

North Yorkshire Council

Community Development Services

Richmond (Yorks) Area Constituency Planning Committee

11th January 2024

ZB23/02177/FUL - Proposed detached bungalow and parking

At: 94 Crosby Road, Northallerton

For: Capital Yorkshire Ltd

Report of the Assistant Director Planning – Community Development Services

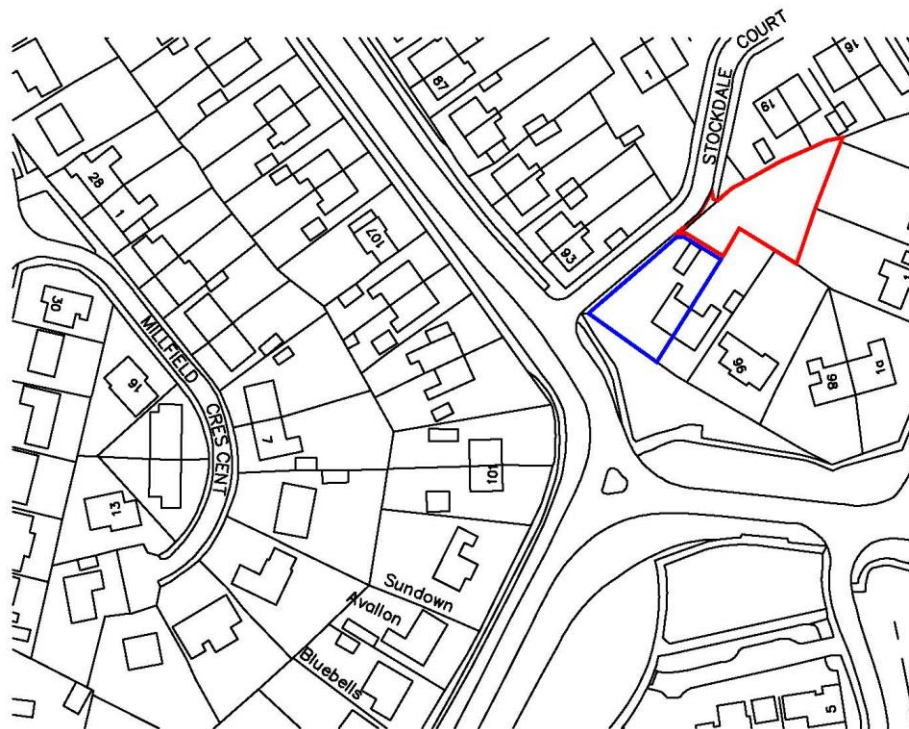
1.0 PURPOSE OF THE REPORT

- 1.1 To determine an application for full planning permission for the construction of a detached bungalow.
- 1.2 The application is subject to a Member call-in.

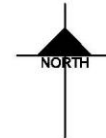
2.0 SUMMARY

- 2.1 The proposed bungalow is of a high-quality design that respects the suburban, residential character of the site and the wider area. Public concerns regarding highways and drainage have been carefully considered and it is considered that appropriate measures have been made to ensure existing problems are not significantly increased. The proposal has also incorporated measures to ensure that there is an enhancement in biodiversity and ecology.
- 2.2 It is considered that the site is capable of accommodating the proposed development in-line with technical and policy requirements.

RECOMMENDATION: That planning permission is **GRANTED** with conditions.



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- 3.1. Access to the case file on Public Access can be found here: - [Associated Documents](#)
- 3.2 The following planning applications detailed below are relevant to the site for this site which are detailed below:
- 3.3 No relevant site history
- 3.4 An application for full planning permission for a dwelling to the road frontage was refused, under delegated powers.

4.0 SITE AND SURROUNDINGS

- 4.1 The site is located on Crosby Road which is within the built up part of the market town of Northallerton. The site is bound by residential dwellings and gardens to the north, east and south. There are a mixture of built forms in the locality including both two and single storey dwellings.
- 4.2 To the south of the site and in the same ownership is 94 Crosby Road which is a semi-detached property with an extended garden area to the north east rear. A mixture of hedgerow and timber fencing bounds the site.
- 4.3 Access to the site is currently off Crosby Road and Stockdale Court.

4.4 The site is within flood zone one which has a low probability of flooding.

5.0 DESCRIPTION OF PROPOSAL

5.1 This application seeks full planning permission for the construction of a new bungalow within the rear garden of 94 Crosby Road. The bungalow will be constructed using brick and slate together with UPVC fenestration. The proposed dwelling will be set within its associated amenity space. The dwelling would have a lounge, dining area/kitchen, sun lounge at ground floor and wc, utility, three bedrooms, ensuite at first floor with a total site area of 513sqm.

