could be accessed independently via the main square.
- 5.5. As a result of internal changes proposed and other changes deemed necessary for the overall function of the buildings, there would be some minor external elevation changes, particularly to the Multi-purpose Events building where offices are to be created, as well as additional window and roof light openings. The pallet of materials would remain as approved and would predominantly be facing brickwork and zinc cladding panels, that would be applied to the roof and continue down into elevations below, and powder coated aluminium for windows and doors.
- 5.6. Also as a result of changes to the proposed use of certain areas of the building(s), key supporting statements have been updated and submitted for consideration:
- Acoustic Appraisal Report (May 2024)
 - Energy and Sustainability Statement (May 2024)
 - Transport Statement (May 2024)
 - Waste Management Strategy (May 2024)

6.0 PLANNING POLICY AND GUIDANCE

6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

6.2. The Adopted Development Plan for this site is:

- Richmondshire Local Plan 2012-2028 Core Strategy, adopted 2014
- Saved Local Plan Policy 23 of the Richmondshire Local Plan 1999-2006
- The Minerals & Waste Joint Plan 2015 – 2030 adopted 2022

Emerging Development Plan – Material Consideration

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

Guidance - Material Considerations

6.3. Relevant guidance for this application is:

- National Planning Policy Framework
- National Planning Practice Guidance
- National Design Guide 2021

7.0 CONSULTATION RESPONSES

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

7.1. **Hipswell Parish Council:** No response received.

7.2. **Scotton Parish Council:** No comments on application changes.

7.3. **The Byways and Bridleways Trust:** No response received.

7.4. **LLFA:** No comments to make.

7.5. **Natural England:** No response received.

7.6. **NHS:** No response received.

7.7. **NYC Arboricultural Officer:** No response received.

7.8. **NYC Archaeology:** The site has been the subject of previous historic building recording. There are no outstanding archaeological issues.

7.9. **NYC Building Conservation:** No response received.

7.10. **NY Building Control Partnership:** No response received.

7.11. **NYC Climate Change Officer:** No response received.

- 7.12. **NYC Ecology:** Having reviewed the information submitted, it does not appear that the proposed amendments will result in any changes to the ecological impact and mitigation identified as part of the main approved application.
- 7.13. **NYC Economic Development Manager:** *As part of the internal project team working on this strategically important re-development of Shute Road to create a mixed-use community and commercial space, I would endorse the reconfiguration of the building to provide additional office space within the building. The project overall will create a new town square on Shute Road, removing unsightly vacant premises, the construction of a new community and enterprise building providing office space as well as space for community groups and food retail outlets; improvements to landscaping, play spaces and to footpaths and cycleways.*

The rationale to increase the amount of lettable office space within the building supports the overall sustainability and viability of the building and will provide greater opportunities for local businesses, including new startups to operate from.

- 7.14 **NYC Environmental Health:** *have reviewed the submitted documents and the proposals regarding the increase in office space and its effects on already agreed conditions.*

The Stage 3 Acoustic Appraisal for the project undertaken by Philip Dunbavin, Acoustics Ltd., on behalf of Align Properties Ltd., Reference: J004544-7264-LK-04 dated 23 May 2024 considers the building envelope, plant noise egress and the noise levels generated by the proposed multi-use events space and external canopy and its effects on the nearest sensitive receptor.

The report indicates that the overall noise impact from the likely noise sources associated with the proposed development are below the existing ambient and background noise climate at the nearest noise sensitive dwellings and would therefore have a low impact on the surrounding residential area. The development hereby approved shall continue to be built and operated in accordance with the details of condition 20 and associated best practise, to protect the amenity of local residents. I therefore have no further comments to add.

