

North Yorkshire Council

Community Development Services

Richmond (Yorks) Area Constituency Planning Committee

12 September 2024

ZB23/02459/REM- Application for approval of reserved matters with access, appearance, landscaping, layout and scale to be considered relating to planning application 15/01083/HYB and associated with Phase 1 of the Neighbourhood Centre comprising foodstore and retail unit (Class E(a)) (formerly Class A1), restaurant and coffee shop with drive thru lanes (Class E(b)) (formerly Class A3) and associated car parking (additional application documents submitted, including: Noise Impact Assessment on 23.05.2024 and Odour Impact Assessment on 11.06.2024)

**At Taylor Wimpey, North Northallerton Phase 2 TW Land At Darlington Road
Northallerton, North Yorkshire
On behalf of Eshton Developments Ltd And Aldi Stores Ltd**

Report of the Assistant Director Planning – Community Development services

1.0 PURPOSE OF THE REPORT

- 1.1 To determine an application for reserved matters approval (layout, scale, appearance, access and landscaping) for part of the 'neighbourhood centre' element that was previously granted outline permission as part of Hambleton District Council's approval of hybrid application ref. 15/01083/HYB in December, 2016. Specifically, reserved matter approval is being sought for shop and restaurant elements of the neighbourhood centre.
- 1.2 This application is brought to the Planning Committee due to the significant level of local interest (i.e. representations submitted) in relation to the application.
- 1.3 It is recommended that reserved matters approval is **GRANTED**.

2.0 SUMMARY

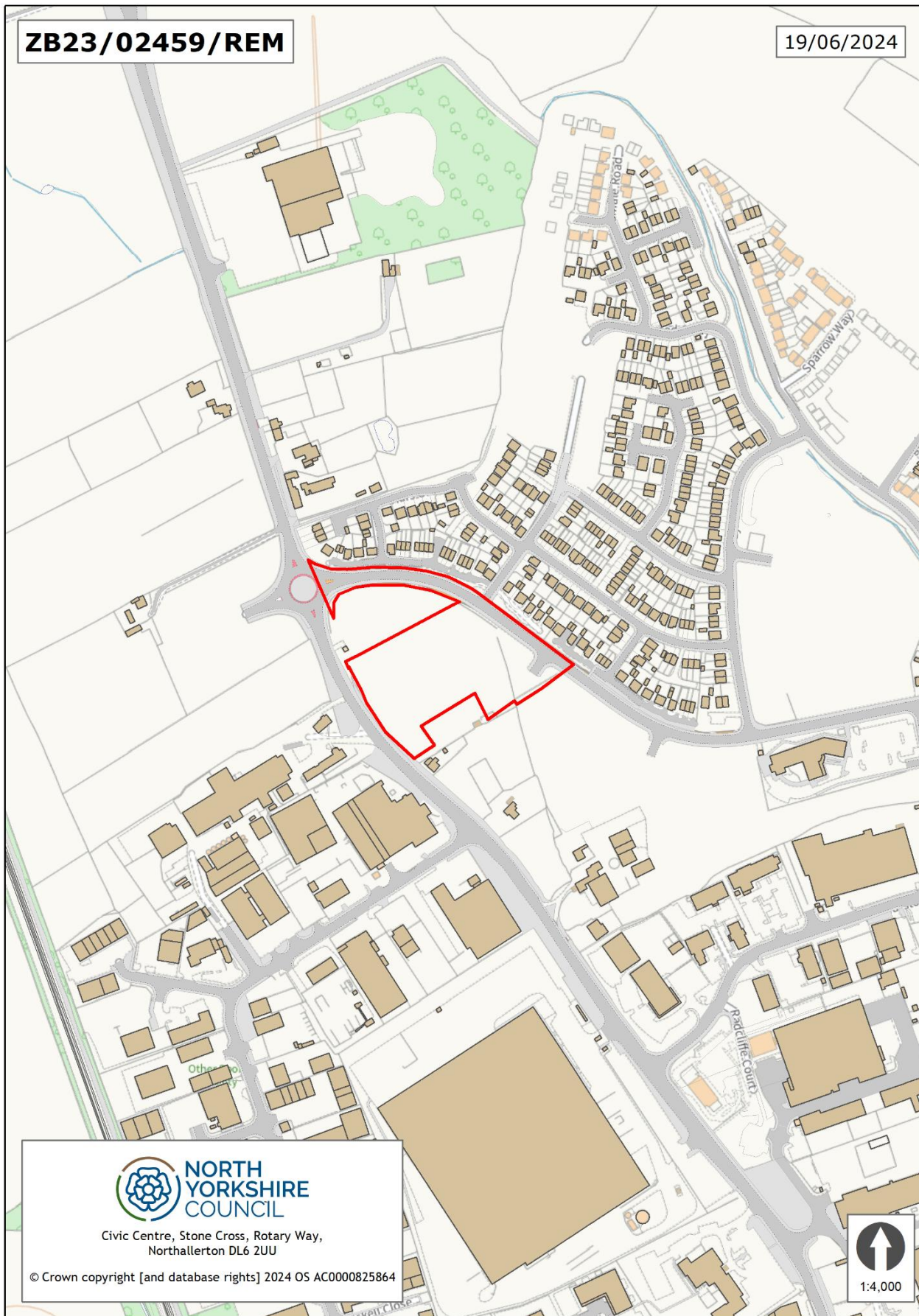
RECOMMENDATION: That reserved matters approval is GRANTED.

- 2.1 The application seeks reserved matters approval for (layout, scale, appearance, access and landscaping) for part of the 'neighbourhood centre' element that was previously granted outline permission as part of Hambleton District Council's approval of hybrid application ref. 15/01083/HYB in December, 2016. Specifically, reserved matter approval is being sought for shop and restaurant elements of the neighbourhood centre.
- 2.2 The application site forms part of the 'neighbourhood centre' element of the wider North Northallerton Development Area (NNDA), a 52.8ha, major mixed-use development located between Stokesley Road (A684) and Darlington Road (A167), approximately 1km to the north of the town centre of Northallerton. The site subject to this Reserved Matters application is on the southern side of Great Moor Road towards the western end of this new link road.

2.3 The principle of the neighbourhood centre on this site has already been established by the original hybrid planning permission, however because the proposed supermarket exceeded 500 square metres, condition 40 of this permission (as amended) required for it to be demonstrated that the development would not unacceptably impact the vibrancy and vitality of Town Centres by passing both the Alternative Sites Sequential Test and the Retail Impact considerations. Having sought independent advice on these matters, Officers are satisfied that the development passes the Sequential Test and that the retail impact considerations are acceptable and are in accordance with national and Local Plan policy. The proposals (subject to conditions) are also considered acceptable in terms of layout, scale design/appearance, amenity considerations (including noise and odour), landscaping, and access, connectivity and highway safety, and is in accordance with the relevant national and Local Plan policy considerations in these regards.

ZB23/02459/REM

19/06/2024



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:-

[Planning Documents](#)

3.2 The following applications related to the application site are detailed below:

15/01083/HYB: Hybrid planning permission for:

1. Full planning application for Phase 1 residential comprising 150 dwellings to the east of Darlington Road and 148 dwellings to the west of Stokesley Road, including earth works across the site, engineering works for drainage associated with Phase 1 residential, associated infrastructure, construction of strategic link road from Darlington Road to the west and Stokesley Road to the east including roundabouts and road bridge crossing railway line and village green; and
2. Outline planning application for a mixed use development of 900 dwellings (C3) which includes the residential development comprising Phase 1 referred to above, employment (B1, B2, B8), neighbourhood centre comprising shops (A1), restaurants (A3) and drinking establishments (A4), extra care facilities (C2), medical facilities (D1), primary school (D1), community uses including recreation playing pitches and allotments, car parking and means of access (all matters reserved apart from means of access)
3. The proposal is a major development which is accompanied by an Environmental Statement.
GRANTED, 05.12.2016.