5.2 The proposed development looks to use access off Stockdale Court incorporating two car parking spaces for the bungalow.

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:

Divisional Member: The Divisional Cllr for Northallerton South has requested the application be presented before planning committee for the following reasons; Issues around visibility splay and road safety, matters pertaining to drainage, potential impact on residential amenity and potential impact on character and openness of the estate.

Northern Utility Services: No observation received

Local Highway Authority (LHA): The Local Highway Authority has no objections subject to standard conditions re access and parking.

Yorkshire Water: Initially objected owing to the location of a main water pipe. Further comments received on the 16.11.2023 removed the objection after further information was received by the agent.

Water Supply

No building or other obstruction including landscape features shall be located over or within 3 metres either side of the centre line of the public water main i.e. a protected strip width of 6 metres, that crosses the site. Furthermore, no construction works in the relevant area(s) of the site shall commence until measures to protect the public water supply infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. If the required stand-off or protection measures are to be achieved via diversion or closure of the water main, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that, prior to construction in the affected area, the approved works have been undertaken.

(In the interest of public health and maintaining the public water supply)

Waste Water

If planning permission is to be granted, the following conditions should be attached in order to protect the local aquatic environment and Yorkshire Water infrastructure:

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.

(In the interest of satisfactory and sustainable drainage)

There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:

- i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
- ii) the means of discharging to the public sewer network at a rate not to exceed 3.5 litres per second.

(To ensure that no surface water discharges take place until proper provision has been made for its disposal)

1.) On the Statutory Sewer Map, there is a 150mm diameter public foul water sewer recorded to cross the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme.

a.) It may not be acceptable to raise or lower ground levels over the sewer and we will not accept any inspection chambers on the sewer to be built over.

b.) In this instance, Yorkshire Water would look for this matter to be controlled (by Requirement H4 of the Building Regulations 2010).

c.) There should be no new tree planting within 5 metres of the public sewer network.

d.) A proposal by the developer to alter/divert a public sewer will be subject to Yorkshire Water's requirements and formal procedure in accordance with Section 185 Water Industry Act 1991.

2.) The developer is proposing to discharge surface water to public sewer however, sustainable development requires appropriate surface water disposal.

a.) Yorkshire Water promote the surface water disposal hierarchy and the developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer.

b.) The developer and LPA are strongly advised to seek comments on surface water disposal from other drainage bodies as further restrictions may be imposed.

c.) As the proposal site is currently undeveloped, no positive surface water is known to have previously discharged to the public sewer network. Surface water discharge to the existing public sewer network must only be as a last resort and the developer is required to eliminate other means of surface water disposal.

d.) As a last resort, and upon receipt of satisfactory evidence to confirm the reasons for rejection of other methods of surface water disposal, curtilage surface water may discharge to public sewer at a restricted rate of discharge not to exceed 3.5 litres per second

Natural England: No observation received

Yorkshire Wildlife Trust: No observation received

Local Representations

7.2 14 local representations have been received in objection to the proposal. No comments have been received from local interest groups. A brief summary of the local representation is provided below:

- Access does not seem adequate because most of the frontage on Stockdale Avenue is occupied by an electricity sub-station.
- Concerns regarding the site of the proposed access and parking for this development and the associated proposed development ZB23/02176/FUL. The drawing does not accurately represent the bend in the road or the width of the road. There is already difficulty for two vehicles passing on the corner
- Concerns over possible parking problems. Although the applicant proposes 5 car parking spaces I feel that visitors will still attempt to park on either Crosby Road or Stockdale Court.
- The site has significant drainage problems. This has caused subsidence issues with three garages on the properties adjacent this orchard in Stockdale Court, one of which had to be completely rebuilt.
- A soak away will only further add to the problem. The removal of a mature tree which is laden with fruit each year can only exacerbate the existing problem.
- There never has been pedestrian access from 94, Crosby Road into Stockdale Court. This is an illegal access and when the fence was renewed by the Electricity board surrounding their substation, the gardener asked the workmen to construct this gate for his own ease of access.
- It is not recommended to build a dwelling within a certain distance of an existing Electricity Sub Station. Are the Electricity company fully aware of this proposed planning application.
- Object to the proposal of buildings on the grounds of environmental issues which are the home to numerous species.
- Devaluation of surrounding properties
- Overshadow neighbouring properties
- No adequate solution for water drainage.
- The proposed development will remove a green space that absorbs rainwater etc and increase the possibility of flooding as it is surrounded by higher ground.
- The gardens in and around the area are host to a large population of frogs, these all centre around 94 Crosby Road and building in this area will impact them and the other wildlife. In addition to the frogs, there are toads and hedgehogs that live and visit neighbouring properties.
- Dangerous non standard width road
- Where would building materials be stored.
- Development on top of a land drain.

