

North Yorkshire Council

Community Development Services

Richmond (Yorks) Area Constituency Planning Committee

12 September 2024

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

Report of the Assistant Director Planning – Community Development Services

1.0 PURPOSE OF THE REPORT

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

2.0 SUMMARY

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

AND:

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

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

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

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

Figure 1: Location Plan



3.0 PRELIMINARY MATTERS

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

4.0 SITE AND SURROUNDINGS

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

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

5.0 DESCRIPTION OF PROPOSAL

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

Drive-Thru (Full Planning Permission)

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

Commercial Units (Full Planning Permission)

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

Place of Worship (Outline Planning Permission)

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

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

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

Residential Development (Outline Planning Permission)

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

6.0 PLANNING POLICY AND GUIDANCE

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

Adopted Development Plan

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

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

Emerging Development Plan – Material Consideration

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

Guidance - Material Considerations

- 6.3. Relevant guidance for this application is:

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

7.0 CONSULTATION RESPONSES

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

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

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

The Town Council has the following proposals:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Local Representations

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

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

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

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

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

7.18. **Sustrans:** Commented *Without adequate mitigation measures the proposals will result in increased vehicular and pedestrian traffic crossing the bridleway route and this is likely to cause significant problems for bridleway users, especially cyclists and horse riders.*

7.19. There have been 56 no. local representations received of which 45 no. in support; 1 no. commented and 10 no. objecting. A summary of the comments is provided below, however, please see website for full comments.

7.20. **Support:**

- Consumer choice (locally)
- Improve an overgrown site (aesthetic)
- Economic growth
- Place of worship is needed in this area
- Employment opportunities
- New housing
- Good for the community

7.21. **Objections:**

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

8.0 ENVIRONMENT IMPACT ASSESSMENT (EIA)

8.1. The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environment Statement is therefore required. The application site is 0.99ha.

9.0 MAIN ISSUES

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

- Principle of development
- Employment
- Access, Parking and Highway Safety
- Impact on Bridleway
- Housing
- Community Development

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

10.0 ASSESSMENT

Principle of Development

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

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

Employment

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

Access, Parking and Highway Safety

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

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

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

Impact on the Public Bridleway

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

Housing

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

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

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

Community Development

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

Design, Appearance and Landscaping

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

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

Amenity

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

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

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

Lighting

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

Land Contamination

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

Crime and Antisocial Behaviour

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

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

Foul and Surface Water Drainage

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

Ecology

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

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

Sustainability

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

The Equality Act 2010

- 10.46. Under Section 149 of The Equality Act 2010 Local Planning Authorities must have due regard to the following when making decisions: (i) eliminating discrimination, harassment and victimisation; (ii) advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (iii) fostering good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are: age (normally young or older people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

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

S106 Legal Agreement

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

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

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

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

11.0 PLANNING BALANCE AND CONCLUSION

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

12.0 RECOMMENDATION

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

Recommended conditions (Full Element):

Condition 1 Time Limit

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

Reason: To comply with section 91 of the Town & Country Planning Act 1990 (as amended).

Condition 2 Approved Plans

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

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

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

Recommended Conditions (Applies To Whole Scheme):

Condition 3 Approved Plans

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

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

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

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

Pre-commencement

Condition 4 Construction Management Plan

No development for any phase of the development must commence until a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved Construction Management Plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

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

17. details of external lighting equipment;
18. details of ditches to be piped during the construction phases;
19. a detailed method statement and programme for the building works; and
20. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: In the interest of public safety and amenity

Condition 5 Counter-Terrorism

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

Reason: In the interests of public safety.

Condition 6 Pile Foundations

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

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

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

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

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

Early Stage/ Construction Period

Condition 7 Boundaries

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

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

Condition 8 Crime Prevention

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

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

Condition 9 Lighting

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

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

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

Condition 10 Detailed Plans of road and Footway Layout

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

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

Condition 11 Visibility Splays at Maple Avenue/Woodland Avenue

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

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

Reason: In the interests of highway safety.

Condition 12 Pedestrian Visibility Splays at Maple Avenue/Woodland Avenue

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

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

Reason: In the interests of highway safety.

Condition 13 Discharge of Surface Water

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

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

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

Condition 14 Levels

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

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

Pre-Occupation/First Use

Condition 15 Landscaping

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

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

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

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

Condition 16 Contamination

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Condition 17 Delivery of Off-site Highway Works

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

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

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

Please note: Drainage, lighting, linage and signage details will need to be assessed at the detailed design stage and improvements/modifications provided in line with NYC's design requirements and in consultation with the Local Highway's Authority. For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

- Drawing Number L018099-002 Revision J

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

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

Condition 19 Construction of Adoptable Roads and Footways

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

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

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

Condition 20 Parking for Dwellings

No dwelling must be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

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

Compliance

Condition 21 External Plant

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

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

Condition 22 Hours of Operation (Coffee Shop and Units)

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

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

Condition 23 Restrict Loading / Unloading of Vehicles

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

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

Condition 24 Separate Drainage Systems

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

Reason: In the interest of satisfactory and sustainable drainage.

