

North Yorkshire Council

Community Development Services

Richmond (Yorks) Area Constituency Committee

9th November 2023

ZB23/00938/FUL- Revised application for construction of 38no. residential dwellings with associated access, parking, landscaping and infrastructure.

**At: OS Field 6504 Northallerton Business Park Thurston Road Northallerton
For: Taylor Wimpey North Yorkshire**

Report of the Assistant Director Planning – Community Development Services

1.0 Purpose of the Report

- 1.1 To determine a revised planning application for the construction of 38 residential dwellings with associated access, parking, landscaping and infrastructure at OS Field 6504, Northallerton Business Park, Thurston Road, Northallerton
- 1.2 An application for a similar scheme of 38 dwellings on this site was previously refused planning permission, following the resolution of Hambleton District Council Planning Committee on 22 December 2022. This decision is currently appeal.
- 1.3 This application has been submitted in an attempt to address the reasons for refusal.

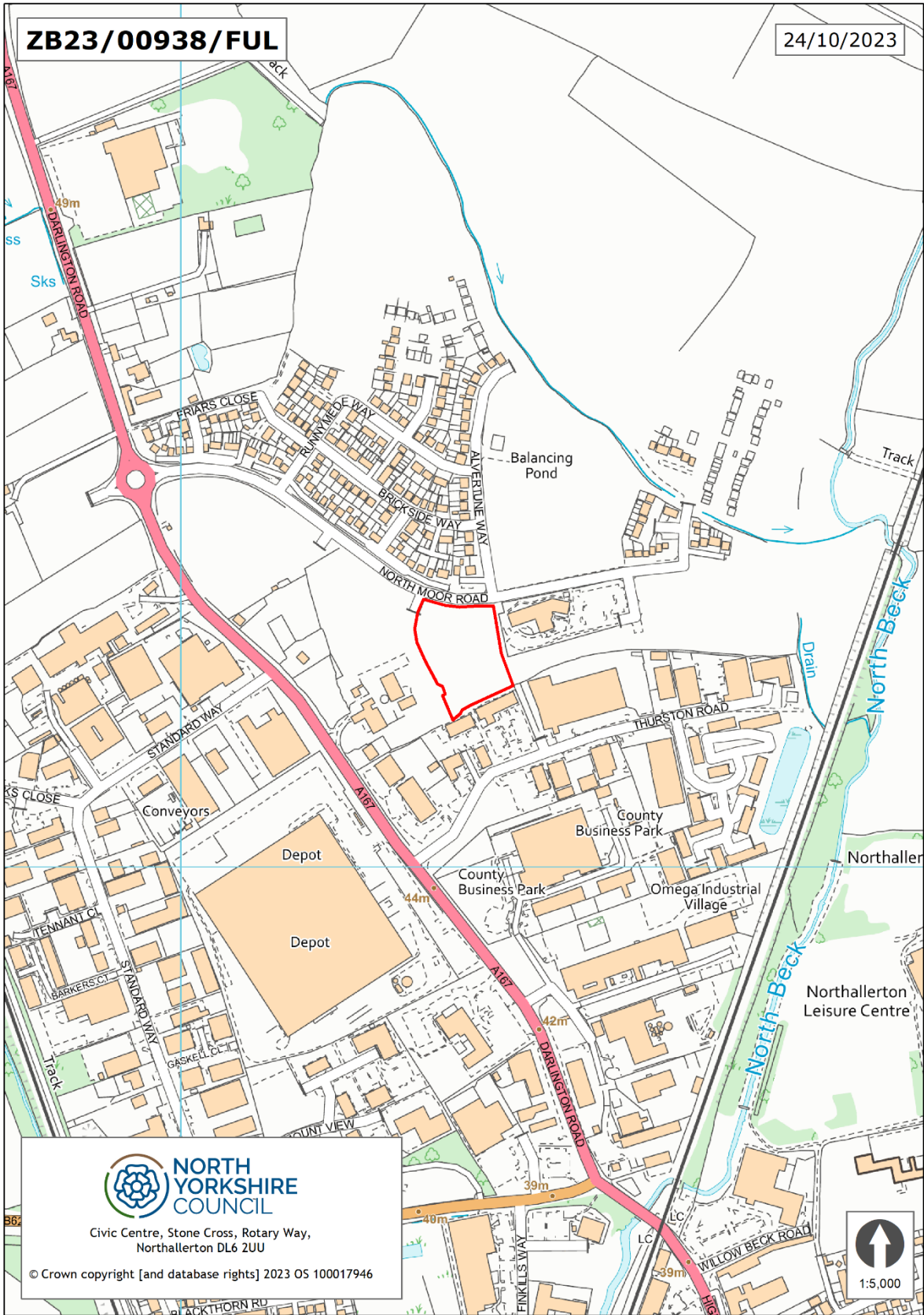
2.0 Summary

- 2.1 This application is seeking planning permission for the construction of 38 dwellings with associated access, parking, landscaping and infrastructure on land adjacent to the Northallerton Business Park, Thurston Road, Northallerton. The application represents a revised submission of a similar scheme (21/02227/FUL) for the site that was refused planning permission by Hambleton District Council in December, which is currently subject to appeal to the Secretary of State.
- 2.2 The current proposals include several revisions to the scheme that was refused planning permission ((21/02227/FUL)), including: the reduction of the bunding/fence height by a metre (to 7m) and clarification/amendment to the parking provision and EV charging.

