

**hNorth Yorkshire Council  
Community Development Services  
Richmond (Yorks) Area Constituency Committee**

**11 May 2023**

**22/02352/FUL – PROPOSED TWO-STOREY EXTENSION TO CREATE AN  
ADDITIONAL 14 APARTMENTS**

**AT ELDER VIEW, ELDER ROAD, NORTHALLERTON DL6 1NH  
ON BEHALF OF MR PAUL COCHRANE**

**Report of the Assistant Director - Planning**

**1.0 Purpose of the Report**

- 1.1 To determine a planning application for a two storey extension to the existing apartment building to create 14 additional apartments at Elder View, Elder Road, Northallerton.
- 1.2 This application has been brought to Planning Committee as it has been 'called in' by the Division Member.

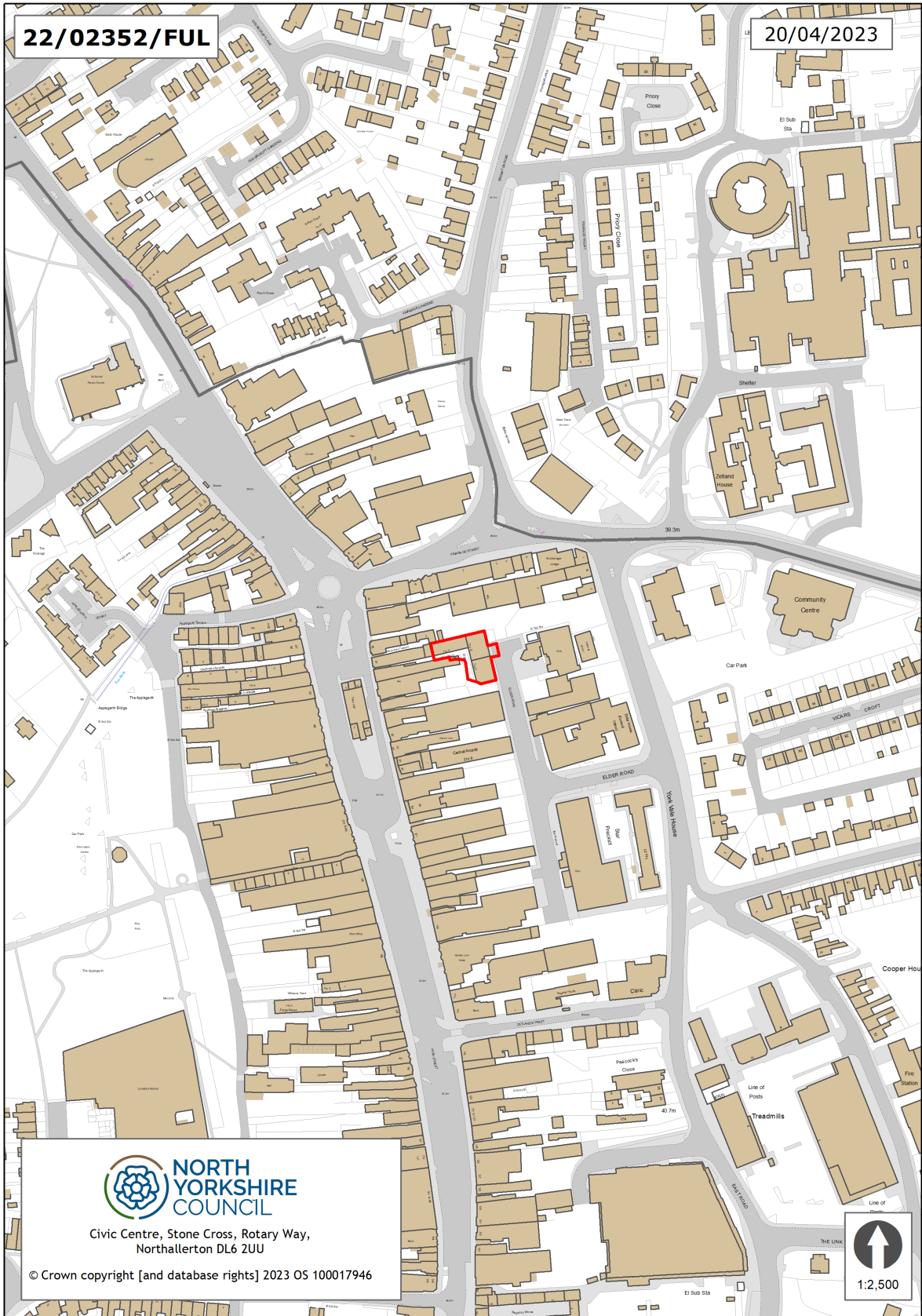
**2.0 Summary**

**Recommendation: That planning permission be REFUSED.**

- 2.1 The proposal would extend the existing building to create 14 additional apartments by adding two additional stories. The proposal would create additional third and fourth floors to the main element of the existing apartment building (i.e. that fronts Elder Road) and additional second and third floors on the existing building's lower rear wing that runs adjacent to Tweddles Yard. No changes to the site layout or the footprint of the existing building are proposed.
- 2.2 Elder View is a relatively modern 'L-shaped' apartment building located on Elder Road, Northallerton. The main part of the building is three stories in scale and fronts onto Elder Road, while a lower secondary two storey element runs adjacent to Tweddles Yard. The building is situated behind the buildings located on the eastern side of Northallerton High Street. The application site is located within the Northallerton Conservation Area and within the defined town centre boundary.
- 2.3 Although there are noted benefits related to the proposals, particularly in terms of the provision of additional, single bedroom residential units within an accessible town centre location, this, in the overall planning balance, would not outweigh the less than substantial harm the increase in size and scale of the building would cause to the significance of the Northallerton Conservation Area along with the setting of adjacent listed buildings, noting that any harm must be given great weight and importance in the planning balance. The development is also considered to be contrary to Local Plan policy in terms of its adverse impacts on townscape, the impact on the vitality and vibrancy of Northallerton Town Centre and in terms of design because of the extended building's significant size and scale.