3.3 The aforementioned original (hybrid) permission has been amended by virtue of non-material amendment (NMA) applications approved by the LPA. Of particular relevance to the current Reserved Matters application is NMA ref. ZB23/00886/NMC approved on 16.05.2023. This amended the wording of condition 40 of the hybrid permission, from:

“The floorspace of the individual A1 (Shops) units within the neighbourhood centre must not exceed 500 m2 gross unless otherwise approved in writing by the local planning authority.”

to:

“The floor space of the individual Class E (shops) units within the neighbourhood centre must not exceed 500m2 gross unless otherwise approved in writing by the local planning authority and following the prior submission and approval of a Retail Impact Assessment and Sequential Test Assessment.”

3.4 Reserved Matters Approval (for access, appearance, landscaping, layout and scale) has already been sought and granted for various elements that comprise the outline permission of 15/01083/HYB, including:

- 21/02226/REM: Reserved Matter Approval associated with the construction of 62 residential dwellings for Taylor Wimpey and Persimmon Homes (Granted 26.07.2022)
- 22/01835/MRC: Application for the modification of condition 2, for previously approved application 20/00898/REM. Remove drawing RFM-XX-00-DR-L-001 - New Drawings received 0780-RFM-02-00-DR-L-0001-S3-P02 - Northern Area Detailed General Arrangement Plan 1 of 2, 0780-RFM-02-00-DR-L-0002-S3-P02 - Northern Area Detailed General Arrangement Plan 2 of 2, 0780-RFM-01-00-DR-L-0001-S3-P02 - Southern Area General Arrangement Plan 1 of 2, 0780-RFM-01-00-DR-L-0002-S3-P02 - Southern Area General Arrangement Plan 2 of 2 (Granted 25.11.2022)

- 20/00898/REM: Application for reserved matters for previously approved application 15/01038/HYB. Condition 2- Appearance, Landscaping, Layout, Scale and Access for the Environmental Space elements of North Northallerton Sports Village. Condition 8 - Landscape Masterplan, implementation and management programme. Condition 14 - Sections showing proposed and existing ground levels. Condition 20 - Ecological Enhancement Management Plan. Condition 32 - Propose Scheme for pre-construction surveys for mitigation impacts for breeding birds. (Granted 15.02.2021).
- 19/01854/REM: Reserved Matters Approval associated with the construction of 226 residential dwellings on Persimmon and Taylor Wimpey 'Phase 2' (Granted 13.02.2020)
- 19/01530/REM: Reserved Matters Approval associated with the construction of 246 residential dwellings on Persimmon Homes 'Second Phase' (Granted 13.02.2020)
- 19/01854/REM: Reserved Matters Approval associated with the construction of 226 residential dwellings on Persimmon and Taylor Wimpey 'Phase 2' (Granted 13.02.2020)

3.5 In addition, other land that was included within the red-line-boundary of the original hybrid permission has subsequently been subject to the granting of separate planning permissions, including:

- ZB23/00938/FUL: Revised application for construction of 38no. residential dwellings with associated access, parking, landscaping and infrastructure on OS Field 6504 . (Granted 08.12.2023) This 'revised' application follows the refusal of an earlier application for 38 units on this site (21/02227/FUL) on 23.12.2022.
- NY/2019/0220/FUL: Change of use from agricultural use to a non-residential institution (use class D1) for the erection of a new single storey primary school (1,520 sq. metres), creation of hard standing (8,830 sq. metres), two vehicular accesses, car parking and coach layby, sprinkler tank, refuse store, two cycle shelters, 6m Lighting columns and wall mounting lighting two-metre-high perimeter fencing and gates, removal of trees, associated earthworks and hard and soft landscaping, GRANTED (by North Yorkshire County Council), 01.09.2020.

NB: It is noted that Hambleton District Council submitted a consultation response to the then County Council in relation to this application, confirming that in their view the development was broadly in-line with the approval as set out in the hybrid application and that they were satisfied in terms of the principle of the development, its siting and (broadly) with the layout and form, although some concerns were expressed regarding specific design elements.

- 19/01110/FUL: Construction of new healthcare building providing office and assessment spaces for multi-disciplinary, community based mental health teams. (Granted 20.09.2019)

3.6 ZB23/01280/FUL: Construction of 15 Dwellings, New Access Road and Associated Infrastructure (As Amended) on land north west of The Gath, Darlington Road, Northallerton, YET TO BE DETERMINED and not part of the North Northallerton Development.

3.7 As well as the application form, covering letter, Planning Statement, and Site Location Plan, the application was submitted with the various plans and documents, including:

Submitted Proposed Plans and Images:

- Proposed Site Masterplan
- Proposed Site Layout

- Proposed Layouts – Unit 1
- Proposed Layouts – Unit 2
- Proposed Layouts – Unit 3
- Proposed Floor Plan – Unit 4
- Proposed Roof Plan – Unit 4
- Proposed Elevations ('0003' & '0004') – Unit 4
- Proposed Pedestrian and Cycle Links
- Proposed Site Elevations, Sections, Levels
- Cycle Parking Details
- Landscape Plan (Soft Landscape)
- Lighting Plan
- Computer Generated Image (CGI)

Submitted Documents:

- Flood Risk and Drainage Assessment
- Design, Access, Site Waste Management and Sustainability Report
- Transport Assessment
- Retail Statement
- Retail Market Demand Correspondence Report
- Preliminary Ecological Appraisal
- Noise Assessment
- Tree Survey and AIA Report
- Landscape Management Plan
- Arboricultural Method Statement
- Air Quality Assessment

3.8 During the course of the application, several additional documents/assessments have been submitted to the LPA (and uploaded to Public Access), including:

- External Lighting Design Note (March 2024)
- External Lighting Plot Plan (Rev.P2)
- Noise Impact Assessment, on 23.05.2024
- Odour Impact Assessment, on 11.06.2024.
- Odour Risk Assessment
- Datasets/specification sheets for the filtration systems to be used (x2)
- (Amended) Proposed Boundary Treatments & External Finishes

A limited 10 day reconsultation exercise was undertaken in June, 2024 involving local residents and both Brompton and Northallerton Town Councils. Various specific reconsultations have also taken place with technical consultees at particular points when additional relevant clarification and information has been provided by the agent, including with Environmental Health in relation to the aforementioned Odour and Noise Assessments and related information.

4.0 SITE AND SURROUNDINGS

4.1 The application site forms part of the 'neighbourhood centre' element of the wider North Northallerton Development Area (NNDA), a 52.8ha, major mixed-use development located between Stokesley Road (A684) and Darlington Road (A167), approximately 1km to the north of the town centre of Northallerton. As part of the NNDA a new link road with bridge (North Moor Road) has been constructed between the A684 to the east and the A167 to the west, with new roundabouts created either end. As per the approved Masterplan for the NNDA, the majority of the residential development within the NNDA is located to the north of North Moor Road (GMR), as is the primary school site. In contrast, the majority of the neighbourhood centre elements of the NNDA are situated to the south of GMR. The site

subject to this Reserved Matters application is on the southern side of GMR towards the western end of this new link road.

5.0 DESCRIPTION OF PROPOSAL

- 5.1 This application is seeking reserved matters approval (layout, scale, appearance, access and landscaping) for part of the 'neighbourhood centre' element that was previously granted outline permission as part of Hambleton District Council's approval of hybrid application ref. 15/01083/HYB in December, 2016. Specifically, reserved matter approval is being sought for shop and restaurant elements of the neighbourhood centre.
- 5.2 It should be noted that Reserved Matters Approval has previously been granted for various parts of the 'outline' aspect of the hybrid permission, although others have been subject to separate planning permissions, including the medical facilities, primary school and community uses (including recreation playing pitches and allotments, car parking and means of access).
- 5.3 The proposal is intended to provide facilities for use by the increased local population arising from the occupation of the new housing created as part of the various phases of the wider mixed use North Northallerton development.
- 5.4 The Reserved Matters proposals consist of the following:
- a. Retail Unit (111 sq.m GIA) – labelled 'Unit 1' on the Proposed Site Masterplan
 - b. Coffee Shop (171 sq.m GIA) with drive thru lane – 'Unit 2'
 - c. 'Fast Food' Restaurant (167 sq.m GIA) with drive thru lane – 'Unit 3'
 - d. Foodstore (1,844 sq.m GIA) – 'Unit' 4.
- 5.5 The proposals also include associated parking provision (166 parking spaces), electric vehicle (EV) charging facilities, cycle parking, pedestrian routes, services and soft and hard landscaping. Details of the access arrangements (from Great Moor Road) are also provided for.