RECOMMENDATION: To **Grant** planning permission subject to the conditions set out in section 12 of this report

ZB23/00938/FUL

24/10/2023



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: - [Online documents](#)

3.2 The following planning applications are relevant to the site:

- 21/02227/FUL - Full planning application for construction 38 residential dwellings with associated access, parking, landscaping and infrastructure. Amended Plans received 27.09.2022, 28.09.2022 and 19.10.2022. REFUSED, 23.12.2022. The Planning Committee's reasons for refusal are as follows:

1. It is considered that the noise mitigation measures (in particular the bund and acoustic fence) would have an adverse impact on the character and visual amenity of the area and as such failed to meet the high quality of design required by policy E1.

It was further considered that the noise mitigation measures would not be sufficient to reduce the noise impact to the proposed residential dwellings or to offer a suitable level of protection to the operation of Allerton Steel and the adjacent NHS building and as such failed to comply with Policy E2 and the relevant terms of the NPPF in terms of Agent's of Change.

2. It is considered that the parking layout is inappropriate owing to the distance of some parking spaces from their relevant dwellings and the lack of EV charging. The proposals are considered to fail to comply with Policy IC2 and Policy S1 of the Local Plan.

3. It is considered that the development fails to make provision for affordable housing as required by the provisions of policy HG3.

- Application 21/02227/FUL is currently subject to a valid 'written representations' appeal to the Secretary of State (APP/G2713/W/23/3324527)
- 15/01083/HYB – mixed use development of 900 dwellings and a neighbourhood centre comprised of shops, restaurants and drinking establishments, extra care facilities, medical facilities, primary school, recreation pitches and car parking – all matters reserved except for access – Granted. Although the application site falls within the red edge of the Hybrid application all plans indicate that the details of this site were not confirmed or approved at that stage. As such there is no outline consent at this site and a full application has been submitted.

4.0 Site and Surroundings

4.1 The wider North Northallerton Development Area is located approximately 1km north of Northallerton town centre. It measures approximately 52.8 hectares and is bounded by the A167 Darlington Road to the west and A684 Stokesley Road to the east. To the north lies open countryside with the settlement of Brompton beyond that. To the South lies the Thurston Road Business Park. The wider site is bisected by the Northallerton to Middlesbrough train line running approximately north/south through the area.

4.2 The application site specifically subject of this application, is located at the south-western corner of the wider North Northallerton Development Area. To the immediate west is a vacant site which recently gained permission under 21/02226/REM for 62 dwellings. To the east is an NHS building which was approved under 19/01110/FUL and is now complete and operational. To the south-east is Allerton Steel, a steel fabrication company.

5.0 Description of Proposal

- 5.1 This application is seeking full planning permission for the construction of 38 dwellings with associated access, parking, landscaping and infrastructure. The application represents a revision of a previously refused application (ref. 21/02227/FUL)
- 5.2 The 38 dwellings would all be market housing (with no affordable housing proposed) consisting of the following house types:
- 6 x 1 bedroom
 - 7 x 2 bedroom
 - 25 x 3 bedroom
- 5.3 Vehicle and pedestrian access to the development would be via Sheepcote Close towards the north-western corner of the site, although other pedestrian links and driveway accesses would be created onto Sheepcote Close.
- 5.4 The proposal includes a 4m metre high bund with 3-4m acoustic-rated fencing on top of the bund, to provide sound mitigation from Allerton Steel.
- 5.5 The current proposals include several revisions to the scheme that was refused planning permission (21/02227/FUL), including: the reduction of the bunding/fence height by a metre (to 7m) and clarification/amendment to the parking provision and EV charging.

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 2022.
 - North Yorkshire Joint Waste and Minerals Plan 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, adopted 2022.

7.0 Consultation Responses

- 7.1. The following responses have been received and are summarised below. The Lead Local Flood Authority, Local Highway Authority, Yorkshire Water Services and Internal Drainage Boards were reconsulted (in September 2023) on the amended Flood Risk Assessment and additional drainage plans, while Environmental Health have been reconsulted (also in September) on the submitted Noise Impact Assessment. Where additional representations have been submitted in relation to the aforementioned reconsultation exercise, this has been specified below.

Brompton Parish Council: No response received.

NYC Environmental Health (EH): No objections, subject to the following conditions (as summarised): the construction of the acoustic bund/fence structure prior to first occupation, and its maintenance thereafter; and the approval of mitigation measures to achieve internal and external noise levels for all properties of :

(a) 30dB LAeq,8hr / 35dB LAeq, 16 hr in bedrooms. If this cannot be achieved with open windows, the property shall be firstly redesigned to ensure noise sensitive rooms such as bedroom or openable windows are orientated away from the noise source. Where this is not possible ventilation providing the same air exchange as an open window shall be provided.

(b) Living rooms - 35dB LAeq,16 hrs

(c) Dining Rooms - 40dB LAeq,16hr

(d) 45 dB L_{Amax}, F individual noise events no more than 10 times a night.