22/02352/FUL

20/04/2023



Civic Centre, Stone Cross, Rotary Way,  
Northallerton DL6 2UU

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### **3.0 Preliminary Matters**

3.1 Access to the case file on Public Access can be found here:-

[Documents for reference 22/02352/FUL: Public Access](#)

3.2 The application site has an extensive planning history. However, there are three applications of particular relevance to this application which are detailed below.

12/02401/MRC - Retrospective application to vary condition 2 of planning approval 11/00485/FUL to retain the 2 additional windows on the north elevation and replace the approved shop front with a front door and 2 windows as amended by plans received by Hambleton District Council on 8th January 2013, Approved, October 2013.

11/00486/LBC - Application for listed building consent for alterations and extension to existing bar/night club to form 14 flats and 2 shops, Application withdrawn.

11/00485/FUL - Alterations and extension to existing bar/night club to form 14 flats and 2 shops, Approved, October 2011.

3.3 As well as the application form (and certificates) and site location plan, the following application plans and documents have been submitted as part of the application:

- (a) Existing elevations (SCH1508 Dwg.3 Rev.A)
- (b) Existing first and second floor plans (SCH1508 Dwg.2 Rev.A)
- (c) Existing ground floor plan (SCH1508 Dwg.1 Rev.A)
- (d) Proposed elevations (SCH1508 Dwg.5 Rev.A)
- (e) Proposed second, third and fourth floor plans (SCH1508 Dwg.4 Rev.A)
- (f) Planning, design and access statement (October 2022)
- (g) Heritage statement (September 2022)

### **4.0 Site and Surroundings**

4.1 Elder View is a relatively modern 'L-shaped' apartment building located on Elder Road, Northallerton. The main part of the building is three stories in scale and fronts onto Elder Road, while a lower secondary two storey element runs adjacent to Tweddles Yard. The external walls of the existing building are a mixture of brickwork and render, with a relatively shallow dual-pitched roof with tile covering. The building is situated behind the buildings located on the eastern side of Northallerton High Street. The application site is located within the Northallerton Conservation Area and within the defined town centre boundary.

### **5.0 Description of Proposal**

5.1 The proposal would extend the existing building to create 14 additional apartments by adding two additional stories, including a new dual-pitched roof structure. More specifically, the proposal would create additional third and fourth floors to the main element of the existing apartment building (i.e. that fronts Elder Road) and additional second and third floors the existing building's lower rear wing that runs adjacent to Tweddles Yard.

- 5.2 No changes to the site layout or the footprint of the existing building are proposed. The submitted planning, design and access statement confirms that external materials would be utilised that are consistent with the existing building and its character and appearance. The access arrangements to the building would be unchanged as a result of the proposed development. The proposed apartments fronting Elder Road would be accessible via the existing stairwells and entrance doors within the front elevation whereas the apartments located to the rear of the building would be accessible via the ginnel which passes between High Street and Elder Road.
- 5.3 All additional 14 apartments would be one bedroom as well as a bathroom and open plan lounge and kitchen area, but would range in size from 38 sqm to 51 sqm.

## **6.0 Planning Policy and Guidance**

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

### Adopted Development Plan

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

- Hambleton Local Plan, adopted February, 2022
- Ingleby Arncliffe Neighbourhood Plan, adopted December 2021
- Minerals and Waste Joint Plan, adopted 2022

### Emerging Development Plan - Material Consideration

- 6.3 The North Yorkshire Local Plan is the emerging development plan for this site though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

### Guidance - Material Considerations

- 6.4 Relevant guidance for this application is:
- National Planning Policy Framework, 2021
  - National Planning Practice Guidance
  - National Design Guide, 2021
  - Housing SPD, 2022

## **7.0 Consultation Responses**

- 7.1. The following consultation responses have been received and have been summarised below.
- 7.2. **Northallerton Town Council:** No representations received.
- 7.3. **Division Member:** Requested that the application be 'called in' and considered by the Constituency Area Planning Committee.

7.4 **Housing Services Manager:** The proposed 14 x 1 bed apartments occupy a floorspace of approximately 790 square metres, i.e. less than the 1000 square metre threshold for an affordable housing element to be required under Local Plan Policy HG3. The Council's Housing SPD (Table 3.1) sets out a target range for market and affordable dwellings. In terms of 1 bedroom market homes it recommends a range of 5-10% as part of the overall mix. Given that the proposed scheme is an extension of an existing block of 2 bedroom apartments it is reasonable to expect that the new homes should be 1 bedroom. Furthermore, given the overall low numbers of 1 bedroom market homes included in new housing schemes the proposed homes will contribute towards meeting the need for 1 bedroom market homes.