- 7.15 **NYC Highways:** No objection.
- 7.16 **National Highways:** No objection.
- 7.17 **NYC PRoW:** No response received.
- 7.18 **Police Designing Out Crime Officer:** No comments to make on the changes.
- 7.19 **Waste and Streetscene Manager:** No response received.
- 7.20 **Yorkshire Water:** No objections to the variation of condition 19.
- 7.21 **Yorkshire Wildlife Trust:** No response received.
- 7.22 **British Horse Society:** No response received.
- 7.23 **North Yorkshire Local Access Forum:** No response received.
- 7.24 **The Ramblers:** No response received.

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

8.0 ENVIRONMENT IMPACT ASSESSMENT (EIA)

- 8.1. As with the scheme already approved, this development falls within Schedule 2 Category 10(b) Urban Development Projects of The Environmental Impact Assessment Regulations 2017 (as amended) and exceeds threshold (iii) due to the site being over 5ha. 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 has been uploaded onto the Council's website and is available for viewing by any interested persons.

9.0 MAIN ISSUES

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

- Principle of Proposed Changes
- Design Alterations
- Highway Safety
- Amenity
- Waste Management

10.0 ASSESSMENT

Principle of Development

- 10.1. As set out in section 5.0, Planning Permission was granted for the erection of a new community building with multi-use space, covered external canopy, creation of public square and mini-plaza and associated car parking all off Shute Road, Catterick Garrison in March 2024. This application seeks to amend the scheme by reducing the total amount of floor space to be made available for community uses on the first floor of the main community building to provide more office space, to be used by local businesses and start-ups. In addition, where the attached multi-use events space was to be ground floor only, an additional floor would be installed, again to provide office space needed by local businesses.
- 10.2. Policy CP11 (Supporting Community, Cultural and Recreation Assets) states that support will be given to development which helps to create additional community and recreational assets (land and buildings) that helps to improve community well-being and encourages social interaction. Whilst the proposed amendments to the scheme would proportionately mean less community space within the building and more office use, the policy does not specify a precise or optimum split. The ground floor of both the CCEC and Multi-purpose Events building would remain for community uses and would still encompass open areas as well as meeting rooms that could be made larger or smaller by a folding partition.
- 10.3. Full support of the changes has been offered on behalf of NYC Economic Development, as the increase in officer space is much needed in the local area and would support local businesses and start-ups. Overall, the amended scheme would therefore still accord with the expectations of both CP7 (Promoting a Sustainable Economy) and CP11 (Supporting Community, Cultural and Recreational Assets).
- 10.4. It is therefore considered the principle of development is acceptable and fully policy compliant.

Design Alterations

- 10.5. Alterations made to the internal layout would mean some external alterations would be required, in the form of additional openings, changes to fenestration, installation of additional roof lights and a link between the CCEC and Multi-purpose Events building.

However, all changes proposed are considered to be in keeping with the approved design and would be of a modern, muted appearance. The overall massing and scale of the buildings would not deviate from the approved scheme and the revisions are found to comply with the expectations of Core Policy CP13 of the Local Plan.

Highway Safety

- 10.6. The application to vary the approved scheme would alter the way in which the building(s) function which means a variation to associated traffic movements and Transport Statement that was approved as part of decision ref. ZD23/00564/FULL. The applicant has submitted an updated Transport Statement to reflect the changes and this has been assessed by the Local Highway Authority (LHA) as technical consultees. This report concluded that when compared to the approved development, the proposed development would generate 23 fewer two-way trips during the typical AM peak hour (08:00-09:00) and 18 fewer during the typical PM peak hour (17:00-18:00). It is also recognised that there would be a spread of these development trips across the different available routes, with some travelling via Richmond Road to the north, and some via Richmond Road to the south.
- 10.7. Having reviewed the details, the LHA have since confirmed that they do not have any objections to the proposed changes, nor do they recommend any revised or additional conditions to be attached to any permission granted.

