

Parish: Northallerton
Ward: Northallerton North and Brompton
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Committee date: 8 March 2018
Officer dealing: Mr P Jones
Target date: 13 April 2018

17/01394/FUL

Proposed development of 17 dwellings

At: Part OS Field 1407, Stokesley Road, Northallerton

For: Yorvik Homes Ltd

This application is referred to Planning Committee as the proposed development is Major Development

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is an irregularly shaped plot of approximately 0.71 hectares which is now overgrown but which was apparently last used for agricultural purposes. The site is located approximately 240 metres north east of the junction of Northallerton Road and Stokesley Road on the northern edge of Northallerton. Properties surrounding the site are largely in residential use although 51 Stokesley Road is a veterinary surgery. The land to the immediate North West is currently being developed for housing as part of the first phase of the North Northallerton development.
- 1.2 Planning permission is sought to construct 17 two to five bedroom houses, comprising three terraced, six semi-detached and eight detached properties. Four detached double garage blocks and one detached single garage building are also proposed as part of the development. The garages are to accompany the dwellings to be constructed on plots 6, 7, 12, 13, 14 and 15.
- 1.3 Improvements have been secured in the form of amendments to the affordable housing offer and to the provision of sustainable urban drainage.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 There is no recent and relevant history on the site itself. However, a hybrid planning permission (15/01083/HYB) was granted on 5 December 2016 for a mixed use development of a significantly larger land area to the immediate north and west. This included 900 dwellings including 150 to the east of Darlington Road and 148 to the west of Stokesley Road along with a neighbourhood centre, primary school and new link road and bridge over the Northallerton-Middlesbrough railway line.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:
- Core Strategy Policy CP1 - Sustainable development
 - Core Strategy Policy CP2 - Access
 - Core Strategy Policy CP4 - Settlement hierarchy
 - Core Strategy Policy CP8 - Type, size and tenure of housing
 - Core Strategy Policy CP9 - Affordable housing
 - Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
 - Core Strategy Policy CP17 - Promoting high quality design
 - Core Strategy Policy CP18 - Prudent use of natural resources
 - Core Strategy Policy CP20 - Design and the reduction of crime
 - Development Policies DP1 - Protecting amenity
 - Development Policies DP2 - Securing developer contributions
 - Development Policies DP3 - Site accessibility
 - Development Policies DP4 - Access for all

Development Policies DP6 - Utilities and infrastructure
 Development Policies DP8 - Development Limits
 Development Policies DP10 - Form and character of settlements
 Development Policies DP11 - Phasing of housing
 Development Policies DP13 - Achieving and maintaining the right mix of housing
 Development Policies DP15 - Promoting and maintaining affordable housing
 Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
 Development Policies DP32 - General design
 Development Policies DP33 - Landscaping
 Development Policies DP34 - Sustainable energy
 Development Policies DP37 - Open space, sport and recreation
 Supplementary Planning Document - Open Space, Sport and Recreation, Adopted 22 February 2011
 Affordable Housing - Supplementary Planning Document - Adopted 7 April 2015
 Allocations Document Policy NM5B - North Northallerton Area, West of Stokesley Road, Northallerton - adopted 21 December 2010
 Sustainable Development - Supplementary Planning Document - Adopted 7 April 2015
 Supplementary Planning Document - Size, type and tenure of new homes - adopted September 2015
 National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Northallerton Town Council - No observations received.
- 4.2 Highway Authority - No objection subject to conditions.
- 4.3 Environmental Health Officer - A further site investigation is required to determine whether the site is contaminated but accept that this can be conditioned as part of any approval. The findings of the applicant's air quality assessment are accepted.
- 4.4 Swale and Ure Internal Drainage Board - No objection in principle but would need to be satisfied that surface water can be satisfactorily discharged from the development. If soakaways are proposed the ground will need to be checked to ensure that they will work in this case; if discharge to the mains sewerage system is proposed it will be necessary to check that this can satisfactorily accommodate the additional flow generated by this development; if discharge to a watercourse is proposed it will need to be restricted to 1.4 litres per second per hectare or greenfield runoff, and the consent of the Internal Drainage Board will be required. Nothing shall be sited within 9 metres of any watercourse without the approval of the IDB.
- 4.5 Yorkshire Water Services - No objection subject to conditions.
- 4.6 Local Flood Authority (SUDS) – Originally objected on the ground that the submitted details failed to demonstrate that soakaways will work as a means of disposing of surface water; and that the proposal was likely to lead to increased flood risk. It was suggested that surface water should be discharged into the adjoining watercourse as this would be more sustainable and could be adopted by Yorkshire Water.