7.5 **Local Highway Authority (LHA):** No objections, subject to a condition for the provision and prior approval of a Construction Phase Management Plan.

*"Note to Planning Officer: Concern must be expressed that the plans indicate that no off-street parking spaces associated with the new residential units are proposed. Whilst the site is located within Northallerton town centre which is regarded a sustainable location, it is however still anticipated that parking demand will be generated by the future residents of the units and visitors and that their vehicles will be parked as close as possible to the proposed units. Notwithstanding the fact that there are Traffic Regulation Orders in the area that limit the on-street parking of vehicles adjacent to the site, there is however off-street car parking available in the vicinity which is controlled by Hambleton District Council. On this basis an objection to the application on Highway safety grounds is therefore unlikely to be sustained on this occasion."*

7.6 **Police Designing Out Crime Officer (DOC0):** It is acknowledged that this application is for the extension of an existing apartment block and that the main areas of concern in relation to Designing Out Crime relate to the design and layout of the ground floor, which are to remain unaltered and do not form part of this planning application. Having reviewed the accompanying documents and drawings that were submitted with the application, I contacted the architects to obtain further information to enable me to undertake a meaningful evaluation of the proposal and would make the following comments. It is accepted that some of these may not necessarily fall within the remit of planning, but their adoption will ensure that the security of the scheme is not compromised.

The DOC0 sets out a number of detailed recommendations for the security of the building.

7.7 **Environmental Health (EH):** EH have considered the potential impact on amenity and likelihood of the development to cause, and/or be affected by a nuisance, and have raised the following comments/concerns:

- **Construction: Noise and Dust** - Due to the proximity of existing residents (below the proposed flats) they will be particularly vulnerable to noise and disturbance during the construction phase. If you are minded to approve the application, the Environmental Health Service would recommend that the following condition(s) are applied: Details of what steps shall be taken to prevent the emission of dust and noise from the site during construction shall be submitted to, and approved in writing by the Local Planning Authority prior to the development commencing.

- Refuse storage - Environmental Health are aware that refuse storage arrangements are not sufficient for the existing flats at Elder View. If you are minded to approve the application, the Environmental Health Service would strongly recommend that prior to any decision being made the Local Planning Authority seeks confirmation that adequate refuse storage (and recycling provision) will be provided for the additional 14 flats in order to prevent a detriment to amenity in the locality.

7.8 **Yorkshire Water Services (YWS):** Have confirmed that no comments are required from YWS.

7.9 **Yorkshire Wildlife Trust (YWT):** No comments to make on the application.

7.10 **RAF Safeguarding:** The application site occupies the statutory safeguarding zone(s) surrounding RAF Leeming. In particular, the aerodrome height, technical and birdstrike safeguarding zones surrounding the aerodrome and is approx. 8.48 km from the centre of the airfield. After reviewing the application documents, I can confirm the MOD has no safeguarding objections to this proposal.

7.11 **Conservation Officer:** *“.....I think it is important that we have a photo montage to scale of how the proposed new level of flats would sit upon the high street. Views from all angles which have been demonstrated in the heritage statement already. I need to be convinced that the increased height would not harm the conservation area or the setting of some listed buildings. Although I am aware there may be some public benefit in terms of housing obviously. All heritage assets have significance, some of which have particular significance and are designated. The contribution buildings make by their setting and to their significance varies. Although many settings may be enhanced by development, not all settings have the same capacity to accommodate change without harm to the significance of the heritage asset or the ability to appreciate it. This capacity may vary between designated assets of the same grade or of the same type or according to the nature of the change. The setting to accommodate change without harm to the heritage asset’s significance or of views of the asset. This requires the implications of development affecting the setting of heritage assets to be considered on a case-by-case basis. Historic England 2017 (17:Page 7) Currently it is difficult to ascertain whether the setting of key listed buildings and the conservation area shall be affected by the proposal. There is concern that the once the roof height is raised that this may result in altering the roof scape of the high street as currently for the most part dominated by 3 storey buildings with Welsh slate roofs. Further consideration needs to be made to the development in relation to the position and to key views to, from and across the town. The form and appearance of development its prominence, dominance, and conspicuousness also requires consideration. Without further information it is difficult to ascertain whether the proposal is competing against heritage assets and if it would cause a distraction, due to its dimensions, scale and massing. The proposed extension does not enhance the character of the conservation area along Elder Road. Opportunities should be sought to improve this area, although it is not a main thoroughfare for some it is still affords public views. Therefore, visual permeability is of concern and the wider effects of the development may create a change to built surroundings and spaces and a change to general character.”*

7.12 **Historic England:** Have confirmed that they are not offering any advice on the application.

- 7.13 **North Yorkshire Fire and Rescue Service:** No objections/observations. (have confirmed that they will make further comment in relation to any statutory Building Regulations consultation).
- 7.14 **NYC Heritage Services (Archaeology):** The proposal is to add additional storeys to an existing building. As such there should be no direct impact on archaeological remains. I presume that your Conservation Officer will be providing advice on the impact of the proposal on the setting of the Conservation Area and individual assets within it. I have no objection to the proposal and have no further comments make.
- 7.15 **Other Consultees:** Although consulted on the application, representations have not been received from the Council's Design and Maintenance Manager; Planning Policy Manager; the Environment Agency; Ancient Monuments Society; Society for the Protection of Ancient Buildings; Council of British Archaeology and Natural England.