Amenity

- 10.8. The approved scheme required various approved supporting documents and assessments to be adhered to and so as with other matters already discussed, the applicant has also submitted an updated Acoustic Assessment. There are residential properties within the vicinity of the application site, with first floor accommodation above existing business premises, the nearest of which is located above the Eastern District Taylors Retail Shop at no. 6 Shute Road. The NPPF states that significant adverse impacts due to a new development should be avoided and other adverse impact should be mitigated and reduced to a minimum.
- 10.9. The updated assessment concluded that noise sources created by the proposed change to the way in which the first floor(s) of the CCEC and Multi-purpose Events building would be below the existing ambient and background noise climate at the nearest noise sensitive receivers during daytime periods. As such, the proposed development would be within the lowest observed adverse effect level and would have a low impact on the surrounding residential receivers, and is therefore in accordance with the National Planning Policy Framework. No responses have been received on behalf of local residents (or business owners) and the revised scheme is considered to be in line with the expectations of CP3 and CP4 of the Local Plan with regards to noise and amenity.

Waste Management

- 10.10. Waste Management was not considered to be a key material issue when the initial application but a scheme-specific Waste Management Strategy was assessed and formed part of the original approval. Arrangements for waste management were deemed satisfactory at that time and whilst the use of the buildings and layout would change as part of this proposal, no objections have been received with regards to the modifications made. The revised Waste Management Strategy (May 2024) sets out arrangements for waste associated with each use within the built part of the development and storage of waste would continue to be located within part of the southern end of the CCEC building. No

objections or comments have been received on behalf of the relevant NYC department, with regards to this matter.

Other Issues

- 10.11. The Council entered into a Collaboration Agreement and Agreement for Lease with the Defence Infrastructure Organisation as confirmed by the Executive meeting resolution on 12th December 2023. The Council has already undertaken to be responsible for delivering the monitoring of the Travel Plan and implementation of a Traffic Regulation Order (TRO) which was and still is required in planning terms as part of the scheme. Furthermore, as part of the Collaboration Agreement the council has undertaken to deliver the scheme in accordance with all requisite consents associated with the scheme that would include any variation to vary conditions of the permission ref. ZD23/00564/FULL under Section 73 of the Town and Country Planning Act 1990. Whilst approval of this application would grant a new planning permission, this would still form part of the requirements of the Collaboration Agreement.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1. Planning Permission was granted in March 2024 for the original scheme, which included a new community building, multi-use space, covered external canopy and creation of public square and mini-plaza, off Shute Road, Catterick Garrison. The majority of the scheme is to remain as approved, however, this application seeks to reconfigure the first floor of the community building and create a first floor in the multi-use space in order to provide a larger amount of office space to meet current commercial demand, and made available to local business and start-ups.
- 11.2. The internal alterations proposed would mean a variation to the proposed elevations of the building, most noticeably to the rear (south) elevation where there would be less glazing but use of materials that would match or compliment those used elsewhere in the development.
- 11.3. Statements relating to waste, noise and highway safety have been updated and submitted with the application and no technical comments or objections have been raised in relation to the proposed changes.
- 11.4. Comments have been received on behalf of the Economic Development Manager at NYC, confirming that increasing the amount of lettable office space within the building supports the overall sustainability and viability of the building and will provide greater opportunities for local businesses, including new start-ups to operate from.
- 11.5. Overall, this revised scheme would continue to provide a mixture of internal and external community and office space and is considered to be in compliance with the expectations of relevant policies within the Richmondshire Local Plan, which are supportive of the development of the development of mixed-use sites and the creation and enhancement of community, cultural and recreational assets.

12.0 RECOMMENDATION

- 12.1. Minded to Grant subject to no comments being received on the EIA Screening Opinion by 14th August 2024 which raise either errors or legal challenge to the assessment and decision; and subject to the conditions listed below, delegated to the Head of Development Management.

Recommended conditions:

Condition 1 Time Limit

The development hereby permitted shall be begun on or before 25th March 2027.