Following the submission of further information, including a plan showing the route of exceedance flows from the site, the Lead Local Flood Authority has withdrawn its objection.

- 4.7 HDC Leisure Services - A contribution should be made towards the North Northallerton Sports Village through Community Infrastructure Levy receipts.

4.8 Public comments - Four objections have been received, summarised as:

- The development will not relate in a satisfactory manner to its surroundings; alterations should be made to the layout and increased landscaping provided between the new properties and the surrounding housing;
- The proposal will lead to an unacceptable increase in the number of vehicles entering Stokesley Road from the site, and to an unacceptable increase in the vehicular use of that highway;
- The development will exacerbate problems of flooding in the area;
- The scheme does not cater for all sectors of society as it does not include any bungalows; and
- Concern about who would be responsible for the future upkeep of the hedge located along the site frontage to Stokesley Road and for the future maintenance of the beck.

5.0 OBSERVATIONS

5.1 The site is allocated for residential development in the Local Development Framework, forming part of site NM5B, part of the North Northallerton Development Area subject to Allocation Policy NM5. Given this, the principle of housing development is accepted. Additionally, the site occupies a sustainable location within the Development Limits of Northallerton and is located on a bus route and lies just over one mile from the Town Centre.

5.2 The remaining planning issues to be taken into account when considering this application are: (i) affordable housing provision and housing mix; (ii) impact on the visual amenity of the area; (iii) neighbour amenity impacts; (iv) highway safety; (v) ecology; (vi) trees; (vii) matters pertaining to land contamination; (viii) drainage and flooding and; (ix) provision of public open space.

5.3 These details will need to be considered against the requirements of policies CP9, DP1, DP3, DP8, DP13, DP15, DP32 and DP34 of the Local Development Framework, the provisions of Section 6 of the National Planning Policy Framework and the advice contained within the Council's Supplementary Planning Documents entitled "Sustainable Development", "Affordable Housing", "Size, Type and Tenure of New Homes" and "Open Space, Sport and Recreation".

Affordable housing and housing mix

5.4 The applicant proposes to provide four affordable units, which represents 23.5% of the total 17 dwellings proposed, significantly below the normally required figure in this location, of 40% as set out generally in policy CP9 of the Core Strategy and specific to this site in Allocation DPD policy NM5. The applicant argues that this reduction is justified in economic and viability terms for reasons set out in their submitted Planning Statement and Affordable Housing Assessment. Officers have sought external advice on this matter and with the benefit of that advice it is considered that two additional affordable units could be provided over and above the current offer, which would increase the affordable housing offer to 35%. The lack of suitable provision of affordable housing is considered to weigh heavily against the proposal.

5.5 The applicant considers that a lower level of affordable housing is justified in this instance because of anticipated abnormal construction costs and the profit levels they consider appropriate for the market and affordable elements.

5.6 The identified abnormal construction costs are £171,000. In view of the evidence presented this is considered to be realistic and to justify provision of affordable housing below the 40% policy expectation.