(e) 50 dB external amenity. Hambleton district is a rural area with lower background noise levels. The lower standard of 50dB (LAeq, 16hr) through building orientation or localised screening.

NYC Local Highway Authority (LHA): No LHA objections to the proposed development, subject to conditions relating to (as summarised): prior approval of detailed plans of road and footway layout; construction (to binder course macadam level or similar) of the carriageways/footways prior to the development being brought into use; the provision of 90m visibility splays along both channels lines of North Moor Road; the provision of 2m by 2m pedestrian visibility splays, the provision and retention of the approved vehicular parking; the provision of a construction management plan; and the retention of the garaging for its intended purpose.

MOD Safeguarding: No safeguarding objections.

Environment Agency (EA): No response received.

Brompton Heritage Group: No response received.

NYC Economic Development Officer: No response received.

NYC Planning Policy Manager: No response received.

NYC Housing Manager: No response received.

Natural England: No response received.

Yorkshire Wildlife Trust (YWT): No response received.

Yorkshire Water Services (YWS): No objections, subject to a condition requiring the proposed development to be undertaken in accordance with the details shown on the submitted Engineering Layout Plan (CK-XX-XX-DR-C-52-100 revision T3)

NY Designing Out Crime Officer (DOCO): In relation to designing out crime, the DOC has confirmed that he has no comments to make regarding the current (revised) proposal.

NYC Environmental Health (Contaminated Land): No response received.

Local Access Forum (LAF): No response received.

Lead Local Flood Authority (LLFA): The LLFA have yet to respond to the latest reconsultation, having previously requested that the applicant provide further details. Any response received will be reported to Members before or during the Meeting.

Swale and Ure Internal Drainage Board (IDB): No comments.

Kyle and Upper Ouse Internal Drainage Board (IDB): No objection, subject to a condition requiring the restricted flow measures and attenuation to be put in place prior to occupancy.

Local Representations

7.2. No local representations have been received in response to consultation.

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 Environmental Statement is therefore required.

9.0 Main Issues

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

- Location and Principle of Housing Development
- Affordable Housing Provision
- Housing Mix
- Nationally Described Space Standards (NDSS) and Adaptable Homes
- Amenity
- Design and Townscape Impacts
- Ecology, Biodiversity Net Gain and Green Infrastructure
- Highway Safety, Accessibility, Permeability and Connectivity
- Flood Risk and Surface Water Drainage/Management

10.0 Assessment

Location and Principle of Housing Development

- 10.1 The Hambleton Local Plan (hereby referred to as the '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.
- 10.2 Policy S3 (Spatial Distribution) sets out the Local Plan's strategy for the focus and spatial distribution of development across the Hambleton plan area. The policy includes a settlement hierarchy of designated Market Towns, Service Villages, 'Secondary Villages' and 'Small Villages, with the main focus of housing growth being in the Plan Area's Market Towns.
- 10.3 Policy S2 (Strategic Priorities and Requirements) confirms that the housing strategy, including the aforementioned housing targets set out in Policy S1, will be achieved through development that has already happened, existing commitments (i.e. extant planning permissions) and a series of allocated sites. However, the Local Plan also makes provision for additional housing development through entry-level and rural exception schemes (Policy HG4) as well as 'windfall' housing sites (Policy HG5) to come forward within the plan period on sites either within and/or adjacent to the 'existing built form' of certain 'defined settlements' within the settlement hierarchy of Policy S3.

- 10.4 Policy S5 (Development in the Countryside) states that any land outside the 'existing built form' of a defined settlement as well as any villages, hamlets or groups of buildings not specifically listed within the settlement hierarchy are to be considered as being part of the countryside. Policy S5 defines the 'existing built form' as, 'the closely grouped and visually well related buildings of the main part of the settlement and land closely associated with them', further clarifying that the built form excludes five specific scenarios.
- 10.5 The application site was formerly part of the North Northallerton Development Area within the now superseded LDF. However, it was not brought forward as an allocation within the current Local Plan owing to the advanced nature of the development of the North Northallerton development. However, the application site is located between the business park and a relatively large and newly built housing development, and thus is considered to be within the built form of the designated Market Town of Northallerton with Romanby. The application site is not protected for its environmental, historic, community or other value, or allocated, designated or otherwise safeguarded for another type of development. As such the site is considered to be in a suitable location for housing in terms of sustainability and the relevant requirements of Policy HG5 (Windfall Housing Development) and the principle of the proposed residential development is therefore supported by the relevant strategic and housing-related policies of the Local Plan.