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

Emerging Development Plan – Material Consideration

- 6.3. The Emerging Development Plan for this site is listed below. It is considered to carry no material weight due to the current early stage of plan preparation.

Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:

- National Planning Policy Framework 2023 (NPPF)
- National Planning Practice Guidance (PPG)
- National Design Guide 2021 (NDG)

7.0 CONSULTATION RESPONSES

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

7.2 **Brompton Town Council (BTC):** Responding to the original consultation, the Town Council have raised no objections, subject to the imposition of conditions for the provision of sympathetic lighting with regards to nearby housing and that no pedestrian access be made at the entrance of 'Greggs' so as to discourage stopping and parking on North Moor Road.

7.3 **Divisional Member:** No representations received.

7.4 **National Highways:** Had initially imposed a 'holding objection' (until 20.06.2024) so that confirmation could be provided that the remaining resident aspect of the outline permission will be subject to a separate Reserved Matters application (i.e. not to be considered as part of the current RM application.) NH did make the following observations:

- Having considered the submitted Transport Assessment (TA), they agree that the total number of trips generated by foodstore, retail and drive-thru developments are not comprised wholly of new or 'primary' trips onto the local highway network.
- Due to the distance from the A19 and A1, it is unlikely a significant volume of new, transferred or diverted trips will materially impact any one individual junction at the Strategic Road Network (SRN). It is unlikely vehicles will divert from the SRN to travel to the foodstore, retail or drive-thru's and the number of new trips is likely to be minimal.
- Transferred trips from other supermarkets are unlikely to result in an increase in vehicle trips at the SRN, and the distribution of transferred trips at the SRN are likely to remain unchanged.
- NH conclude that in principle, they would agree the foodstore, retail and drive-thru elements of the proposed development are unlikely to have a material impact on the operation of the SRN.

7.5 **Defence Infrastructure Organisation (MOD):** Have confirmed that, following a review of the application documents, the proposed development would be considered to have no detrimental impact on the operation or capability of a defence site or asset. The MOD therefore have no objection to the development proposed.

7.6 **Environmental Health (Contaminated Land):** EH have reviewed the information and are satisfied with the information. In light of this, they have confirmed that they have no concerns with regard to contamination in relation to this application. They advise however that a standard condition is applied which allows for unexpected contamination to be dealt with if encountered as part of the development [NB – should as condition is not considered to be reasonable or necessary as land contamination, including conditions, were considered and applied as part of the hybrid permission.

7.7 **Environmental Health (Residential Services):** In response to the original consultation, EH stated that having considered the potential impact on amenity and the likelihood of the development (in terms of its access; appearance; landscaping; layout and scale) to cause a nuisance, the EH initially raised a number of issues summarised below, concluding that they would not be able to support the application based on the information submitted, although they would comment further once further information is provided:

- The submitted Noise Impact Assessment (NIA) has not considered all potential receptors and the EH have significant concerns about the impact of the development in relation to the adjacent development (ZB23/01280/FUL) at land North West of The Garth. The NIA therefore needs to be reviewed to take additional Noise Sensitive

receptor(s) into account from this proposed development which would be adjacent to the drive-thru restaurant.

- The 2.4m acoustic fencing shown on the proposed plans is not referenced in the NIA. This needs to be investigated and it clarified as to whether it is required for noise mitigation purposes [NB – the acoustic fencing is subsequently shown on an amended Boundary Treatment Plan submitted by the agent].
- Other issues requiring clarification noted within the NIA to be addressed.
- Recommended the following is submitted/provided: An updated and comprehensive NIA to be submitted to support the application. Any mitigation required should be included.
- Although a Lighting Plan has been submitted, it was not accompanied by a report to provide context and there is a concern that the lighting could have a detrimental impact on developments beyond the site boundary, although insufficient information was submitted for EH to be able to assess the potential impact.
- Notwithstanding the suggestion within the submitted Planning Statement that the issue of odour control could be conditioned, because the Drive Thru restaurant would potentially be located adjacent to residential development, EH have recommended that odour is addressed pre-determination as there is the potential for odour from fried food to have a detrimental impact on residential amenity and could mean that the layout of the scheme would need to be reconsidered.
- Note that the submitted Air Quality Assessment indicates that best practice would be applied to dust suppression during construction with dust suppression methods to be submitted and approved by the LPA through a Construction Management Plan condition. In terms of traffic visiting the site once operational the impacts on air quality were considered not to be significant.

Following the subsequent submission by the agent of the External Lighting Design Note, the EH have confirmed that their previous concerns would be satisfactorily addressed subject to the lighting scheme adopting the proposed control measures in Section 6 (Control Measures) of the submitted External Lighting Design Note, including that external lighting shall be time controlled to ensure that the lighting installation only operates within the specified operating hours, and to provide a facility to switch part of the external lighting installation off during periods of low activity (i.e during store closure), and that external Lighting Time schedule shall be set "ON" between 0600 to 1000 hours, and 1400 to 2300 hour.

Responding to re-consultation in relation to the submitted Odour Assessments (and associated information), the EH provided the following comments and recommendations:

"The odour risk assessment compiled by the Air Quality Consultancy outlines the odour risk assessment for the proposed Burger King take away. The report also sets out the required odour abatement provision required to minimise any odour impact. It is recommended that the proposed odour abatement plant and maintenance schedule detailed in this report are conditioned for this unit. The odour impact assessment compiled by ACCON UK Environmental Consultants outlines the evaluation of the proposed Greggs facility. The report clearly sets out the abatement requirement for this facility, this should be conditioned to ensure compliance is achieved and any potential odour impact is minimised."

Responding to re-consultation in relation to the subsequently submitted Noise Impact Assessment, the EH provided the following comments and recommendation:

"This service has considered the potential impact on amenity and the likelihood of the development to cause a nuisance. We have given careful consideration to all the documentation submitted including the Noise Impact Assessment compiled by Dragonfly Consulting (DC4400-NR1v5). From the data provided we are satisfied that the predicted noise impact from the proposed development if all proposed mitigations are put in place will

not have a significant impact on local amenity and will be below the Lowest Observed Adverse Effect Level (LOAEL). As a result we have no objection to application as proposed.”

- 7.8 **Local Highway Authority (LHA):** There are no LHA objections to the proposed development but it is recommended the following conditions (as summarised) are applied to any permission granted and a contribution of £5000 is sought for Travel Plan monitoring:
- The access, parking, maneuvering and turning areas shall be constructed in accordance with details approved in writing by the LPA, and thereafter maintained clear of obstruction and for their intended purpose.
 - The submission and approval of a Travel Plan.
 - The submission and approval of a Construction Management Plan.
 - The submission and approval of a Service Vehicle Delivery Plan to manage the deliveries to and from each unit on the site (the plan shall also include the timing of deliveries and management of customer traffic (during deliveries)
- 7.9 **Environment Agency (EA):** In response to the original consultation, no objections to the proposals.
- 7.10 **Health and Safety Executive (HSE):** In response to the original consultation, the HSE have confirmed that the application doesn't meet the criteria/remit for consultation and have offered no comments/observations.
- 7.11 **Yorkshire Water Services (YWS):** In response to the original consultation, they have raised no objections, clarifying that the submitted Flood Risk and Drainage Assessment (revision P01) is acceptable.
- 7.12 **NYC Principal Archaeologist (PA):** In response to the original consultation, the PA has confirmed that the site was subject to previous archaeological assessment in the form of geophysical survey and trial trenching. The results of this work were negative and the PA has confirmed that he has no further recommendations for further work and has no objection to the proposal.
- 7.13 **North Yorkshire Police Designing Out Crime Officer (DOCO):** In response to the original consultation, the DOCO has provided a 'Designing Out Crime Report' which identified several issues relating to Designing Out Crime, which the DOCO recommends should be addressed prior to planning permission being granted, in order to ensure that the development provides a safe and secure environment for all users. The main issues identified within the Report are summarised below: Potential seating area for Unit 2 coffee shop (incorrectly identified in the DOCO as Unit 3) lacks overlooking from within unit; Details of proposed tables and seating for outside seating areas and the potential secure storage of these should be required; Surveillance of service yard/loading bay for the supermarket impeded; Aldi staff car park lacks overlooking from within building; Secure parking bays for motorcycles/mopeds should be provided; External cycle parking should be under cover; The proposed units should be fitted with security cameras.