#### Local Representations

2 local representations have been received; both are objecting. A summary of the comments is provided below, however, please see website for full comments.

- 7.16 Objections:
- Inadequate parking provision
  - Inadequate drainage
  - Loss of light (increasing the height of the existing flats will result in loss of natural sunlight to the existing buildings opposite.)

A site notice and a newspaper advertisement have been published. Time has now expired.

### **8.0 Environment Impact Assessment (EIA)**

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

### **9.0 Main Issues**

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

- Principle of development
- Housing mix and need
- Affordable housing
- Heritage
- Design and impact on the townscape of Northallerton
- Amenity
- Highway safety and parking
- Storage and Collection of Waste
- Ecology and biodiversity net gain
- Drainage

- Other matters
- The Equality Act

## **10.0 Assessment**

### Principle of development

- 10.1 The Hambleton Local Plan includes a series of ‘strategic policies’ that sets strategic targets and directs the distribution of future development within the plan area to meet the identified housing and employment needs for the plan period (2014-2036) Policy S2 (Strategic Development) states that housing provision within the 22 year plan period (2014-2036) of the Local Plan will be at least 6,615 (net) new homes, made up of both market and affordable units. This equates to approximately 315 homes per year within the plan area, and a minimum of 55 affordable units as part of the overall housing target.
- 10.2 Policy S2 confirms that the housing strategy (including the aforementioned housing targets) will be achieved through development that has already happened, existing commitments (i.e. extant planning permissions) and a series of allocated sites. Sufficient allocated sites within the Local Plan will meet the aforementioned overall net housing requirement and to provide additional spatial distribution flexibility and to address other housing needs. Policy HG1 (Housing Delivery) sets out the specific site allocations, although it is worth confirming that the building and site in question is not part of any of the site allocations within the Local Plan.
- 10.3 Strategic Policy S3 (Spatial Distribution) sets out the Local Plan’s strategy for the focus and spatial distribution of development and growth across the Hambleton plan area. The policy states that the main focus of housing growth will be in relation to the two main towns of Northallerton and Thirsk (with Sowerby)
- 10.4 Policy HG5 (Windfall Housing Development) supports so-called ‘windfall’ housing development on unallocated sites within the ‘main built form’ (as defined within Policy S5) of the defined settlements listed within the settlement hierarchy of Policy S3 (Spatial Distribution) where the site is not protected for its environmental, historic, community or other value, or allocated, designated or otherwise safeguarded for another type of development. The existing building and site is within the main built form of the defined settlement of Northallerton (‘Market Town’) and is not safeguarded, allocated and/or protected in relation to the matters listed in Policy HG5. As such, although the building/site is not part of an allocated site within the Local Plan, because its within the main built form of the defined Market Town of Northallerton and is not allocated, protected and/or safeguarded in respect of the matters listed in Policy HG5, the locational principle of new residential development in this location is supported as ‘windfall’ development by Policy HG5

### Housing mix and need

- 10.5 Policy HG2 (Delivering the Right Type of Homes) requires proposals to achieve an appropriate mix of dwellings in terms of size, type and tenure. Housing development will be supported where it achieves a range of house types and sizes to reflects and responds to the existing and future needs of the district’s households as identified within the SHMA, having regard to local housing need, market conditions and the ability of the site to accommodate a mix of housing. The Housing SPD provides



further detail regarding the market and affordable housing mix expected. The proposed development would provide for 14 additional single bedroom apartments. As confirmed by the Council's Housing Services Manager, table 3.1 of the Housing SPD recommends that new residential development provides a 5-10 per cent proportion of single bedroom market units within the overall housing mix of the development. However, the Housing Services Manager has nevertheless concluded that given the overall low numbers of single bedroom market homes included in new housing schemes, the 100 per cent provision of single bedroom, market units would contribute towards meeting the need within the Plan Area of one bedroom market homes. There are some minor discrepancies in the plans with regard to compliance with the Nationally Designated Space Standards. Clarification is being sought from the applicant's agent and Members will be updated at the meeting.

#### Affordable housing

- 10.6 Policy HG3 (Affordable Housing Requirements) requires all developments involving new market housing (not within a designated rural area) to make provision for 30 per cent affordable housing (subject to viability) for proposals with 10 or more units, unless the development has a combined gross floorspace (GIA) of no more than 1,000 square metres. The proposals would have a combined gross floorspace of approximately 790 square metres, and thus is below the aforementioned GIA threshold of Policy HG3. As such, no affordable housing provision is required for the proposed development.

#### Heritage

- 10.7 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving and enhancing the character and appearance of a Conservation Area. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving the Listed Building(s) or its setting or any features of special architectural or historic interest which it possesses.
- 10.8 Policy E5 (Development Affecting Heritage Assets) of the Local Plan (in accordance with the NPPF and Policy S7) states that a proposal will only be supported where it ensures that (*inter alia*): (i) those features that contribute to the special architectural or historic interest of a listed building or its setting are preserved; (j) those elements that have been identified as making a positive contribution to the special architectural or historic interest of a conservation area and its setting are preserved and, where appropriate, enhanced, having regard to settlement character assessments and conservation area appraisals.
- 10.9 Also in accordance with the NPPF, Policy E5 states that any harm to, or loss of, the significance of a designated heritage asset will require clear and convincing justification. Less than substantial harm to the significance of a designated heritage asset will only be supported where the harm is outweighed by the public benefits of the proposal including, where appropriate, securing its optimum viable use. Substantial harm to, or total loss of, the significance of a designated heritage asset will only be supported where it is necessary to achieve substantial public benefits that outweigh the harm caused, or in the exceptional circumstances set out in the

NPPF. Any identified harm must be given great weight and importance in the planning balance.