Affordable Housing Provision

- 10.6 Policy HG3 (Affordable Housing Requirements) states that the Council will seek provision of 30% affordable dwellings on all housing developments. Policy HG3 also states that where it can be demonstrated that the requirements above are not viable, due to specific site conditions or other material considerations affecting development of the site, an alternative dwelling or tenure mix that meets local need or a lower level of provision may be acceptable.
- 10.7 As confirmed within the Officer report for application 21/02227/FUL at the time of the granting of planning permission for the North Northallerton development under the original hybrid application, the viability appraisal showed that the development was only able to provide 13.4% affordable housing, noting that subsequent interim appraisals suggested that the development could not support any affordable housing. The main question in this case is whether the parcel of land, subject of this application was considered within that appraisal and as such should be considered under the requirements of the S106 agreement for North Northallerton as opposed to the 30% requirement under the current Local Plan.
- 10.8 Owing to noise related difficulties with the relationship to Allerton Steel, this parcel of land was effectively omitted from the outline approval, but a receipt and cost was retained within the viability appraisal. This has resulted in the applicant having to submit a 'full' planning application (rather than a reserved matters application), in this case.
- 10.9 The matter of affordable housing is still pertinent to the wider North Northallerton development proposals owing to the requirements of the Section 106 agreement.
- 10.10 It is noted that it is intended that Karbon Homes purchase up to 48 units at North Northallerton, which would not be subject to the Council's usual S106 controls but would be subject to controls placed as a result of Homes England funding, which would ensure that they meet affordable housing definitions.
- 10.11 Having reviewed the submissions, Officers are content that this site does form part of the wider viability appraisal and as such need not provide 30% affordable housing.

Housing Mix

- 10.12 Criterion f. of Policy HG2 (Delivering the Right Type of Homes) states that housing development will be supported where, 'a range of house types and sizes is provided, that reflects and responds to the existing and future needs of the district's households as identified in the SHMA...having had regard to evidence of local housing need, market conditions and the ability of the site to accommodate a mix of housing. The Council also has a Housing SPD that provides detailed supplementary guidance on the housing needs within the area.

<u>House Size</u>	<u>Market Housing Target Ranges (%)</u>	<u>Proposed Market Housing (38 Units)</u>
1 bed	5-10%	6 (15.7%)
2 bed	40-45%	7 (18.4%)
3 bed	40-45%	25 (65.7%)
4+ bed	0-10%	0 (0%)

- 10.13 The proposed development would effectively over-provide in terms of single bed and 3 bedroom properties, but under deliver in relation to 2 bedroom properties. Whilst the mix is not strictly in accordance with the targets set out in the SPD, it is considered that as a whole the development provides a reasonable and acceptable proportion of smaller market homes, and as such is in accordance with the expectations of criterion f. of Policy HG2 of the Local Plan.

Nationally Described Space Standards (NDSS) and Adaptable Homes

- 10.14 In order to help achieve the Council's aim of creating sustainable and inclusive communities, criterion (a) of Policy HG2 (Delivering the Right Types of Homes) states that the Council will seek the use of good quality adaptable housing designs that provide flexible internal layouts and allow for cost-effective alterations to meet changing needs over a lifetime and reduced fuel poverty. In addition, criteria (g) of HG2 states that housing development will be supported where all homes meet the NDSS.
- 10.15 The development would comply with the relevant NDSS and house adaptability requirements of Policy HG2 of the Local Plan.

Amenity

- 10.16 Policy E2 (Amenity) 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. Amongst other criteria a proposal will be required to ensure adequate daylight/sunlight, good relationships between buildings, preservation of privacy, protection against noise and that any adverse impacts be made acceptable. The policy also requires provision for bin storage and adequate amenity space.
- 10.17 The relationship and space between dwellings within the proposed layout would allow for adequate light permeation throughout the site. The proposed layout shows that proposed dwellings would be oriented in a manner that would not result in significant overshadowing of neighbouring plots. Separation distances of 20-21m would be achieved where principal elevations face each other. However, many of the proposed dwellings within the scheme would have side to rear relationship, allowing dwellings to be sited closer together.

- 10.18 The submitted proposed plans show that the rear of each plot would be able to be accessed externally, thus allowing for safe and secure storage of both bins and bicycles. Some of the plots also feature garages and/or sheds which can also be used for the secure storage of bicycles.
- 10.19 The relationship between the proposed dwellings and wider North Northallerton development has been considered. The proposed separation distances to the approved neighbouring dwellings to the west are approximately 20m where principal elevations face each other and this is considered to be acceptable.
- 10.20 The rear gardens of several of the southern plots within the proposed development would be somewhat overlooked by the adjacent office building (Gibraltar House). The dwellings within these plots have been sited to have an approximate 17-18m separation distance from the office building. It is considered that tree planting in this area would improve the privacy level of the gardens. However, whilst this relationship is not ideal, due to the separation distances further landscaping is not considered necessary at this stage but could be implemented later if preferred by future residents. Whilst White Rose House is also close to the boundary, the dwellings have been sited in a way that does not unacceptably affect the privacy levels of the rear amenity spaces of the relevant plots.
- 10.21 Sited to the east of the application site is the relatively newly-built three storey NHS building. The building has first floor windows on the relevant elevation that serves individual consultation rooms. The design of the building is such that the upper floors step away from the boundary. The ground floor therefore is closest to the boundary at approx. 10m, the first floor 21m and the third at over 30m. The proposed dwellings within plots 523 and 524 would be oriented with their sides facing the boundary. The rear gardens would be set slightly south of the NHS building thus creating a skewed view between the building and the gardens in question. It is therefore considered that this relationship is acceptable and in accordance with Policy E2 of the Local Plan.
- 10.22 The application site is located in close proximity to Allerton Steel, a steel fabrication business/premises located on Thurston Road occupying a large metal clad factory building. Whilst the site shares a boundary with the area of land on which permission has been granted for an extension to Allerton Steel (19/02209/FUL), the site is also in close proximity to the existing main building. Allerton Steel has no time restrictions on its operations nor are there any conditions which limit the noise level which can be emitted from the site.
- 10.23 The starting point through the course of the consideration of the hybrid application for the wider North Northallerton development was to resist housing development on this site owing to the amenity risk from noise and the potential to have to limit Allerton Steel's operations owing to noise disturbance. The 'agent of change' principle (as set out in paragraph 187 of the NPPF) was considered to be an important consideration because if a loss of amenity were to be demonstrated once development was completed, this could potentially have a detrimental impact on Allerton Steel's operations. In addition, the hybrid permission required (by condition 36) that the approved dwellings are designed to meet BS8233:2014 and sets limits on the internal noise level, while a further condition (37) was imposed on the hybrid permission which prohibited the application site from being developed for dwellings or houses in multiple occupation. It must therefore be considered whether the site itself is suitable for housing given the proximity to such an intensive industrial use.