Following the DOCO's response, the agent provided an email to clarify and provide further information in relation to the concerns raised. The DOCO has responded, and it is clear that the additional information as raised within the DOCO's initial concerns with regards to most of the initial concerns, although matters such as the overlooking of the seating area of Unit 2 and the lack of the provision of a covered cycle store remain areas of difference between the developers and the DOCO.

- 7.14 **Sainsburys Supermarkets Ltd:** An objection to the application (dated 11th May 2024) was received from Sainsburys, expressing 'significant concerns'. The detailed response can be read in full via Public Access, however concerns expressed are summarised below:
- The proposed development is inappropriate for the scale and nature of the neighbourhood centre.
 - There is no need for another foodstore.
 - The application fails to satisfy retail planning policy.
 - Concerns regarding the visual impact and a reduction in biodiversity.

Local Representations

- 7.15 A total of 89 local representation been received; 39 objecting to the proposals and 48 in support, with two representations neither supporting nor objecting. A summary of their comments is provided below, however, please see Public Access for the comments in full. Objections (including any concerns expressed in the representations of those neither objecting nor supporting the proposals):
- The development is unnecessary/not required; better use could be made of the site.
 - The development is not the 'small community shop and facilities' that was previously indicated/envisaged for the site.
 - Alternative sites should be considered for the development which are better suited/located for the type/nature of development proposed, including the reuse of existing vacant buildings within the town..
 - The development will occupy one of the only green spaces within the North Northallerton development used by playing children and dog walkers and should be left available for these uses.
 - The development will involve fast food units within convenient walking distance of the new local primary school and Northallerton School & Sixth Form College) undermining attempts to combat childhood obesity.
 - Traffic and congestion within the locale (including the new housing developments in North Northallerton and along North Moor Road) will increase as a result of the development, including greater HGVs movements; resulting in a greater safety risk (particularly to children given the close proximity to the new primary school) and more amenity and accessibility issues for local residents; cumulative traffic impacts once the new primary school opens; the development will negate the traffic easing benefits of North Moor Road/new bridge.
 - Access to the development should be via Darlington Road (rather than North Moor Road)
 - Additional landscaping (in term of additional tree planting) along North Moor Road should be considered.
 - The development will be an 'eyesore'; will have a detrimental impact on the appearance of the surrounding residential estate.
 - The development will generate waste, rubbish and litter; will attract vermin.
 - Risks of anti-social behaviour generated by the fast food units on site, including excessive noise/disturbance during antii-social hours.
 - Amenity issues for local residents (due to the relatively close proximity, of the site to residential properties) including glare/light pollution from external lighting/signage, decreases in air quality, additional odours, noise and disturbance, adversely affecting residents' quality of life, sleeping patterns and mental health.
 - Impact on water supply, water quality and air quality.
 - The development is sited in an 'out-of-centre' location and risk detrimentally affecting the vibrancy of Northallerton High Street and the existing businesses located within it.
 - Adverse impact on drainage and flood risk in the local area.
 - Detrimental impact on local house prices.
 - An Environmental Impact Assessment (EIA) is required.

- A more 'community-spirited' and 'upmarket' development for the site should be considered (e.g. a pub with children's play facilities)
- Greater consultation should take place so that 'all have the opportunity to respond'; lack of community engagement...greater community collaboration would have yielded a more suitable development better aligned with the needs and preferences of local residents.
- Concern that the provision of 'drive-thrus' does not comply with any of the Use Classes granted for the development as part of the original hybrid permission (i.e. as specified within the description of the hybrid permission)

Support (including any supportive comments expressed in the representations of those neither objecting nor supporting the proposals):

- Will create local job opportunities, replacing those that have been lost.
- Perfect location for the proposed development.
- The jobs and facilities created will benefit Northallerton as a whole.
- The provision of a supermarket run by a 'budget retailer' will reduce the need for Northallerton residents to travel further afield to patronise existing 'budget-retailer-supermarkets' in other settlements (e.g. Thirsk) reducing congestion and pollution and helping local residents with the 'cost of living.'
- The development will promote competition between retailers
- The development will bring much needed investment into the area.
- The development is not only desirable but essential due to the recent residential development within the vicinity...will only be a benefit to residents.
- Will result in an improved shopping experience for residents and improve the choice and range of local community services/
- The development of the site will enhance the appeal of the local area and bring into use land that is currently lying unused.

8.0 ENVIRONMENT IMPACT ASSESSMENT (EIA)

8.1 An Environment Statement (ES) was submitted with the original hybrid application (15/01083/HYB). No Environment Statement is therefore considered to be required for this Reserved Matters application.

9.0 MAIN ISSUES

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

- Scale of the Proposed Supermarket and the Impact on the Vitality and Viability of Town Centre(s)
- Health, Social and Economic Considerations
- Amenity
- Design and Appearance (including Layout and Designing Out Crime)
- Landscaping
- Access, Connectivity and Highway Safety
- Other Issues

10.0 ASSESSMENT

Scale of the Proposed Supermarket and the Impact on the Vitality and Viability of Town Centre(s)

Background/Context:

10.1 In terms of context, outline planning permission has been granted (by virtue of hybrid permission 15/01038/HYB) for a neighbourhood centre as part of the North Northallerton Development Area (NNDA), which (amongst other uses) was granted to consist of shops

and restaurants. This outline permission remains extant, with the approved masterplan indicatively showing shop, restaurant and other similar uses of the proposed neighbourhood centre to be located within the part of the NNDA that corresponds with the location plan of the RM application under consideration.

- 10.2 The aforementioned hybrid permission was granted with a planning condition imposed (condition 40) restricting the floorspace of individual shop units within the neighbourhood centre to 500m² (gross), unless otherwise approved by the LPA. In May 2023 the wording of the condition was amended (by a non material amendment application) to add the requirement for the prior submission and approval (by the LPA) of a Retail Impact Assessment and Sequential Test Assessment before any single unit over 500m² could be considered acceptable. Therefore, while considerations regarding the impact of new retail development on the vitality and viability of town centres would usually be a matter considered at outline stage, the (amended) wording of condition 40 of the hybrid permission coupled with the proposed scale of the supermarket unit (1,844 sq.m GIA) as shown within the current Reserved Matters application, means that the acceptability of the scale of the proposed supermarket ('scale' being a reserved matter consideration) is dependent on a Retail Impact Assessment and Sequential Test Assessment demonstrating that the proposed supermarket would not have an unacceptable impact on the vitality and viability of town centres, specifically Northallerton Town Centre. Approving the Reserved Matters application without this prior assessment would mean that the scale of the supermarket would be in direct conflict with the compliance requirements of condition 40 of the hybrid permission.