Reason: To comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 2 Approved Plans

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

- a) application form and certificates
- b) site Location plan ref. NY2205-APP-XX-ZZ-DR-A-000005 Rev. P3
- c) General Arrangement Site Plan, ref. NY2205-APP-XX-00-DR-A-000090, rev. P5
- d) proposed site plan sheet 2, ref. NY2205-APP-XX-00-DR-A-000092, rev. P6
- e) External works and Hard landscaping Plan sheet 1, ref. NY2205-APP-XX-00-DR-A090100, rev. P6
- f) External works and Hard landscaping Plan sheet 2, rev. P6
- g) Catterick Community and Enterprise Centre- Ground Floor Plan, ref. NY2205-APPXX-00-DR-A-010100 rev. P12
- h) Catterick Community and Enterprise Centre- First Floor Plan, NY2205-APP-XX-00-DR-A-010101 rev. P13
- i) Catterick Community and Enterprise Centre- Second Floor Plan, ref. NY2205-APPXX-00-DR-A-010102 rev. P13
- j) Catterick Community and Enterprise Centre- Roof Plan, ref. NY2205-APP-XX-00-DR-A-010103 rev. P6
- k) North and East Elevation CCEC, rev. NY2205-APP-XX-00-DR-A-010200 rev. P12
- l) South and West Elevations CCEC and Multi-Purpose Space, rev. NY2205-APP-XX00-DR-A-010201 rev. P12
- m) East Elevation CCEC and Multi-Purpose Space ref. NY2205-APP-XX-00-DR-A010202 rev. P11
- n) Waste Management Strategy, ref. NY2205-APP-XX-ZZ-DR-A-007110 rev. P3
- o) Proposed Block Plan, ref. NY2205-APP-XX-ZZ-DR-A-090114, rev. P4
- p) Proposed Site Plan - Coloured ref. NY2205-APP-XX-ZZ-DR-A-090117 rev. P3
- q) Proposed Access and Connectivity Works within Coronation Park Sheet 1 ref. NY2205-APP-XX-ZZ-DR-A-090120 rev. P3
- r) Proposed Access and Connectivity Works within Coronation Park Sheet 2 ref. NY2205-APP-XX-ZZ-DR-A-090121 rev. P3
- s) Proposed Tracking, ref. NY2205-APP-XX-ZZ-DR-A-090123 rev. P1
- t) Landscape General Arrangement ref. BHA_23_1008_APP_L 001 rev D
- u) Landscape General Arrangement Detail Area A ref. BHA_23_1008_APP_L 002 rev.D
- v) Landscape General Arrangement Detail Area B ref. BHA_23_1008_APP_L 003 rev. D
- w) Landscape General Softworks Layout Sheets 1 of 5, ref. BHA_23_1008_APP_L 004 rev. E
- x) Landscape General Softworks Layout Sheet 2 of 5 ref. BHA_23_1008_APP_L 005 rev. E
- y) Landscape General Softworks Layout Sheet 3 of 5 ref. BHA_23_1008_APP_L 006 rev. D
- z) Landscape General Softworks Layout Sheet 4 of 5 ref. BHA_23_1008_APP_L 007 rev. F
- aa) Landscape General Softworks Layout Sheet 5 of 5 ref. BHA_23_1008_APP_L 008 rev. F
- bb) Play Area Strategy - Play Area Location Plan ref. BHA_23_1008_APP_L 009 rev. D