- 10.24 Following discussions that took place during the course of the previous application (21/02227/FUL) regarding the noise impact of Allerton Steel on the amenity of future occupiers of the dwellings, that application was amended to include a 4m high bund with 4m high acoustic fencing, combining to provide an 8m high acoustic barrier between the proposed housing and the Allerton Steel site. Despite the Council's reasons for refusal for 21/02227/FUL, the proposed acoustic barrier remains as part of the current proposals, albeit at a slightly lower overall height of 7m.
- 10.25 A Noise Impact Assessment has been submitted in support of the application and the Council's Environmental Health department have been consulted. Subject to conditions requiring the construction of the proposed acoustic bund/fence structure prior to first occupation, and its maintenance thereafter; as well as the approval of mitigation measures to achieve specific internal and external noise levels for all properties, Environmental Health have confirmed that they have no objections.
- 10.26 Owing to the way in which noise assessments are carried out, looking at the average noise levels, officers have some residual concerns about the potential impact on residential amenity through occasional or sporadic noise from Allerton Steel. The site is open and potentially operational 24/7 depending on the nature of the project that they are working on. As such there is potential for one off noises late at night, which could cause noise and disturbance. It is however considered that the British Standard requirements on noise have been met and that the acoustic measures proposed will result in a satisfactory level of amenity. However, there remains some residual concern with regard to one off and sporadic noise, with the potential to lead to a loss of amenity for residential occupiers of the site. Overall, and subject to conditions, the proposals are considered to be in accordance with the relevant criteria of Policy E2 of the Local Plan.

Design and Townscape Impacts

- 10.27 Policy E1 (Design) states that all development should be high quality...integrating successfully with its surroundings in terms of form and function...reinforcing local distinctiveness and...a strong sense of place. As such, development will be supported where the design is in accordance with the relevant requirements of Policy E1 (amongst other less relevant considerations): responding positively to its context...drawing key characteristics from its surroundings...to help create distinctive, high quality and well-designed places (criterion a.); respects and contributes positively to local character, identity and distinctiveness in terms of form, scale, layout, height, density, visual appearance/relationships, views/vistas, materials and native planting/landscaping (criterion b.); and makes efficient use of the site (criterion h.)
- 10.28 In terms of townscape impact, Policy E7 (Hambleton's Landscapes) of the Local Plan states that the Council will protect and enhance the distinctive character and townscapes of settlements within the plan area. This will be achieved by ensuring that development is appropriate to, and integrates with, the character and townscape of the surrounding area.
- 10.29 The application is for 38 units on approx. 1.02ha of land. This gives a density of approx. 37 dwellings per hectare. This is the same density as that approved on the neighbouring site under 21/02226/REM. The justification for this is that the hybrid permission required that the development be carried out in accordance with the Parameters Density and Phase 1 Areas Plan contained within the Design and Access Statement. The plans indicate that in this part of the site density was expected to range from 35-40 dwellings per hectare. In this case therefore the proposed density is considered acceptable.

- 10.30 The proposed dwellings would be set back from North Moor Road due to the requirements of an easement. This would allow for a planted buffer between the dwellings and the main road. The proposed landscaping scheme shows the area would include a hedgerow with trees. A root barrier would be provided to protect the drainage system. The remaining space would be planted with wildflowers and grass. An area of shrub planting is shown near the vehicular entrance.
- 10.31 The individual house types include single, two and three storey dwellings. The three storey dwellings have been designed to appear both as three storey buildings and as dormer two storey dwellings. The single and two storey dwellings are a typical design for the type of development. The proposed dwellings feature a mixture of red and buff brick, a mix of grey and red roof tiles with white PVC fenestration. Window heads are marked by Artstone or brick detailing. Boundary walls would be constructed of matching brick corresponding with the associated dwelling.
- 10.32 North Yorkshire Police Designing out Crime Officers were consulted and have not provided any advice and recommendations in relation to this (revised) application.
- 10.33 As described within the 'amenity' section above, the proposed acoustic bunding/fencing feature would measure 7m in total and, despite the slight reduction in height, would be an imposing and somewhat incongruous feature within the street scene. Nevertheless, the imposing visual impact should be balanced against the visual screening that it would provide between the dwellings and the industrial buildings located to the east of the site, thus mitigating the visual outlook from the site.
- 10.34 Overall, and in the circumstances, the proposed layout, housing density, scale and design are considered to be acceptable and in accordance with the requirements and expectations of Policies E1 and E7 of the Local Plan.
- 10.35 Overall, the proposed development is considered to be good quality design and is in accordance with Policy E1 of the Local Plan.