Retail Impact and Sequential Test Assessments:

- 10.3 Seeking to address the retail impact and sequential test requirements of condition 40 of the original hybrid permission, a Retail (Impact) Statement and Retail Market Demand Correspondence Report have been submitted as part of the application. These documents have been reviewed on behalf of the Council by Alyn Nicholls Associates who has duly produced a 'Retail Policy Advice' document (July 2024) (available for Members to view via Public Access) which assesses whether the retail unit would satisfy the sequential and retail impact tests and thus comply with condition 40 [as amended] of the hybrid permission.
- 10.4 Generally, the 'Retail Policy Advice' document produced by Alyn Nicholls Associates concludes that the evidence available points to Northallerton Town Centre being in 'relatively good health.' with vacancy levels below the national average...the vacancies that do exist generally being to the edges of the Primary Shopping Area. The presence of independent traders in the Town Centre is considered to be a 'major contributing factor' to its vitality and viability.

Sequential Assessment

- 10.5 Seven sites were identified for assessment within the submitted Retail Statement:
- Site 1: Yafforth Road
 - Site 2: Land at Finkill Way
 - Site 3: Applegarth Car Park
 - Site 4: Northallerton Auctions Car Park
 - Site 5: Former Wilco Store
 - Site 6: Former Prison Site (Treadmills)
 - Site 7: Crosby Road Car Park
- 10.6 The submitted Retail Statement concludes that none of the seven sites identified/assessed are suitable or available, a conclusion that Alyn Nicholl's Retail Policy Advice concurs with. This conclusion is based on the following assessments of the sites within the Retail Statement. The car park sites (sites 3, 4 and 7) can be discounted as they are not available, while the Finkill Way site (site 2) is not considered to be within a sequentially preferable location. The treadmills site (site 6) has been discounted as it has now been fully

developed while the former Wilco premises (site 5) within Northallerton Town Centre has also been discounted as not being viable because of its size (this is also now occupied). The Yafforth Road site (site 1) has also been discounted due to its size and that it is not in a sequentially preferable location. Alyn Nicholls has confirmed that there is not considered to be any suitable or available sequentially preferable site for the retail store, crucially, even if the retail store is disaggregated from the rest of the application proposals.

Retail Impact Test

- 10.7 Alyn Nicholls (within the submitted Retail Policy Advice document) has provided an alternative convenience trade diversion and impact assessment to the one provided in the submitted Retail Impact Assessment (February 2024) Alyn Nicholl's predicted 'diversion' and 'impact' figures are included in the table below:

Northallerton Town Centre		
<u>Store</u>	<u>Diversion (£m)</u>	<u>Impact</u>
Asda (Brompton Road)	-£0.26	-6.8%
Iceland (Crosby Road)	-£0.02	-4.5%
Lidl (East Road)	-£1.06	-11.0%
M&S Foodhall (Friarage Street)	-£0.23	-3.2%
Sainsbury's (High Street)	-£1.41	-9.0%
Tesco (East Road)	-£4.52	-10.2%
Other Shops	£0	0%
Total (NTC)	-£7.50	-9.0%
Elsewhere		
<u>Store</u>	<u>Diversion (£m)</u>	<u>Impact</u>
Brompton Convenience Store	-£0.03	-4.6%
Co-op (Boroughbridge Road)	-£0.11	-4.2%
Co-op (Brompton Road)	-£0.01	-4.6%
Co-op (Leeming Bar)	-£0.07	-4.6%
Aldi (Thirsk)	-£0.83	-4.8%
Aldi (Catterick Garrison)	-£0.57	-2.1%
Tesco (Catterick Garrison)	-£0.61	-1.6%

- 10.8 The estimated retail impact on Northallerton Town Centre is marginally higher within Alyn Nicholl's assessment (-9.0%) than within the submitted Retail Impact Assessment (-7%), although in Alyn Nicholl's opinion this is not sufficient to lead to a different conclusion as made within the RIA. The Alyn Nicholls report also states that a further potential scenario is a turnover of Aldi of £13.09 million the trade draw from zones as assumed in the impact assessment. This would increase the trade impact on Northallerton Town Centre convenience shopping to -11.6%. This is considered to be a moderate level of impact. Alyn Nicholl has concluded that although convenience shopping is an important function of Northallerton Town Centre, the health of the town centre is not dependent on it to the extent that such a moderate impact on convenience shopping would cause significant harm/adverse effect on the vitality and viability of the town Centre, even taking into consideration this alternative impact scenario (which Alyn Nicholls considers to be 'unlikely' to occur)

Sainsburys Objection:

- 10.9 Sainsburys Supermarkets Ltd have submitted an objection to the proposals for several reasons, including: that the proposed development is inappropriate for the scale and nature of the neighbourhood centre; that there is no need for another foodstore and that the application fails to satisfy retail planning policy. Regarding the sequential test, Sainsburys have argued that the application should be disaggregated into components as they do not need to be delivered together in order to operate. As Alyn Nicholls has stated in his assessment report, the sequential test should address whether the application, or something similar, could be accommodated on a sequentially preferable location, and it is therefore an important consideration that the original hybrid permission granted permission for the development of town centre uses on the site. Further, the requirement to address the sequential test arising from condition 40 (of the hybrid permission) is to justify any unit over 500 square metres gross floorspace. The only unit over 500 square metres is the supermarket unit, which in his view, there would be no suitable sequentially preferable sites available for, even if the supermarket unit is disaggregated from the other elements.
- 10.10 Sainsburys have also objected to the application in terms of how the applicant's submission of the assessment of the impact on existing retailers has been undertaken, drawing attention to more recent data of store performance which justifies the use of a higher turnover figure for the supermarket unit (Aldi). Alyn Nicholls concurs that a higher turnover estimate would be preferred. But, even taking into account a higher turnover estimate (as Alyn Nicholls has done within his impact estimates in the table above) the resultant impact on the Town Centre as a whole is higher than estimated by the applicant in the submission, but not materially so.
- 10.11 Overall, based on the advice received from Alyn Nicholls., it is concluded that there are no sequentially preferable sites for the development (even where the supermarket unit is disaggregated from the application), and that although the proposed supermarket unit is likely to have a moderate impact on convenience shopping within Northallerton Town Centre, this impact would not be sufficient to have a significant adverse effect on the vitality and viability of the town centre. As such, the sequential and impact tests are considered to be satisfied and the requirements of condition 40 (as amended) of the hybrid permission, met.

Health, Social and Economic Considerations

- 10.12 Policy S1 seeks to ensure that development makes a positive contribution towards sustainability of communities, environmental enhancements and climate change adaptation/mitigations by (inter alia):
- Ensuring communities have a healthy, safe and attractive living and working environment with reasonable access for all to a good range of facilities and services;
 - Promoting Hambleton as a recognised location for business by providing a range of employment opportunities that meet local aspirations, including high quality jobs, meeting the needs of new and expanding businesses and recognising the contribution of the rural economy.
- 10.13 The principle of a neighbourhood centre within the NNDA has already been established through the granting of the original hybrid permission and does not need revisiting as part of this RM application. It is clear that the purpose of creating a neighbourhood centre as part of the NNDA was to provide local residents with a range of conveniently-located services and facilities within a sustainable distance/location with regards to the new residential housing. A range of uses within the neighbourhood centre were therefore proposed and approved as part of the outline element of the hybrid permission, including shops (Class A1 use; now Class E), restaurants (Class A3 use; now Class E) and drinking establishments (Class A4 use, now a *sui generis* use) Aside from any drinking establishment, the proposals would provide a range of retail and eating/drinking establishments, including a drive-thru restaurant and drive-thru coffee shop. Concerns

have been raised following consultation from local residents about the proposals for a drive-thru 'fast food' restaurant as part of the neighbourhood centre proposals. The main concern expressed in this regard is the proximity of the proposed fast food restaurant to the new school being built within the NNDA (approximately 250m to the east) and Northallerton Secondary School and Sixth Form (approximately 950m to the south-east, off the A684) and thus the potential adverse impact on the health of pupils who, due to the relatively short distances involved (i.e. within walking distance), are more likely to frequent the fast food restaurant before school, after school and/or during lunch times.