7.3 Eight further objections have been received after re-consultation with the additional drainage plan. Comments can be summarised below;

- The only difference the pipe diversion will make is to satisfy Yorkshire Water's concerns and in no way offers any mitigation of the other numerous concerns raised by

the affected residents and in fact would cause further disruption and potential damage to properties, wildlife etc

- The developer has only made one change and that is to appease Yorkshire Water.
- The new sighting of the water main will only lead to further problems by damaging the roots of the trees in the hedge line and further disruption to our wildlife.
- Concern regarding removal of trees.
- Water pipework too close to neighbour boundary.
- Leave the pipe alone.
- Risk of flooding due to loss of soft surfaces

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:

- Principle of Development
- 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

Principle of Development

10.1 Local Plan policy S1 (Sustainable Development) sets out the central role that sustainable development plays in meeting growth requirements, to set out the ways in which the Council will seek to achieve sustainable development and to set the expectations for all development in the district.

10.2 Policy S3 identifies Northallerton as a "Market Town". This definition recognises the good range of services and facilities available to support housing development commensurate to the settlements size and character. providing a vast array of services and having good public transport links to nearby towns and beyond.

10.3 Policy HG5 dictates that windfall housing development within the built form of a defined settlement will be supported 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 site is not protected, allocated or safeguarded for the above reasons, and consequently the construction of a dwelling within this location is supported in principle subject to compliance with other relevant policies.

Amenity

10.4 Policy E2 of the Local Plan requires all development 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. This relates to matters such as mutual privacy, adequate daylight provision, and protection from noise and disturbance.

- 10.5 The proposed development is considered to meet the above requirements. There is adequate separation distance between the proposed bungalow and the existing surrounding dwellings to prevent any loss of privacy or daylight provision. Neighbours have objected with regard to overshadowing neighbouring properties, whilst this concern is noted the orientation of the bungalow and orientation of the existing dwellings along with the relative heights of buildings would ensure no significant overlooking or loss of privacy.
- Design and Townscape impacts
- 10.6 Policy E1 of the Local Plan relates to design and requires all development to be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and help to create a strong sense of place. It goes on to list a number of principles that will help to achieve this overarching aim including responding positively to context and drawing inspiration from the key characteristics of surroundings, including natural, historic, and built environment, to help create distinctive, high quality and well-designed places.
- 10.7 There are examples of semi-detached bungalows on Stockdale Court and detached bungalows on Borrowby Avenue. The design of the proposed bungalow would reflect this simplistic low-density style of development. In this respect there would be some consistency. There will be sufficient amenity space and the site would not appear cramped or overdeveloped. As such, the scale is appropriate and complies with the requirements of Policy E1.
- Ecology, Biodiversity Net Gain and Green Infrastructure
- 10.8 Policy E3 of the Local Plan now requires all development to demonstrate the deliverability of a net gain in biodiversity. The impact of a development on protected species is also a material planning consideration which will be assessed below.
- 10.9 A biodiversity net gain assessment has been submitted as part of the application which outlines that using the DEFRA metric, the scheme will deliver a net gain through hedgerows and urban trees and includes a management plan to achieve these outcomes. Subject to a condition to deliver these gains it is considered that the development meets the requirements of Policy E3.
- 10.10 A number of the objections refer to concerns with the potential impact on ecology resulting from the development. The area in question is domestic garden which includes grassland and shrub planters as well as small trees and an ornamental hedge. There are no known protected species on the site and the biodiversity assessment has confirmed that the net gain will ensure there will be no long-term loss.
- Highway Safety, Accessibility, Permeability and Connectivity
- 10.11 The NPPF at paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 10.12 The vast majority of the objections received to this application express concerns regarding highway safety. This includes reasons such as Stockdale Court being too narrow to allow two cars to pass one another, the development bringing additional vehicle movements that would exacerbate these issues and increase risk to pedestrians. Highways have no objection to the scheme and it is considered that a refusal on highway safety grounds could not be sustained.
- 10.13 It is accepted that Stockdale Court is narrow. However, the test is whether the development would have an 'unacceptable' impact on highway safety. Given the scheme is for a single bungalow which is unlikely to result in more than two additional vehicles, the vehicle movements to and from the site and thus the additional traffic on Stockdale Court will only increase by a very small amount. Given the width, geometry and character of the street it is

considered that the limited additional vehicle movements will not have an adverse impact upon highway safety. Many objectors refer to illegal access, road conditions and congestion. Whilst this is noted, land ownership is a civil matter, the limited increase in vehicles using the road as a result of the development means that in reality the additional impact is negligible. It is also not the applicant's duty to address existing problems with the condition of the road off-site and it is under the remit of the Local Highway Authority to ensure adopted roads are in a well-kept condition. On this basis, this is not a reason for refusal of this application.