Ecology, Biodiversity Net Gain and Green Infrastructure

- 10.36 In accordance with the Environment Act (2021) and the NPPF, Policy E3 (The Natural Environment) is clear that all development is expected to demonstrate the delivery of a net gain in biodiversity or Biodiversity Net Gain (BNG), with paragraph 6.46 of the supporting text stating that the latest DEFRA guidance and relevant metric tool should be used to demonstrate compliance with the policy.
- 10.37 Policy E3 also states that a proposal that may harm a non-designated site or feature(s) of biodiversity interest will only be supported where (amongst other less relevant matters):
- 'significant harm' has been avoided (i.e. an alternative site), adequately mitigated or compensated for as a 'last resort' (criterion a.)
- 10.38 Policy E4 (Green Infrastructure) states that the Council will require development to protect existing green infrastructure, secure improvements to its safety and accessibility, and secure net gains to green infrastructure provision.
- 10.39 A preliminary Ecological Appraisal was carried out by Quants Environmental which covered both this site and the adjacent site (21/02226/REM). The appraisal identified that the site mainly comprises semi-improved grassland which is bordered by mature trees, hedgerows and fencing. The grassland is considered to be of low ecological value, whilst the trees and hedgerows are of notable value.

- 10.40 The site was considered to be of potential value to open ground nesting birds such as meadow pipit, skylark and lapwing. The Hybrid permission is subject to conditions which require, for each phase, the submission of an Ecological Enhancement Management Plan (condition 30), pre-construction surveys (32) and that site clearance works be undertaken outside of bird nesting season (33). As this application is a standalone application these conditions should be reapplied to any permission granted.
- 10.41 The report indicates that 55m of species-poor hedgerow forms a boundary feature on the southern edge of the application site. The hedge is dominated by hawthorn, with occasional blackthorn and elder. The hedge is currently unmanaged and is starting to become outgrown. There are no standard trees within the hedge. The Preliminary Ecological Report recommends that the hedge be retained, however, the Biodiversity Net Gain report indicates that it is to be removed and replaced by 75m of native hedgerow to the northern boundary with North Moor Road. In this case as there is a demonstrable net gain of hedgerow within the development coupled with the low value of the existing hedgerow it is considered that the loss in this case is acceptable.
- 10.42 As mentioned above a Biodiversity Net Gain report and relevant metric were also submitted in support of the application. The metric shows a net gain of 10.78% for habitat units and 286.14% for hedgerow units. The report also details how these features should be managed. It is considered that the details of the report be secured by condition.
- 10.43 Subject to the aforementioned condition, it is considered that the proposed development would comply with the relevant requirements of Policy E3 of the Local Plan.

Highway Safety, Accessibility, Permeability and Connectivity

- 10.44 Policy IC2 (Transport and Accessibility) states that the Council will seek to secure a safe and efficient transport system...accessible to all and that supports a sustainable pattern of development. As such, development will only be supported where it is demonstrated (amongst other less relevant considerations) that:
- the development is located where it can be satisfactorily accommodated on the highway network, including where it can be well integrated with footpaths, cycle networks and public transport (criterion a.);
 - the need to travel is minimised and that walking, cycling and the use of public transport are maximised (criterion c.);
 - highway safety would not be compromised and that safe physical access to be provided to the proposed development from footpath and highway networks (criterion e.)
 - adequate provision for servicing and emergency access is to be incorporated (criterion f.), and
 - appropriate provision for parking is incorporated...(criterion g.)
- 10.45 Policy E1 (Design) reinforces the need for the proposals to be designed to achieve good accessibility and permeability, stating that development will be supported where it (amongst other things):
- promotes accessibility and permeability for all (criterion e.);
 - is accessible for all users by maximising opportunities for pedestrian, wheelchair and cycle links within the site and with the surrounding area and local facilities, providing satisfactory means for vehicular access and incorporating adequate provision for parking, servicing and manoeuvring in accordance with applicable adopted standards (criterion f.)
- 10.46 The main access to the site is proposed to be taken from North Moor Road at the north-west corner of the site. This access would be shared with the previously approved development to the west. Pedestrian access is also shown connecting the main access point to the eastern plots. An additional pedestrian access will also be provided along the north-east side of the development allowing quick access by foot for the dwellings which face North Moor Road.

- 10.47 On site parking would be provided either in curtilage or to the rear of properties in a courtyard style. The exceptions are plots 506 and 519 (1 bedroom coach house style flats) where the parking is provided in an integrated garage beneath the living space. Tracking information has been provided to demonstrate manoeuvring around the courtyard parking.
- 10.48 North Yorkshire Council Highways Officers have been consulted and have no objection, subject to conditions summarised in section 7 above. Overall, the proposals are considered to comply with Policy IC2 and E1 of the Local Plan.