10.14 While Local Plan Policy S1 (Sustainable Development Principles) holistically states that development should ensure that communities have a healthy, safe and attractive environment with access to a good range of facilities and services, and Local Plan Policy E1 (Design) seeks to improve health outcomes and health inequality through the provision and design of high quality housing, open/recreational spaces and non-car modes of accessibility to services and facilities, there is no specific policy within the Local Plan or Supplementary Planning Document (SPD) that specifically restricts or prevents the provision of fast food restaurants within a specific distance of a school, nursery sixth form college. In any case, such an issue is not a reserved matter (i.e. it's not a matter of scale, layout, landscaping, access or appearance), so any control or restriction on the type of eating and drinking establishment approved would need to have been considered (and appropriately conditioned) as part of the original hybrid permission. Therefore, it would be unreasonable to refuse the application for 'health of the community' reasons, specifically the proximity of the proposed restaurant to school grounds.

10.15 There would be a modest additional economic benefit from the increased size/scale of the retail store in terms of additional employment opportunities which could potentially be accessed by local residents.

Amenity

10.16 Policy E2 (Amenity) of the Local Plan expects all proposals to maintain a high standard of amenity for all users/occupiers as well as for occupiers/users of neighbouring land and buildings, particularly those in residential use. This is echoed in criterion c. of Policy E1 which requires proposals to achieve a satisfactory relationship with adjacent development and not to have an unacceptable impact on the amenities or safety of future occupiers, for users and occupiers of neighbouring land and buildings or the wider area or creating other environmental or safety concerns.

10.17 In relation to privacy and physical impact, the proposals are likely to have the greater impact on proposed development (both subject to a current planning application or with extant permission) as well as existing individual dwellings located to the south and west of the site. However, the height of the development would by no means excessive or over-dominant within their surroundings, while existing and proposed landscaping and boundary features (including screen and acoustic fencing) on the boundaries would help to mitigate any overlooking, overshadowing or privacy impacts resulting from the proposed development.

Noise

10.18 The proposals would involve commercial activities involving retail sales and the serving of food/drink, with the associated customer and staff vehicular movements, servicing/delivery activities and fixed plant noise. Although noise was considered as part of the original hybrid application, there are elements of the layout, appearance/design and scale of the development that have the potential to impact on the current or future occupants of residential properties within the vicinity of the site (both those properties already in existence and those subject to current planning permission or applications) In terms of mitigation a section of 3m high acoustic fencing is proposed along part of the southern

boundary of the site adjacent to the parking areas and drive-thru lane of the proposed fast food restaurant (this is included on the amended Boundary Treatment Plan).

- 10.19 Environmental Health (Residential Services) responded to the original consultation to recommend that an updated Noise Impact Assessment be submitted to take into account all relevant sensitive noise receptors, including the site of the proposed residential development adjacent to The Garth and which is currently subject to a separate planning application. This has subsequently been submitted (V.5; 22.05.2024) The updated N.I.A. has assessed three potential noises sources (fixed plant; site servicing/HGV deliveries arrangements; and car parking/drive-thru use) Noise contributions have been assessed for seven noise sensitive locations (NSR 1-7) related to residential properties within the locale, with predicted noise contributions based on ground floor and first floor windows.

Fixed Plant

- 10.20 Based on several assumptions (including assumed noise limits for plant and that plant will be based on the roofs of units), noise contributions have been assessed for all seven NSRs as being (at most) equal to the background noise during both daytime and nighttime periods. This includes a +4 dB correction for uncertainty around the specific plant to be used. Noise impacts arising from the cumulative operation of fixed plant is therefore predicted to be below the lowest-observed-adverse-effect level (LOAEL)

Service Arrangements/HGV Deliveries

- 10.21 The results of the assessment indicate that noise contributions from site servicing arrangements (including HGV Deliveries) are predicted to be at most 2.1 dB below and 3.3 dB above existing measured background noise levels at all NSRs during the daytime up to 2100hrs and for night-time (0630h-0700h) periods for the Aldi and the retail unit only. The results of this assessment further show that predicted noise contributions fall below BS 8233:2014 target for internal noise criteria for night-time maximum criteria (45dB LAfMax) or will be significantly below noise levels of existing maximum noise events that occur due to traffic. The comparison of ambient noise levels for the period between 2100hrs and 2300hrs indicate that noise contributions from HGV deliveries, are predicted to result in a maximum increase in ambient noise level of no more than 1 dB during the daytime period at all receptors with the exception of NSR6. The IEMA impact scale categorises these impacts as "None/Not Significant". At NSR6 the maximum increase is 3dB which is categorised by the IEMA scale as a 'slight' impact Noise impacts arising from site servicing (i.e. HGV Deliveries) arrangements are therefore predicted to be below the LOAEL for the assessment for all periods assessed.

Car Parking/Drive-Thru Use

- 10.22 The predicted noise from car parking and drive-thru use fall below the external daytime amenity criteria (55dB LAeq,T for a location in this context) BS 8233:2014 target internal noise criteria for are not met for all daytime periods, although exceedances are small at a maximum of 2dB. The criteria are met for all night-time periods. The results of the assessment also indicate that noise contributions from car parking and drive-thru use, are predicted to result in a maximum increase in ambient noise level of 1 dB during the daytime period and 0.1 dB at night. It is noted that currently, night-time operation of the site between 2300hrs and 0600hrs is not part of the proposed operations. The IEMA impact scale categorises these impacts as "None/Not Significant". It is therefore considered that the predicted noise impact from use of the car park and drive-thru lanes will fall below the LOAEL.

Cumulative Impact Deliveries, Car Parking and Drive-Thru Uses

- 10.23 The results of the assessment demonstrate that noise contributions from all sources, including deliveries, car parking and drive-thru use, are predicted to result in a maximum increase in ambient noise level of no more than 2.4 dB during the daytime period and 0.3 dB at night. The IEMA impact scale categorises these impacts as "None/Not Significant". It

is therefore considered that the predicted noise impact from all noise sources will fall below the LOAEL.

Conclusion and EH's comments/recommendation:

- 10.24 The results of the assessment indicate that noise contributions from all processes on the proposed site, with the noise mitigation included in the design, are predicted to be below the LOAEL for the assessments. Environmental Health have not raised any concerns or objections in relation to the findings/conclusions of the NIA, but have recommended that if Reserved Matters approval is granted, that all mitigation is put in place. This can be required by condition if Reserved Matters approval is granted.

Odour:

- 10.25 An Odour Impact Assessment (O.I.A.) and Odour Risk Assessment have also subsequently been submitted by the agent following a recommendation by Environmental Health. The Odour Risk Assessment primarily outlines the odour risk assessment for the proposed drive-thru restaurant (Burger King). The report concludes that there is a potential risk of odour impact on local residents from the drive-thru restaurant although this would be reduced to an insignificant and acceptable level through the provision of odour abatement measures and requirements. The Odour Impact Assessment compiled by ACCON UK Environmental Consultants outlines the evaluation of the proposed retail unit (Greggs) facility. Again, the report clearly sets out that subject to the installation of extract systems used throughout Greggs stores, there is not considered to be any material risk to amenity as a result of odours from the unit. EH have recommended that the recommended abatement requirements (i.e. the recommended extract systems within the OIA) for should be conditioned to ensure compliance is achieved and any potential odour impact is minimised. This can be required by condition should Reserved Matters approval be granted.
- 10.26 If approval is granted, the LHA have recommended that conditions are imposed requiring a Construction Management Plan (CMP) and a Service Vehicle Delivery Plan (SVDP) to be submitted and approved. The CMP would require satisfactory construction working hours and noise and dust suppression measures (*inter alia*) to be agreed in order to protect the amenities of local residents during the construction of the proposed development, while the SVDP would manage the deliveries to and from each unit on the site, including the timing of deliveries and the management of traffic (during deliveries). Both conditions are considered to be necessary to protect the amenities of residents within the locale both during and post construction.
- Design and Appearance (including Layout and Designing Out Crime)
- 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.)
- 10.28 The proposed supermarket building would be a relatively large, mono-pitch-roof building with a mixture of brick and grey-coloured cladding to external walls. Despite its relatively large massing overall, the flat roof form of the proposed building would help to keep the

main roof height of the building under 7 metres and thus proportionate with its residential and commercial surroundings.