- cc) Play Area Strategy - Detail Areas - Squirrel ref. BHA_23_1008_APP_L 010 rev. C
- dd) Play Area Strategy - Detail Areas - Hedgehog, Café, Junior ref. BHA_23_1008_APP_L 011 rev. C
- ee) Play Area Strategy - Detail Areas - Active ref. BHA_23_1008_APP_L 012 rev. C
- ff) Play Area Strategy - Detail Area - Woodland & Skate Park ref. BHA_23_1008_APP_L 013 rev. B
- gg) External Levels Plan ref. NY2205-APP-90-DR-C-2400 rev. P02
- hh) Surface Water Management Plan ref. NY2205-APP-90-DR-C-3500 rev. P02
- ii) Drainage Layout ref. NY2205-APP-92-DR-C-2500 rev. P02
- jj) External Lighting ref. NY2205 APP-XX-00-DR-E-000609 rev. P2
- kk) Road Lighting Layout - Catterick LUF Project 1, rev. B
- ll) Arboricultural Impact Assessment, ref. SF3409 - AIA, rev. A
- mm) Tree Constraints Plan, ref. SF3409-TC01, rev. A
- nn) Woodland Management Plan, ref. SF3409-WMP01, rev. A
- oo) Waste Management Strategy, ref. NY2205-APP-XX-00-RP-A-005, ref. P2
- pp) Photographs ref. NY2205-APP-XX-00-RP-A-002, ref. P2
- qq) Design and Access Statement, ref. NY2205-APP-XX-00-RP-A-006, ref. P04
- rr) Archaeological Desk Based Assessment, rev. A
- ss) Heritage Impact Assessment, rev. 3
- tt) Acoustic Appraisal Report, ref. J004544-7264-LK-04, dated 23rd May 2024
- uu) Flood Risk Assessment, ref. NY2205-APP-00-XX-RP-C-1001, rev. P03
- vv) Preliminary Ecological Appraisal, EclA Issued December 2023
- ww) Energy Statement, ref. NY2205-APP-XX-00-RP-M-001, dated 17th May 2024
- xx) Ventilation and Extraction Statement, rev. B
- yy) Arboricultural Survey Report:BS5837:2012, rev. A
- zz) SuDS Maintenance Report, ref. NY2205-APP-92-XX-RP-C-1002, rev. P01
- aaa) Engineering Desk Study, ref. 20257-R-001-V02, rev. V01
- bbb) Method of Demolition, dated in system December 2023
- ccc) DEFRA Biodiversity Metric Auditing and Accounting Tool Spreadsheet SF3409
- ddd) Biodiversity Net Gain Assessment Report, November 2023
- eee) Proposed Boundary Treatment Plan ref. NY2205-APP-XX-ZZ-DR-A-090127, rev. P1
- fff) Ground Investigation Report, version 2, dated 14th December 2023, by Soil and Structures Ltd.
- ggg) Transport Statement, dated 9th May 2024

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 3 – Compliance (Historic Building Survey)

The development shall be carried out in strict accordance with the Written Scheme of Investigation for Historic Building Record, approved as part of application ref. ZD24/00233/DIS on 23 May 2024.

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

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

dissemination of results and archive deposition has been secured.

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

Condition 4- Tree Protection

Before any materials are brought onto the site or any development is commenced, the developer shall implement the approved specification for root protection area (Smeeden Foreman Arboricultural Report dated August 2023) fencing and ground protection measures in line with the requirements of British Standard BS 5837: 2012 Trees in Relation to Construction Recommendations, or any subsequent amendments to that document, around the trees or shrubs or planting to be retained, as indicated on the approved plan and for the entire area as specified in accordance with BS 5837:2012. The developer shall maintain such fences and ground protection until all development the subject of this permission is completed unless an alternative phasing timetable is first agreed in writing with the Local Planning Authority.

Reason: In the interests of good arboricultural practice and ensuring existing trees are adequately protected from works associated with the development.