Condition 25 Surface Water Drainage

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

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

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

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

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

Condition 26 Travel Plan Delivery

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

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

Condition 27 Use (Units)

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

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

Condition 28 Ecology

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

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

Recommended Conditions (Applicable To Outline Planning Permission Only)

Condition 29 Time Limit

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

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

Condition 30 Reserved Matters

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

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

Condition 31 Number of dwellings

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

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

Condition 32 Opening Hours

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

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

Target Determination Date: 20.06.2022

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

Appendix A – Relevant Application Site Planning History

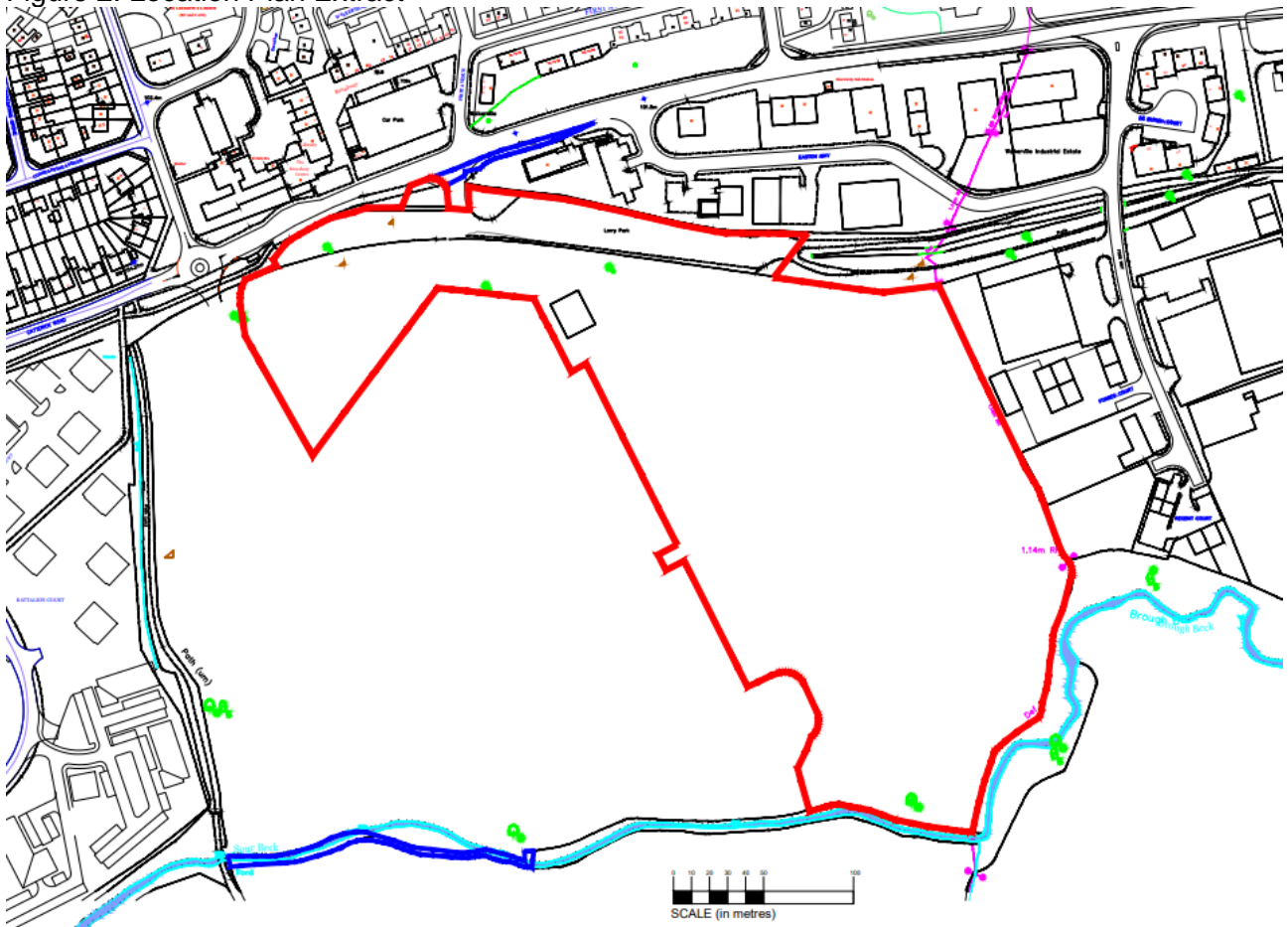
Outline planning permission was GRANTED in June 2015 for a mixed use development which included the application site, comprising of residential development (including community housing - Use Classes C2/C3); live/work units; office space (Use Classes A2/B1); office/industrial space (Use Classes B1/B2)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

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

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

Documents: [Planning Documents](#)

Figure 2: Location Plan Extract



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

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

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

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

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

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

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

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

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

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

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

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

Application documents: [Planning Documents](#)

Appendix B - 19/00218/FULL Proposed Layout Plan

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Appendix C – Existing Bridleway Route

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



Photograph: From Woodland Avenue looking at Bridleway heading west.
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