- 10.29 The proposed location of the supermarket building close to the western site boundary in combination with its aforementioned large scale would mean that, despite the mitigating impacts of screen fencing and a landscape buffer in front of its western elevation, the development (and the proposed supermarket building in particular) would be a prominent building on Darlington Road (A167), an important route in and out of Northallerton.
- 10.30 Nevertheless, despite its large scale and location adjacent to Darlington Road, the context of the site's surroundings is crucial to how the development will be perceived. The site is surrounded to the east and south by existing and approved (extant) residential development and is purposely located so that it is to be well integrated (as a 'neighbourhood centre') within the North Northallerton development. Furthermore, the land opposite the site to the west (i.e. on the opposite side of Darlington Road) is occupied by Standard Way, a well-established commercial area and a key employment location within Northallerton. Immediately north of Standard Way is an employment site location within the Local Plan (NOR2).
- 10.31 Within this context of existing, extant and allocated residential and commercial development in North Northallerton and along Darlington Road, the proposed development and its buildings would not appear incongruous in terms of scale or appearance and would integrate well into their immediate surroundings, particularly with the provision of the landscaping scheme proposed.

Designing Out Crime Considerations:

- 10.32 As referred in the 'consultation' section of this report, NY Police provided a 'Designing Out Crime Report' which identified several issues relating to Designing Out Crime that it is recommended are addressed. Following the DOCO's response, the agent provided an email to clarify and provide further information in relation to the concerns raised. The DOCO has responded, and it is clear that the additional information as raised within the DOCO's initial concerns have been answered, although matters such as the overlooking of the seating area of Unit 2 and the lack of the provision of a covered cycle store remain areas of difference between the developers and the DOCO. Nevertheless, it is considered that these few remaining matters can be agreed through the provision and approval of additional details and specifications by planning condition, if Reserved Matters approval is granted.
- 10.33 Overall, the proposed layout, scale and appearance of the proposals are considered to be acceptable and in accordance with Policy E1 of the Local Plan.

Landscaping (Including Green Infrastructure and Trees)

- 10.34 Criterion b. of Policy E1 (Design) states that a proposal will be supported where it respects and contributes positively to local character, identity and distinctiveness in terms of (inter alia) native tree planting and landscaping.
- 10.35 Policy E4 (Green Infrastructure) states that the Council will seek to protect existing green infrastructure and secure green infrastructure net gains by, amongst other things, incorporating green infrastructure features as integral parts of a development's design and landscaping, while also enhancing links and functionality between the site and any surrounding or adjacent areas of green infrastructure. To confirm, the site is located within an area designated on the Proposals Map of the Local Plan as a Green Infrastructure Corridor (GIC),
- 10.36 Policy E7 (Hambleton's Landscapes) states that a proposal will be supported where it seeks to conserve and enhance any existing tree and hedge of value that would be affected by the proposed development.

- 10.37 The proposed development would involve commercial units and associated parking/ infrastructure which would occupy the vast majority of the site. This is not uncommon for developments of this type and scale. However, despite this, the submitted Proposed Planting Plan shows that a relatively comprehensive and varied landscaping scheme is proposed, which would include additional tree planting, ornamental planting, new native hedgerow and species-rich grassland. This soft landscaping would predominately be carried out along the edges/boundaries of the site (including the provision of a so-called 'landscape buffer' along the western site boundary with Darlington Road), although it is evident that efforts have also been made to incorporate tree and ornamental planting within the interior of the development, e.g. within and around the car parking areas. The Proposed Planting Plan and Arboricultural Impact Assessment Plan show that areas of existing planting and trees would be retained along the southern site boundary.
- 10.38 Overall, given the nature of the development and size of the site, the proposed landscaping scheme would provide for a comprehensive, varied and acceptable landscaping scheme for the proposed development that would integrate well with, and contribute positively to, its surroundings and the Green Infrastructure Corridor within North Northallerton. The proposals would therefore be in accordance with Local Plan Policies E1 and E4 in these regards.
- 10.39 A Landscape Management Plan (with maintenance schedule) has been submitted as part of this Reserved Matters application. The LMP outlines the management principles and objectives and gives a detailed programme for the maintenance of the area following completion, covering all aspects of the soft landscaping; tree planting, ornamental planting; hedge planting, native species planting and grass (seeding / turf) and species rich grassland (seeding / turf). Having assessed the contents of the LMP (including maintenance schedule), on the whole, it is considered to provide a reasonable and acceptable approach with regards to the completion and future management/maintenance of the landscaping with the scheme. If Reserved Matters Approval is granted, it is recommended that a condition is imposed requiring the LMP to be adhered to.

Access, Connectivity and Highway Safety

- 10.40 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.);
 - 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.)
- 10.41 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.); and is accessible for all users...providing satisfactory means for vehicular access and incorporating adequate provision for parking, servicing and manoeuvring in accordance with applicable adopted standards (criterion f.)
- 10.42 Vehicular access to the site would be taken from Great Moor Road, while the submitted Proposed Layout Plan and Proposed Pedestrian and Cycle Links Plan show that there

would be good internal pedestrian and cycle accessibility, with links (north and south) to the existing external footways along the western side of Great Moor Road, including to the existing Pedestrian Crossing. There are also potential pedestrian/cycle links onto Darlington Road to the west (as shown on the Proposed Pedestrian and Cycle Links Plan).

- 10.43 Designated on-site car parking and cycle parking would be provided to serve the development with a total of 166 spaces, including 13 accessible spaces and 4 EV charge spaces (with a further 20 spaces 'cable enabled' to meet future potential demand. The accessible spaces are included along the northern boundary of the car park near to the proposed entrance to the supermarket, with further provision to the front of the drive-thru coffee shop and restaurant.
- 10.44 Many of the representations received from local residents who have raised objections/concerns regarding the proposals have sought to draw attention to potential issues regarding congestion in the local area, particularly along Great Moor Road, and highlighting existing issues with speeding. However, having considered the proposed impact of the proposals on the local road network and the safety of the proposed vehicular access, the LHA have provided a positive recommendation with regards to this application (subject to the conditions and Travel Plan monitoring fee detailed in paragraph 7.6 above).
- 10.45 The LHA confirm that the LHA raised no objections to the hybrid application and note that the supplementary Transport Assessment (submitted with the current application) has taken into consideration the proposed larger retail unit with the conclusion within the supplementary TA still being valid with regards to the traffic generated by the proposed food store being able to be accommodated on the local highway network. The LHA also accept that allowing for a reduction in floor space for some uses, with a larger food store in their place, is unlikely to significantly change the trips generated overall by the site and therefore the proposals would not significantly change those already accepted under the 15/01083/HYB application. The LHA also state that as with many retail type developments, a significant proportion of trips generated by the site are expected to already be on the road network, either passing by the site, trip diversion from elsewhere, or forming part of a linked trip. Based on post development surveys the percentage of these type of secondary trips can sometimes be as high as 60-70% leaving only a small percentage of the traffic generated being completely new trips. The LHA also state that they consider the access arrangements to be acceptable, including visibility splays. The site layout also includes footways for pedestrian access and a level of car parking provision in line with current (highway) standards.
- 10.46 Overall, in consideration of the appropriate location and visibility of the proposed vehicular access to the development, the provision of good internal and external pedestrian and cycle connectivity and the positive recommendation of the Local Highway Authority, the proposed development is considered to be in accordance with the relevant criteria of Policies E1 and IC2 of the Local Plan in terms of accessibility and highway safety.
- 10.47 It should be noted that there are no LHA objections to the proposals, subject to conditions and the payment of a Travel Plan monitoring fee. It would not be appropriate to require a separate Travel Plan (by condition) at Reserved Matters stage, particularly as this matter is addressed by condition on the original hybrid permission. Therefore, it would not be necessary or reasonable to impose this condition as part of any Reserved Matters Approval. Likewise, the payment of a £5,000 Travel Plan monitoring fee would need to be secured through a Section 106 agreement. The original hybrid permission was granted following the completion of a Section 106 agreement for this development within which any monitoring fees should have been secured. It would not be reasonable or appropriate to require a S106 agreement to secure a Travel Plan monitoring fee as part of a Reserved Matters approval.