Condition 5- Ecology (discharge required)

No development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) split into two phases (a) demolition and (b) everything else, has been submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

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

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

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

Condition 6- Construction Environmental Management Plan (discharge required)

Prior to the commencement of any part of the development a two-phase Construction Environmental Management Plan split into two phases (a) demolition and (b) everything else including details of best practicable means to minimise noise and dust shall be submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development phase must be undertaken in accordance with the approved Construction Management Plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

- Details of any temporary construction access to the site including measures for removal following completion of construction works.
- Wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway.
- The parking of contractors' site operatives and visitor's vehicles clear of the highway.
- Areas for storage of plant and materials used in constructing the development clear of the highway.
- Measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas.
- Protection of carriageway and footway users at all times during demolition and construction.
- Protection of contractors working adjacent to the highway.
- Details of the erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate.
- A detailed method statement and programme for the building works.
- Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

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

No construction works or deliveries shall take place outside 8.00 a.m. to 6.00 p.m. on weekdays excluding bank holidays and 9.00 a.m. to 1.00 p.m. on Saturdays, without the first written consent of the Local Planning Authority. For the avoidance of doubt, demolition works may constitute a separate phase.

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

Reason: In the interest of highway safety and amenity

Condition 7 – Access Arrangements

The development must not be brought into use until the access to the site has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority or any such other specification agreed in writing with the Local Highway Authority and the following requirements:

- Any gates or barriers must be erected a minimum distance of 6 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
- Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway must be constructed and maintained thereafter to prevent such discharges.
- 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 8- Play Areas (discharge required)

Prior to the first use/occupation of the building or first use of any proposed play areas, a permanent lighting design strategy which has consideration for biodiversity and residential amenity shall be submitted to and approved in writing by the local planning authority. The strategy shall: a) identify those areas/features on site that are sensitive to lighting and b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that sensitive areas/features will not be impacted by lighting. Specific reference to an affected species.

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

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

Condition 9 – LEMP (discharge required)

Prior to the erection of any external walls of the buildings hereby approved or first occupation/use of the play areas approved, a landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by the local planning authority. Specific reference to an affected species. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.

- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

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

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

Condition 10- Drainage (compliance)

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

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

Condition 11- Materials (discharge required)

No materials shall be used in the construction of the external surfaces of the buildings and structures hereby permitted until details of such materials (with samples as appropriate) have first been submitted to and approved in writing by the Local Planning Authority.

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

Condition 12- Landscaping (compliance)

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

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

planted at the latest in the planting season following first occupation of the development hereby approved.

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

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

Condition 13 – Cycle Parking

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

The approved play areas cycle parking shall be erected/installed prior to first use of the play areas.

B. Prior to first occupation of the building(s) hereby approved details of short stay visitor cycle parking to be provided outside the building(s) shall be submitted to and approved in writing by the Local Planning Authority.

The approved short stay visitor cycle parking shall be erected/installed prior to first use/occupation of the building hereby approved.

Once the play areas and buildings are first used/occupied the associated cycle parking areas shall be retained, maintained and clear from any obstruction for the lifetime of development.

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

Condition 14- Parkland Furniture

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

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

Condition 15- Uses (compliance)

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

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

Condition 16- Separate Drainage Systems (compliance)

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

Reason: In the interest of satisfactory and sustainable drainage.

Condition 17- Refuse/recycling (compliance)

The development hereby approved shall be carried out in accordance with the approved Waste Management Strategy, (ref. NY2205-APP-XX-ZZ-DR-A-007110 rev. P3), by Align Property Partners. Thereafter the development shall be carried out in accordance with the approved details and the storage/recycling facilities shall thereafter be retained for their approved purpose unless otherwise agreed in writing by the Local Planning Authority.

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

Condition 18- Ecological Measures (compliance and possible discharge)

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

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

Condition 19- Drainage (compliance)

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

- a) Surface Water Management Plan ref. NY2205-APP-90-DR-C-3500 rev. P02

- b) Drainage Layout ref. NY2205-APP-92-DR-C-2500 rev. P02
- c) Flood Risk Assessment, ref. NY2205-APP-00-XX-RP-C-1001, rev. P02
- d) Waste Management Strategy, ref. NY2205-APP-XX-ZZ-DR-A-007110 rev. P3

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

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

Condition 20- Noise (compliance)

The development hereby approved shall be built in complete accordance with the 'Stage 3 Acoustic Appraisal Report, ref. J004544-7264-LK-04, dated 23rd May 2024, by Philip Dunbavin Acoustics Ltd that was submitted with this application.