Flood Risk and Surface Water Drainage/Management

- 10.14 Policies RM1, RM2 and RM3 relate to drainage and flood risk and dictate that development should avoid areas at high risk of flooding, should be safe from flooding for the lifetime of the development and not increase the risk of flooding elsewhere. Furthermore, in terms of drainage, the use of SUDs is encouraged unless site conditions mean they are not viable and policy RM1 requires foul and surface water flows should be separated with foul water being disposed to a public sewer and the design of the waste disposal system will be safe over the lifetime of the development.
- 10.15 The application confirms that foul sewerage will be connected to the mains sewers within the existing system and surface water will be disposed of through the main sewer and a soakaway.
- 10.16 Yorkshire Water originally objected to the scheme due to the position of the proposed bungalow being over the existing public water supply infrastructure.
- 10.17 The agent submitted an amended scheme for this which diverted the pipe. It is considered that these measures demonstrate a suitable and sustainable method of drainage management that will ensure the site is suitably drained so it is safe from flooding and will not increase the likelihood of flooding elsewhere. Yorkshire Water have reviewed these details and raised no objections. However, Yorkshire water has requested a condition which would seek wayleave 3m either side of the re-located pipe. This would include land outside the control of the applicant and as such can not be subject to condition. This point is being investigated with Yorkshire Water and further information will be provided to Members at Planning Committee.
- 10.18 It is noted that concerns have been expressed both by the Town Council and residents that the existing drainage infrastructure would not be able to cope with the additional demand from the development and issues have cropped up in the past in this respect. Whilst these are noted, Yorkshire Water have raised no concerns regarding capacity and any existing operational issues would be under the remit of YW. As such, these concerns are not deemed a reason for refusal.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1 Overall, the proposed bungalow is considered to be of a high-quality design that respects the original character of the site and existing neighbouring properties. Whilst public concerns regarding highways and drainage has been carefully considered carefully assessed, it is considered that appropriate measures have been made to ensure existing problems are not significantly increased. The proposal has also incorporated measures to ensure that there is an enhancement in biodiversity and ecology.

12.0 RECOMMENDATION

- i) That planning permission be **GRANTED** subject to the Conditions set out below.

Condition 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.

Condition 2 - The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) NYC01, SCH1652 102REVA, 101REVB, 101REVA submitted on 20.10.23 & 13.11.23 & 21.11.2023

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.

Condition 3 - 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 in writing with the Local Planning Authority before the development commences.

Reason: In the interest of satisfactory and sustainable drainage

Condition 4 - There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage

Condition 5 - The development must not be brought into use until the access to the site has been set out and reconstructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements:

The crossing of the highway verge must be reconstructed in accordance with the approved details as shown on Drawing Number 101 Revision B and Standard Detail Number E50 Revision G and the following requirements:

- The final surfacing of any private access within 2 metres of the Public Highway must not contain any loose material that is capable of being drawn on to the Public Highway.
- Details of any measures necessary to prevent surface water from the site discharging onto the Public Highway must be agreed with the Planning Authority in consultation with the Highway Authority before work starts on site. The measures should then be constructed in accordance with the approved details and maintained thereafter to prevent such discharges.

All works must accord with the approved details.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.

Condition 6 - No part of the development must be brought into use until the access and parking areas have been constructed in accordance with the details approved in writing by the Local Planning Authority and as shown on Drawing Number 101 Revision B and Standard Detail Number E50 Revision G.

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

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

Condition 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:

1. 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.
2. The provision of areas for the storage of plant and materials used in constructing the development clear of the highway.
3. The provision of contact details for a responsible person associated with the site who can be contacted in the event of any issue.

Reason: In the interest of public safety and amenity.

Condition 8 - Development shall be undertaken strictly in accordance with the Biodiversity Net Gain (BNG) Metric and Report prepared by Quants Environmental dated December 2023, received by the Local Planning Authority on 8 December 2023. The development shall thereafter be carried out in accordance with the approved Landscape/Biodiversity Management and Monitoring Plan.

Reason: To ensure a net gain in biodiversity is achieved in accordance with the Hambleton Local Plan policies S1, E1 and E3.

Target Determination Date: 15.12.2023

Case Officer: Tracy Price tracy.price@northyorks.gov.uk