Flood Risk and Surface Water Drainage/Management

- 10.49 Policy RM2 (Flood Risk) states that the Council will manage and mitigate flood risk by (amongst other less relevant considerations):
- avoiding development in flood risk area (criterion a.);
 - requiring flood risk to be considered for all development commensurate with the scale and impact of the proposed development and mitigated where appropriate (criterion c.), and
 - reducing the speed and volume of surface water run-off as part of new build developments (criterion d.)
- 10.50 Policy RM3 (Surface Water and Drainage Management) of the Local Plan states that a proposal will only be supported where surface water and drainage have been addressed such that it complies with the following requirements (amongst others not considered relevant to the proposals):
- surface water run-off is limited to the site's existing greenfield run-off rate (criterion a.), and
 - where appropriate, sustainable drainage systems (SuDS) are to be incorporated having regard to the latest version of the North Yorkshire County Council Sustainable Drainage Systems Design Guidance...with arrangements made for its management and maintenance for the lifetime of the development (criterion b.)
- 10.51 The drainage scheme indicates that surface and foul water will connect to separate existing public systems in North Moor Road. Due to the size of the site a Flood Risk Assessment has been submitted. The FRA confirms that the site is wholly within flood zone 1. The report identifies a localised area of medium and high risk for surface water flooding. These are likely to be as a result of depressions in existing topography or obstructions on site. Reference to the maps indicated that the medium/high risk areas are self contained and do not form part of a flood path originating offsite. The report, however, appears to cover both the application site and the adjacent site on which consent has already been granted. The area identified above appears to be located on the adjacent site and therefore is not relevant to this application.
- 10.52 The Lead Local Flood Authority were consulted and are yet to formally respond to the reconsultation. Any response will be reported to Members prior or during the Committee meeting. Subject to receiving a positive recommendation from LLFA, the proposals are considered to comply with Policies RM2 and RM3 of the Local Plan.

11.0 Planning Balance and Conclusion

- 11.1 The application site is within the built form of the Market Town of Northallerton with Romanby and is considered to be an appropriate 'windfall' housing site by virtue of Policy HG5 of the Local Plan. As well as the principle of the development, the proposals are also considered to have the support of the relevant policies of the Local Plan with regards to housing mix, NDSS and adaptable homes, ecology, highway safety and flood risk and drainage.

- 11.2 It is acknowledged that the previous planning application (21/02227/FUL) was refused by the Hambleton Planning Committee in December 2022 for several reasons. One of these reasons was that the Committee considered that the noise mitigation measures (in particular the bund and acoustic fence) would have an adverse impact on the character and visual amenity of the area and as such failed to meet the high quality of design required by policy E1. While the acoustic bund/fencing feature remains as part of the revised scheme under consideration, the feature is an essential part of the noise mitigation scheme for the proposed development, without which new residents would experience unacceptable levels of noise emanating from the adjacent businesses, while, as the 'agent of change', potentially placing unacceptable operating restrictions on the Allerton Steel business in particular. Therefore, while Officers accept that the bund/fencing feature is an incongruous and somewhat alien feature of a residential development, the design and character matters have to be balanced against noise mitigation considerations.
- 11.3 The Planning Committee also considered that the previously proposed noise mitigation measures would not be sufficient to reduce the noise impact to the proposed residential dwellings or to offer a suitable level of protection to the operation of Allerton Steel and the adjacent NHS building and as such failed to comply with Policy E2 and the relevant terms of the NPPF in terms of Agents of Change considerations. A Noise Impact Assessment has been submitted as part of the application and considered by Environmental Health, who consider the results and the proposed mitigation (that can be required by condition) to be acceptable.
- 11.4 The Planning Committee also refused application 21/02227/FUL as the proposed development would fail to make provision for affordable housing as required by the provisions of Policy HG3. This matter is explored in detail in paragraphs 10.6-11 above, and Officers would again emphasise that as the application site does form part of the wider viability appraisal, Officers do not consider that there is a requirement for the scheme to provide for 30 per cent affordable housing.
- 11.5 In refusing planning permission for application 21/02227/FUL, the Planning Committee also considered that the parking layout is inappropriate owing to the distance of some parking spaces from their relevant dwellings and the lack of EV charging, thus it was considered by the Committee that the proposals failed to comply with Policy IC2 and Policy S1 of the Local Plan. These matters been clarified/addressed by the agent as part of the revised submission. Having been consulted on the application, the Local Highway Authority have raised no objections to the proposals.
- 11.6 Overall, the agent has sought to address (where considered possible or able to do so) the concerns of the Planning Committee as expressed within the reasons of refusal of application 21/02227/FUL. Although the amendments made are limited for the reasons explained in the paragraphs above, Officers consider that the proposals meet the requirements of the relevant policies of the Local Plan, the NPPF and national Planning Practice Guidance, subject to the planning conditions recommended below and receiving a positive recommendation from the LLFA

12.0 Recommendation

12.1 That planning permission be **GRANTED** subject to:

- i) the Conditions set out below (as well as any recommended by the LLFA in any subsequent response):

Conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The permission hereby granted shall not be undertaken other than in complete accordance with the proposed plans and drawings submitted as received by the Local Planning Authority on 26.04.2023; 28.04.2023; and 04.09.2023.

Reason: In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1 and E1.

3. 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, road lighting 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, in accordance with Policy IC2 of the Local Plan.