- 10.10 The building/application site is located within the Northallerton Conservation Area and also adjoins a listed building. A Heritage Statement (dated September 2022) has been submitted with the application. The Heritage Statement has considered and assessed the impact of the development on the significance of the Conservation Area and the settings of several specific listed buildings within the locale of Elder View, although it is not supported by any visualisations or photo montages showing how the building (with its additional two stories) would be viewed from vantage points within Northallerton High Street and other important vantage points within the Northallerton Conservation Area.
- 10.11 The Heritage Statement consistently concludes that due to a combination of factors (including the distance that the building is setback from the High Street, the width of the street and the density/screening effect of surrounding buildings, the views and settings of various listed buildings as well as the character and appearance of the Conservation Area, as viewed from the High Street, would not be affected. However, without photomontages/visualisations showing the proposed increased height of the building in relation to adjacent buildings and from important viewpoints within and outside the Conservation Area, such conclusions lack supporting evidence.
- 10.12 It is acknowledged that the submitted Heritage Statement has endeavoured to identify all heritage assets potentially affected by the development and, for the most part, make detailed, individual assessments of the impact of the development on the identified heritage assets. However, it is noted that an assessment is lacking on whether any harm is caused (and if so, what level of harm) to the character and appearance of the Conservation Area resulting from the increased visibility of the enlarged building above the roofline of the existing buildings within the Conservation Area from the viewpoint looking southwards along Brompton Road. On this matter, the Heritage Statement limits itself to concluding that the proposed development 'would not represent a significant change to the current setting and any potential impact to views into the conservation area down Brompton Road could be mitigated through sympathetic design.' However, as mentioned, this does not make it clear whether this acknowledged visual change would result in any harm to the character and appearance of the Conservation Area, and if so, what level of harm would be caused. In addition, it concludes that the potential impact on views into the Conservation Area from Brompton Road could be mitigated through 'sympathetic design'. It is equally unclear what 'sympathetic design' would constitute in this regard; whether it has been achieved through the current detailed proposals and what this mitigation would mean for the level of any harm caused by the development.
- 10.13 Although the Case Officer has contacted the agent recommending that the aforementioned photomontages/visualisations and additional clarification is provided in support of the application, this has not been forthcoming.
- 10.14 Notwithstanding the above, it is clear from the submitted plans and application documents that the proposals would create the highest building in the northern part of Northallerton Conservation Area, making what is already a large building within the context of the town, two stories higher, i.e. resulting in an increase in stories

from 2-to-4 and 3-to-5. The proposed five storey element of the building would have a ridge height of 15.58m, an increase of just under five-and-a-half metres and an increase of approximately one-third in height. (the existing ridge height of this part of the building is 10.18m). This increase in ridge height of the building would result in a scale of building that is completely out-of-proportion with other buildings in the locale, including those adjacent buildings sited on the eastern side of Northallerton High Street. It is considered that this relationship results in less than substantial harm to the significance of the Conservation Area and the setting of adjacent listed buildings.

- 10.15 This height differential and the incongruous scale of the extended building, would be clearly apparent from particular viewpoints despite the presence of intervening buildings, including the aforementioned view looking southwards down Brompton Road mentioned above. Although the Heritage Assessment has failed to conclude whether the increase in height would be harmful to the character and appearance of the Conservation Area, in particular the character and appearance of its roofscape from this public vantage point, it is clear that the increased height of the building and its visibility above the existing roofline of buildings would look out-of-scale and dominate this view, effectively creating a landmark building alien in character to the Conservation Area, resulting in clear harm to the character, appearance and significance of the Conservation Area, particularly as viewed from vantage points looking southwards along Brompton Road. In addition, Officers also consider that the increased size and scale of the building will further obscure and dominate views of the rear elevations of the buildings (some of which are listed) situated along the eastern side of Northallerton High Street as viewed/approached from the east.
- 10.16 Although few of these buildings have rear elevations of particularly notable architectural significance, collectively this row of buildings is important to the historic layout of the town, and while it is accepted that the visual appreciation of these buildings and their significance with regards to the traditional form/layout of the town has become increasingly obscured over the last fifty years or so, due to the construction of modern buildings between their rear elevations and east road to the east, by markedly increasing the size/scale of the existing building situated immediately to the east of these traditional buildings, the proposed development would further exacerbate this unsatisfactory situation, while the increased height and scale of the extended building would undoubtedly dominate the settings of the adjacent listed buildings sited on the east side of Northallerton High Street. O
- 10.17 Overall, the proposed development is considered to cause 'less-than-substantial' harm to the character and appearance of the Northallerton Conservation Area and the settings of adjacent listed buildings sited on the eastern side of Northallerton High Street. Policy E5 states that any harm to, or loss of, the significance of a designated heritage asset will require clear and convincing justification, and that 'less than substantial harm' to the significance of a designated heritage asset will only be supported where the harm is outweighed by the public benefits of the proposal. A consideration of any public benefits of the proposals (as weighed against the less-than-substantial harm caused to the aforementioned heritage assets) will be undertaken within the Planning Balance section of this report.