Other Issues

Sainsburys' Representations

- 10.48 The Sainsburys objection has stated that the proposals would adversely impact on biodiversity at a time when the Government is seeking to maximise Biodiversity Net Gain (BNG) within new development. There is no BNG requirement for this application which is at Reserved Matters stage. Nevertheless, as referred to in the 'Landscape' section of this report, Officers consider the proposed landscaping scheme to constitute to be relatively comprehensive and varied including both new tree, ornamental and hedgerow planting as well as areas of native grassland.

Drive Thru Restaurant Use Class Query

- 10.49 Concerns have been expressed within the representations received that the proposals to include a drive-thru restaurant and coffee shop are sui generis uses and thus do not wholly comply with the original hybrid permission, the description of which specifically stated the Use Classes of the development, which included Class A3 which allowed for 'the sale of food or drink for consumption on the premises or of hot food for consumption off the premises'. Class A3 has subsequently been replaced, with the new Class E(b) now relevant to restaurants and cafes. Class E(b) states that it involves premises where food is 'mainly' consumed on the premises.
- 10.50 Whether the drive-thrus comply with Use Class E(b) (previously A3) is dependent on how any food bought by patrons is consumed, i.e. mainly on the premises or off-site. This matter has been raised with the agent who has confirmed that the proposed operators of the units are satisfied that the nature of their operations would meet the requirements of Use Class E(b), and while Officers have not been provided with any statistics and information to verify this, there is likewise no information and evidence available to dispute the operator's position on this matter. On the balance of probabilities, it is considered that the current proposals are in accordance with the original hybrid permission.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1 The principle of the neighbourhood centre on this site has already been established by the original hybrid planning permission, however because the proposed supermarket exceeded 500 square metres, condition 40 of this permission (as amended) required it to be demonstrated that the development would not unacceptably impact the vibrancy and vitality of Town Centres by passing both the Alternative Sites Sequential Test and the Retail Impact considerations. Having sought independent advice on these matters, Officers are satisfied that the development passes both the Sequential Test and retail impact considerations as set out in national and Local Plan policy. The proposals (subject to conditions) are also considered acceptable in terms of layout, scale design/appearance, amenity considerations (including noise and odour), landscaping, and access, connectivity and highway safety, and is in accordance with the relevant national and Local Plan policy considerations in these regards.

12.0 RECOMMENDATION:

- 12.1 It is recommended that Reserved Matters approval is **GRANTED**, subject to the following conditions:
1. The development hereby permitted shall be begun within two years of the date of this permission.

Reason: To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.

- 2 Prior to the first use of any part of the development, a 3 metre-high acoustic fence shall be installed along the site boundary in accordance with the approved site plan, the design, material(s) and finish of which shall have first been submitted to and agreed in writing by the Local Planning Authority. Once installed, the acoustic fencing shall be retained in situ as approved for the operational lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the amenities of the occupants of residential properties located adjacent to the site are appropriately protected in accordance with Local Plan Policy E1.

- 3 No part of the development shall be brought into use until a Service Delivery Management Plan to manage the deliveries to and from each unit on the site has been submitted to and approved in writing by the Local Planning Authority. The plan shall include amongst other relevant matters the timing of deliveries and management of customer traffic during deliveries.

Reason: In the interest of public safety and amenity in accordance with Local Plan policy E1 and IC2.

- 4 All external lighting shall be installed in accordance with the submitted external lighting scheme and in accordance with the requirements and recommendations within the External Lighting Design Note, including Section 6 (Control Measures) requiring the following measures/procedures to be followed: external lighting shall be time controlled to ensure that the lighting installation only operates within the specified operating hours; the provision of a facility to switch part of the external lighting installation off during periods of low activity (i.e during store closure), and that external Lighting Time schedule shall be set "ON" between 0600 to 1000 hours, and 1400 to 2300 hours. Any subsequent changes or alterations to the external lighting within the development shall accord with the external lighting scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that an appropriate external lighting scheme is installed with is appropriate to the character and appearance of the site's surroundings and to protect residential amenity, on accordance with Local Plan Policies S1, E1 and E2.

- 5 Prior to development commencing details of the existing ground and floor levels of site and neighbouring buildings and the proposed ground and finished floor levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The levels shall relate to an identified fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.

Reason: In order to ensure that the finished floor levels and ground levels post development are appropriate to the surroundings and to ensure that the amenities of the occupants of residential properties within the vicinity of the development are suitably protected, in accordance with Local Plan Policies S1, E1 and E2.

6. The approved landscaping scheme for the development shall be undertaken within the first planting and seeding seasons following the substantial completion of the construction works on site in accordance with the submitted Landscape management Plan (LMP) and the 'outline planting specifications' on the submitted Proposed

Planting Plan. The landscaping shall thereafter be thereafter managed and maintained in accordance with the LMP (including the maintenance schedule)

Reason: In order to ensure that the approved landscaping scheme is undertaken, and thereafter managed, appropriately, in accordance with Local Plan Policy E1.

7. All noise and odour-emitting plant and equipment shall be installed and thereafter maintained in accordance with the details, recommended procedures, mitigation measures and abatement requirements as set out within the submitted Noise Impact Assessment, Odour Risk Assessment and Odour Impact Assessment, unless otherwise agreed in writing by the Local Planning Authority. All mitigation measures and abatement requirements shall be completed, in-situ and/or fully operational prior to the first use of the plant and equipment concerned.

Reason: To restrict noise and odours generated from plant and equipment within the development and to ensure that any noise and/or odours generated by the are appropriately mitigated in order to protect the amenities of local residents and businesses, in accordance with Local Plan Policy E2.

8. No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose 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, in accordance with Local Plan Policy IC2.

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

1. details of any temporary construction access to the site including measures for removal following completion of construction works;
2. wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
3. the parking of contractors' site operatives and visitor's vehicles;
4. areas for storage of plant and materials used in constructing the development clear of the highway;
5. measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
6. protection of contractors working adjacent to the highway;
7. details of site working hours;
8. details of external lighting equipment;
9. a detailed method statement and programme for the building works; and
10. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: In the interest of public safety and amenity, in accordance with Local Plan Policies IC2 and E2.

10. No part of the development shall be brought into use until a Delivery Management Plan to manage the deliveries to and from each unit on the site has been submitted to and

approved in writing by the Planning Authority. The plan shall include amongst other relevant matters the timing of deliveries and management of customer traffic during deliveries.

Reason: In the interest of public safety and amenity, in accordance with Local Plan Policies E2 and IC2.

11. Prior to the commencement of above ground works, precise details of the design of the cycle storage, the specific locations and storage areas of the outdoor seating areas; and the locations and specifications of CCTV cameras as well as the specifications and location of other crime and other relevant anti-social behaviour-related elements of the development as referred to in the Designing Out Crime Officer's submitted report. Once approved, the development shall be undertaken and completed in accordance with the approved details prior to the first operation of the respective units, and thereafter maintained for the lifetime of the development shall be submitted to and agreed in writing by the Local Planning Authority

Reason: To ensure that all reasonable measures have been taken to minimise the risk of crime and disorder having regard to Designing Out Crime principles, in accordance with Local Plan Policy E1..

12. Above ground construction shall not be commenced until details relating to boundary walls, non-acoustic fencing and other means of enclosure (including their precise location(s)) for all parts of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details. Once installed, the enclosures shall be retained in situ in accordance with the approved details for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.

Reason: In order that the enclosures are 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.

Target Determination Date: 13th September 2024

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