4. No part of the development to which this permission relates must 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, in accordance with Policy IC2 of the Local Plan.

5. No dwelling must be occupied until the related parking facilities have been constructed in accordance with the approved parking, manoeuvring and turning facilities as shown on Drawing Number NTH - PH3 - 007 Revision C. 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, in accordance with Policy IC2 of the Local Plan.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Order, the garages shall be used solely for parking of motor vehicles and domestic storage including cycle parking and shall not be used as additional living accommodation without the granting of an appropriate planning permission.

Reason: In order to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity of the development, in accordance with Policy IC2 of the Local Plan.

7. No development must commence until a Construction Management Plan 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 plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

- a. The provision of wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway by vehicles exiting the site.
- b. An area for the parking of all contractors, site operatives and visitors vehicles clear of the Public Highway.
- c. An area for the storage of all plant and materials used in constructing the development clear of the Public Highway
- d. Measures to manage the delivery of materials and plant to the site including the location of loading and unloading areas.
- e. Contact details for the responsible person (site manager / site office) who can be contacted in the event of any issue.
- f. A photographic and / or video record of the condition of the B6721 North Moor Road adjacent to the site plus a distance of 100 metres on each approach. The survey should include the carriageway, footways and grassed verges and will be used in order to establish if any damage or degradation to the Highway has occurred during the period of work on the site and any such damage deemed to have taken place as a consequence of the development works will require to be rectified at the cost of the applicant.

Reason: In the interest of public safety and amenity, in accordance with Policy IC2 of the Local Plan.

8. There must be no access or egress by any vehicles between the highway and the application site at its junction with the B6271 North Moor Road until minimum splays are provided giving clear visibility of 90 metres measured along both nearside channel lines of North Moor 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, in accordance with Policy IC2 of the Local Plan.

9. There must be no access or egress by any vehicles between what is to be adopted highway and each plot 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 adjacent road have been provided. In measuring the splays the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety, in accordance with Policy IC2 of the Local Plan.

10. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

Reason: In the interest of satisfactory and sustainable drainage, in accordance with policy RM3 of the Local Plan.

11. Prior to occupation of any part of the development a scheme shall be submitted to, and approved in writing, by the Local Planning Authority detailing how the recommendations of North Yorkshire Police Designing out Crime Report Ref No: 011-1-2022 dated 22.06.2022 in relation to application 21/02227/FUL will be incorporated into the scheme. The development shall be implemented in accordance with the approved plans.

Reason: To ensure that Designing Out Crime principles are adopted in relation to the proposed development, in accordance with Policy E1 of the Local Plan.

12. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy RM5 of the Local Plan.

13. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

Reason: In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1 and E1.

14. The approved landscaping scheme shall be implemented in the first planting season following the occupation of the 30th dwelling in accordance with the approved plans and in accordance with the Biodiversity Net Gain Assessment. The trees and hedgerows shall be maintained in accordance with the details set out in the Biodiversity Net Gain Assessment for a period of at least 30 years unless an alternative maintenance scheme is submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that appropriate landscaping and biodiversity net gain schemes are achieved/implemented and maintained, in accordance with Policies E1 and E3 of the Local Plan.

15. No development shall commence until a scheme providing for preconstruction surveys of and mitigation impacts for breeding birds including any nests on the site has been submitted to and approved in writing by the Local Planning Authority. Surveys shall also be suitable to record Schedule 1 barn owl, if present.

Reason: To comply with the Wildlife and Countryside Act 1981 to protect all wild birds whilst they are actively nesting or roosting, and in accordance with Policy E3 of the Local Plan.

16. A badger survey must be carried out by a suitably qualified Ecologist no less than 48 hours before the commencement of construction. Results and appropriate mitigation measures (where required) must be submitted to the Local Planning Authority for approval in writing and thereafter implemented in full.

Reason: In the interest of local ecology and biodiversity, in accordance Policies E1 and E3 of the Local Plan.

17. No development (which includes site clearance works and excavation) shall take place/commence until an Ecological Enhancement Management Plan has been submitted to the Council for approval. The Plan will set out all necessary ecological mitigation and enhancements measures, including those specified in Chapter 8: Biodiversity of the Environmental Statement, to cover the construction of the development and not less than 10 years following its completion. The Plan will make provisions for, but is not limited to, habitats, terrestrial mammals, bats, birds, and invertebrates.

Reason: In the interest of local ecology and biodiversity, in accordance Policies E1 and E3 of the Local Plan.

18. Vegetation clearance shall be undertaken between September and late February to avoid the bird nesting season (March-August) unless otherwise approved in writing by the Local Planning Authority. Any nests identified during vegetation clearance shall be protected until the young have fledged. Where a Wildlife and Countryside Act Schedule 1 species is involved, mitigation for impacts, e.g. loss of nesting site, must be devised, approved in writing by the Local Planning Authority and implemented. If vegetation clearance and/or construction work is approved in writing by the Local Planning Authority during or extending into the bird nesting season, further assessments and mitigation measures, such as ecological supervision at the developers expense, may be required by the Local Planning Authority.

Reason: In the interest of local ecology and biodiversity, in accordance Policies E1 and E3 of the Local Plan.

Target Determination Date: 26.07.2023

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