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

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

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

Condition 21- Energy (compliance)

The development hereby permitted shall be carried out in accordance with the submitted Energy Statement and associated appendices (ref. NY2205-APP-XX-00-RP-M-001, dated 17th May 2024), in order to exceed the minimum standards prevailing through Part L of the Building Regulations to the maximum level that is feasible and viable for this particular development.

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

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

Condition 22- Highway Works (discharge required)

Prior to commencement of development, excluding demolition and restoration

works, a programme for the delivery of off (and on) site highways works as listed A to D below including its interaction with delivery of the other identified schemes shall be submitted to and approved in writing by the Local Planning Authority. Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.

A. The realignment/ narrowing of the carriageway of Shute Road and widening of the footways. The introduction of informal crossing facilities, street trees and lighting improvements.

B. Improvements to the signalised junction of A6136 (Richmond Road) and Gough Road to improve pedestrian crossing facilities.

C. The upgrade of the existing puffin crossing to the to the south of the southern Shute Road/ A6136 (Richmond Road) junction to a toucan crossing to improve cycle crossing facilities. This will be supported by localised cycle infrastructure improvements on the eastern side of A6136 (Richmond Road).

D. Localised works to the footway and kerb line outside 32-34 Richmond Road to remove the redundant vehicle crossover.

For each scheme of highway works listed above, no excavation or other groundworks or the depositing of material on site in connection with the construction of any of the schemes or any structure or apparatus which will lie beneath that scheme shall 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. Each off (and on) site highways works shall be completed in full accordance with the approved details.

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 each highways works.

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

Condition 23- Car Parking (compliance)

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

Reason: To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development

Condition 24- Car Parking Management Plan (discharge required)

Prior to the first occupation of the development, a Car Parking Management Plan must be submitted to and approved in writing by the Local Planning Authority. As a minimum the management plan will include:

- Details of how the on-site car parking will be allocated to the different users/ tenants/visitors of the development and how this allocation will be secured/ managed.
- Details of the car parking arrangements for those attending events, including details of how these arrangements will be communicated to attendees.
- A programme for the delivery of any proposed physical works.
- Effective measures for the on-going monitoring and review of the Car Parking Management Plan for the lifetime of the development.
- Effective mechanisms to achieve the objectives of the Car Parking Management Plan by both present and future occupiers of the development.

The development must be carried out and operated in accordance with the approved Car Parking Management Plan. Those parts of the Approved Car Parking Management 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 for the lifetime of the development.

Reason: In the interests of highway safety and the general amenity of the development.

Condition 25- Highway Works (compliance)

The development must not be brought into use until the access to the site has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority or any such other specification agreed in writing with the Local Highway Authority and the following requirements:

- Any gates or barriers must be erected a minimum distance of 6 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
- Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway must be constructed and maintained thereafter to prevent such discharges.
- 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 26- Travel Plan (discharge required)

Prior to the first occupation of the development, a Travel Plan must be submitted to and approved in writing by the Local Planning Authority. The Travel Plan will include:

- Agreed targets to promote sustainable travel and reduce vehicle trips and emissions within specified timescales and a programme for delivery.
- A programme for the delivery of any proposed physical works.
- Effective measures for the on-going monitoring and review of the travel plan.
- A commitment to delivering the Travel Plan objectives for a period of at least five years from first occupation of the development.
- Effective mechanisms to achieve the objectives of the Travel Plan by both present and future occupiers of the development.

The development must be carried out and operated in accordance with the approved Travel Plan.

Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation must be implemented in accordance with the timetable contained therein and must continue to be implemented for the lifetime of the development.

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

Target Determination Date: 06.09.2024

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