## Design and Impact on the townscape of Northallerton

- 10.18 Policy E1 (Design) states that development should be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and helping to create a strong sense of place.
- 10.19 Policy E7 (Hambleton's Landscapes) states that the Council will protect and enhance the distinctive character and townscapes of settlements in the district, including Northallerton. The policy confirms that this will be achieved by ensuring that development is appropriate to, and integrates with, the character and townscape of the surrounding area.
- 10.20 Policy EG5 (Vibrant Market Towns) seeks to maintain and enhance the environment, vibrancy and vitality of market towns (including Northallerton, particularly the market places and high streets. In part, the policy states that it will do this by supporting the delivery of specific projects, including The Ginnels Projects in Northallerton with the priority of improving the existing east-west linkages and with the key objective of achieving high standards of material finish and design quality in order to enable pedestrian movement and create a safe and inviting environment. The building is sited immediately adjacent to one of the yards/ginnels that is identified on the Proposals Map of the Local Plan as being part of the aforementioned Ginnels Project.
- 10.21 There is a policy requirement to consider the impact of the design and scale of the development on the character of the townscape more generally, although it is accepted that there would inevitably be some overlap with heritage issues in this regard. While it is accepted that the building occupies a location that is largely surrounded by other buildings, it would be inaccurate to conclude that the building is sited where visual permeability is not an issue or in a location where the proposed extension would not markedly affect the townscape of Northallerton. The presence of the existing building's ridge above the buildings fronting Friarage Street (as viewed from Brompton Road) has already been assessed in the heritage section of this report above, but as referenced in the Heritage Statement, views of the existing building are also possible from East Road (looking west) while the building is located adjacent to a ginnel/yard identified within Policy EG5 as being important to the permeability and accessibility of the town centre, and providing east-west links between the High Street and the former prison/treadmills site.
- 10.22 The proposal would create a building of a size and scale that would dominate townscape (particularly roofscape) views from these vantage points, particularly those east-west pedestrian (ginnel/yard) links that adjoin or are in close proximity to the existing building to the detriment of its existing character, while undermining the aims of The Ginnels Projects (as stated within Policy EG5) to create inviting and high quality designed east-west pedestrian routes/links within Northallerton. From such viewpoints and routes, it is hard to over-estimate the sheer physical and overbearing impact the proposed building would have, the increased height of the building being at odds with the cumulative scale and character of the rear elevations and roofscape of the buildings that front onto the east side of the High Street and which are generally of a similar scale. The proposed development would therefore be contrary to policies E7 and EG5 of the Local Plan.

10.23 While in design terms, the extension would utilise materials and forms similar or identical as the existing building, the design of the building in terms of its massing and scale is considered to be at odds with its surroundings and lacking local distinctiveness. The design of the proposed development would therefore be contrary to policy E1 of the Local Plan.

#### Amenity

10.24 Policy E2 states that all proposals will be expected to provide and maintain a high standard of amenity for all users and occupiers, including both future occupants and users of the proposed development as well as existing occupants and users of neighbouring land and buildings, in particular those in residential use.

10.25 Although they have not objected, Environmental Health have noted that existing residents will be particularly vulnerable to noise and disturbance during any construction phase of the development. and recommend a condition requiring details to be approved of appropriate measures to prevent dust and noise issues for residents during construction. In addition, the Local Highway Authority have recommended that a condition is imposed requiring a Construction Environmental Management Plan (CEMP) to be submitted and prior approved by the LPA should planning permission be granted.

10.26 Having raised concerns with the agent regarding the potential impact of the development of residents within the existing apartment building during construction, the agent replied confirming that:

- The applicant, via his letting agent, wrote to all existing tenants in June 2022 to advise them that the applicant intended to apply for planning permission to construct two additional floors to the block of flats at Elder View, advising them that there would be no effect on any tenant during 2022, and that tenants would be kept updated if planning permission was granted, and if they had any queries in the meantime to contact him.
- In addition, any top floor flats that have since come up for rent, the letting agent has made it clear that these would only be available for a short-term tenancy, i.e. of 6 months only. This has been clearly highlighted in the property details when advertised, explained to any interested tenant, and made clear in the subsequent tenancy agreement.
- Should planning permission be obtained the applicant would give at least 2 months' notice to tenants in the top floor flats, which should provide them with sufficient time to find new accommodation.
- The letting agent would provide 'first refusal' for similar accommodation in Northallerton to any affected tenant at Elder Road, although it was confirmed that the letting agent cannot guarantee such accommodation will be available.
- Should the affected tenants be able to find short-term temporary accommodation whilst the work is completed, the applicant would commit to giving them first refusal on their flat or any of the new flats that will then be available.

10.27 While most of these commitments/measures would need to be agreed outside of the planning system, it is important to ensure that appropriate measures are agreed

and in place to control dust, noise, vehicle parking/material storage and working hours (in part through the approval of a suitable CEMP) in order to mitigate any temporary adverse impacts on the amenities of local residents, particularly those currently occupying apartments within the building in question.

- 10.28 Overall, and subject to the aforementioned conditions, it is considered that the development would be capable of providing acceptable levels of amenity in accordance with Policy E2 of the Hambleton Local Plan.

#### Highway safety and parking

- 10.29 Policy IC2 seeks to ensure that all aspects of transport and accessibility are satisfactorily dealt with in all developments, including suitable parking provision.
- 10.30 The proposals does not include any parking provision. Although as a 'town centre' development the Local Highway Authority have not objected to the proposals, they have nevertheless expressed concern within their representations that the development would nevertheless generate parking demand and it is anticipated that future residents and visitors will seek to park as close of possible to the building. They do however note that there are Traffic Regulation Orders in the area that limit the on-street parking of vehicles adjacent to the site, while off-street car parking is available in the vicinity which is controlled by the Council.
- 10.31 While the lack of dedicated parking provision for the development involving 14 residential units is far than ideal and is likely to increase the risk of indiscriminate parking in the locale, increasing the risk of tension between residents and road users. Nevertheless, it is acknowledged that as a town centre site, future residents would have the opportunity to access regular and convenient bus and train services, as well as access to town centre car parking. Therefore, in consideration of this and the LHA's response, the development is considered to comply with policy IC2 of the Local Plan.

#### Storage and collection of waste

- 10.32 Criterion (e) of Policy E2 (Amenity) states that adequate and convenient provision should be made for the storage and collection of waste and recycling. Little information has been supplied regarding waste storage, collection and recycling.
- 10.33 Environmental Health have stated within their representation that they are aware that refuse storage arrangements are not sufficient for the existing flats at Elder View. Therefore, if planning permission is approved, they recommend that prior to any decision being made, confirmation is sought that adequate refuse storage (and recycling provision) would be provided for the additional 14 apartment in order to prevent a detriment to amenity in the locality.
- 10.34 The agent has responded to Environmental Health's comments by stating that they consider that there is sufficient room within the existing covered bin store to cater for the additional demand, although the applicant also owns the open yard space to the north, directly adjacent to the site and that he would be willing to accept a condition requiring the submission of details in relation o the provision of acceptable and appropriate waste storage and recycling facilities for the proposed development.. Further clarification on capacities and the storage facilities are

sought from the agent and any additional information/clarification provided in this regard will be reported to the Planning Committee either as part of the Update List or during the Committee meeting, depending on when they are received.

#### Ecology and biodiversity net gain

- 10.35 Paragraph 174 of the NPPF seeks minimising impacts on and providing net gains for biodiversity. The Local Plan policy E3, requires all development will be expected to demonstrate the delivery of a net gain for biodiversity and all development must have as a principal objective, the aim to protect, restore, conserve or enhance biodiversity or geodiversity and deliver a net gain for such objectives which accord with all other relevant policies.
- 10.36 The development in question does not involve any increase in the footprint of the existing building, or any material changes to the building's modestly-sized, non-landscaped curtilage. Although no Ecological Appraisal, species surveys or BNG metric have been submitted with the application, it is within this context that the impact on ecology and Biodiversity Net Gain needs to be considered.
- 10.37 Given the nature of the development and its location, no material impacts on these off-site local or national designated conservation sites are considered likely. In addition, the limited landscaped curtilage and the modern form and construction of the building means that there is not considered to be any significant adverse impact on any protected species or habitats on-site. The form of the building and its hard-surfaced curtilage is not conducive to achieving any notable BNG, and given the nature and size of the development, it is considered unreasonable to require BNG through off-site provision in this particular instance. Overall, the development is considered to comply with paragraph 174 of the NPPF and Policy E3 of the Local Plan.

#### Other matters

- 10.38 Within the application documents, the agent has stated that the proposed development would constitute by virtue of Part 20 (Construction of New Dwellings), Class A ('New dwellinghouses on detached blocks of flats') of the General Permitted Development Order (as amended). However, criterion (o)(i) of A.1. is clear that development is not permitted by Class A if: the land or site on which the building is located, is or forms part of article 2(3) land. (which includes land within a Conservation Area). As the site is within the Northallerton Conservation Area, Officers do not consider that the proposals constitute permitted development, therefore there is no fallback position that would need to be given due weight (as a material consideration) within the overall planning balance. In any case, the legislation provides for an assessment of heritage matters.
- 10.39 Concerns about drainage have been mentioned by current residents of the apartments within their representations. The proposed development is not increasing the size of the existing footprint of the building or the extent and surfacing of its curtilage, therefore additional surface water run-off resulting from the proposed development is not anticipated. The agent has also confirmed that the applicant would look to address current downpipe and guttering issues, currently causing drainage issues for existing residents.

## The Equality Act, 2010

- 10.40 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.
- 10.41 Given the substantial scale of the proposed demolition and construction works involved with the development, the close proximity of existing apartments in relation to any such construction works and taking account of the likely duration of the works, if approved, the development is considered to create temporary amenity and obstructions to existing residents of a nature and duration that is likely to particularly adversely affect older and younger people, people with disabilities or who are pregnant. Although the LPA is not aware of any specific existing tenants of the Elder View apartments that share one or more the aforementioned protected characteristics, given the number of existing apartments at Elder View, it is considered likely that the proposed development will directly affect at least one such individual.
- 10.42 Therefore, in order to ensure that the Council fulfils its duty under Section 149 of the Equality Act, it needs to be ensured that if planning permission is granted, the decision notice includes conditions which require the impacts on those residents with the aforementioned protected characteristics to be mitigated as much as possible, taking into consideration their specific requirements and needs.

## **11.0 Planning Balance and Conclusion**

- 11.1 The proposed development would result in the creation of 14 additional, single bed apartments within a town centre location on an existing residential site. In locational terms, there is support within the strategic policies of the Local Plan for residential development within such larger settlements, with Policy S3 (Spatial Distribution) stating that the main focus of housing growth within the plan area will be the two main towns of Northallerton and Thirsk (with Sowerby) Such locations, including the site in question, have relatively good accessibility to services, facilities and regular public transport, and in this respect represent sustainability locations for residential development. This needs to be given low-moderate weight in the planning balance, as does the provision of 14 single bedroom (market) units which would contribute towards meeting the identified need within the plan area of one bedroom market homes.
- 11.2 Nevertheless, the benefits of the proposed development needs to be appropriately considered within the overall planning balance against the adverse impacts of the development, particularly the impact on designated heritage assets (in this case the Northallerton Conservation Area and setting of adjacent listed buildings) where the planning acts require 'special attention' to be given to preserving and enhancing the character and appearance of a Conservation Area and to the desirability of



preserving the setting of Listed Buildings, and paragraph 199 of the NPPF states that 'great weight' needs to be given to a heritage asset's conservation.

- 11.3 The proposed development would increase the ridge height of the building by approximately a third, from 10.18m to 15.58m, adding two additional stories. The significantly increased size and scale of the extended building will create an incongruous and out-of-scale building within the Northallerton Conservation Area, causing 'less-than-substantial' harm to the character and appearance of the Northallerton Conservation Area and the settings of adjacent listed buildings sited on the eastern side of Northallerton High Street. In light of this harm, the noted public benefits of the scheme are not considered to outweigh the 'less than substantial' harm to the significance aforementioned designated heritage assets in this case.
- 11.4 In addition, the height and scale of the proposed extended building would result in an out-of-proportion and incongruous building that would dominate important viewpoints of Northallerton's townscape (including roofscape) and undermine the aims of The Ginnels Projects (as stated within Policy EG5) to create inviting and high quality designed east-west pedestrian routes/links within Northallerton, contrary to policies E7 and EG5 of the Local Plan. While in design terms, the extension would utilise materials and forms similar or identical as the existing building, the design of the building in terms of its massing and scale is considered to be at odds with its surroundings and lacking local distinctiveness, and thus contrary to Policy E1 of the Local Plan.
- 11.5 Overall, taking into consideration the stated benefits and adverse impacts of the scheme having given special attention to preserving and enhancing the character and appearance of a Conservation Area and to the desirability of preserving the setting of Listed Buildings, as well as applying great weight to the conservation of the designated heritage assets affected, it is recommended that the application is refused.

## **12.0 Recommendation**

12.1 That planning permission be **REFUSED** for the following reasons:

- i. The significantly increased size and scale of the extended building will create an incongruous and out-of-scale building within the Northallerton Conservation Area, causing 'less-than-substantial' harm to the character and appearance of the Northallerton Conservation Area and the settings of adjacent listed buildings sited on the eastern side of Northallerton High Street. In accordance with the NPPF and Policy S7, Policy E5 states that any harm to, or loss of, the significance of a designated heritage asset will require clear and convincing justification, and that 'less than substantial harm' to the significance of a designated heritage asset will only be supported where the harm is outweighed by the public benefits of the proposal.

Although there is public benefit from the development in terms of providing additional residential units within a sustainable and accessible town centre

location, particularly as the provision of single bedroom units will help assist in meeting the existing demand within the Plan Area for one bedroom, market residential accommodation, this is not considered to outweigh the less than substantial harm to the designated heritage assets mentioned above, taking in account the statutory 'special attention' to be given to preserving and enhancing the character and appearance of a Conservation Area and to the desirability of preserving the setting of Listed Buildings and the 'great weight' to be given to a heritage asset's conservation required by paragraph 199 of the NPPF.

The proposed development is therefore contrary to the requirements of Policies S7 and E5 of the Local Plan and section 16 of the NPPF.

- ii. Policy E7 (Hambleton's Landscapes) states that it needs to be ensured that development is appropriate to, and integrates with, the character and townscape of the surrounding area, while Policy EG5 (Vibrant Market Towns) supports the vibrancy and vitality of the Plan Area's Market Towns, by supporting the delivery of specific projects, including The Ginnels Projects in Northallerton, with the priority of improving safe and inviting east-west links within the town through the use of high quality finishes and materials. The building in question is sited adjacent one of the ginnels/yards. The increased height and scale of the proposed extended building would result in an out-of-proportion and incongruous building that would dominate important viewpoints of Northallerton's townscape (including roofscape) and undermine the aims of The Ginnels Projects (as stated within Policy EG5) to create inviting and high quality designed east-west pedestrian routes/links within Northallerton.

The proposed development is therefore contrary to policies E7 and EG5 of the Local Plan.

- iii. Policy E1 (Design) states that development should be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and helping to create a strong sense of place. While in design terms, the extension would utilise materials and forms similar or identical as the existing building, the design of the building in terms of its massing and scale is considered to be at odds with its surroundings and lacking local distinctiveness.

The design of the proposed development is therefore contrary to policy E1 of the Local Plan.

**Target Determination Date:** 13.01.2023

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