- 5.7 However, the applicant's arguments regarding developer profit are less convincing. They argue that they should achieve 20% profit on market and affordable housing, although profit is an incentive to accept the risks inherent in development and cannot be guaranteed. A 20% profit level on the market units is considered appropriate in view of the uncertainty of selling housing on the open market. However, the affordable units would be the subject of a guaranteed sale to a Registered Provider at a fixed price that would be agreed before development begins. Consequently the risk to the developer in providing the affordable units is considerably lower.
- 5.8 With the benefit of professional valuation advice, officers have sought to negotiate a 7% profit level on the affordable units, which would allow six affordable units to be built. This approach is considered justified in view of the different risk scenarios between market and affordable housing and the principles involved are now accepted by the Government in a current consultation on viability guidance, which indicates that profits levels for market and affordable housing should be 20% and 6% respectively. However, the applicant does not agree.
- 5.9 The applicant has made an alternative offer in terms of affordable housing using a discounted market sale product. The alternative offer comprises seven dwellings on the site which would be offered at 30% below market value in perpetuity. The applicant states that this approach has been used on two developments for Richmondshire District and a further scheme recently commenced in Selby District. Additionally this offer includes a financial contribution of £60k for affordable housing off-site.
- 5.10 Officers do not consider this product to constitute an affordable housing product in accordance with Council policy and current Government policy only recognises it, in the form of Starter Homes, on land that has been in commercial or industrial use, which is not the case in this instance.
- 5.11 Whilst the scheme does not make any provision for bungalows or other housing specifically designed to meet the needs of older people it does include a reasonable mix of properties with the emphasis on smaller two to three bedroom units. As such the proposal is considered to be broadly in line with the requirements of the Council's Supplementary Planning Document on Size, Type and Tenure of New Homes.

Visual amenity and design Issues

- 5.12 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.13 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.14 The National Planning Policy Framework Planning supports this approach and, at paragraph 64, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Paragraph 66 sets an expectation that applicants submitting major applications, such as this, engage with the local community in drawing up the design of their schemes, stating "Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can

demonstrate this in developing the design of the new development should be looked on more favourably.”

- 5.15 The Council’s Statement of Community Involvement, adopted in 2013, requires applications for major development or other proposals likely to have any significant impact to explain how public comments have influenced the chosen design.
- 5.16 The applicant has submitted Planning and Design and Access Statements in support of their proposal in which they state:
- Their scheme meets the requirements of all relevant planning policies and as such is acceptable in principle, design, amenity, highway safety, landscaping, nature conservation, drainage and flood risk terms; and
 - The development will be sustainable, will constitute reasonable 'rounding off' of the settlement, and comprises a suitable mix of dwellings.
- 5.17 It is noted that the applicant did not enter into community consultation on the development of this site, as advocated by the NPPF and Hambleton’s Statement of Community Involvement.
- 5.18 It is considered that given the context of the site, the proposed development is acceptable in both design and scale terms. Whilst there is a mix of houses and bungalows in the area it is contended that the new houses would appear in scale and in keeping with their surroundings as the immediately adjoining properties are houses. The new properties would have gable pitched roofs, which would appear slightly at odds with the hipped roofs of the adjoining dwellings. However, as there are other properties with gabled roofs in the locality it is considered that the proposal has sufficient regard for the prevailing form of development in the local area. Details of the proposed external materials of the properties have not been included at this stage. However, it is considered that these could reasonably be controlled by way of a condition.

Neighbour amenity

- 5.19 The dwelling proposed on plot one would stand within five metres of the neighbouring property at 27 Stokesley Road. The front elevation of plot one has been aligned with the rear elevation of 27 Stokesley Road. It could therefore potentially affect the level of light that the occupiers of number 27 currently receive and this has led to concerns from the occupants. However, it is considered, on balance, that it would not affect light to that property to the extent that a refusal could reasonably be sustained on such grounds because it would stand to the north of the existing house and would therefore have only a limited impact. Furthermore, because of the relationship between number 27 and plot one, the proposed development is not considered to result in an onerous loss of privacy to either the existing or proposed dwellings.
- 5.20 The new dwellings would stand a minimum of 23 metres from the next nearest potentially affected premises (the veterinary surgery at 51 Stokesley Road, which is less sensitive due to its non-residential nature). They should not therefore significantly affect the level of light that this, or any other, property currently receives.
- 5.21 It is considered that the proposal would not give rise to unacceptable overlooking of neighbouring properties. In general there would be a minimum distance of approximately ten metres between all habitable room windows within the new dwellings and their respective adjacent properties, and where a lesser distance is proposed those windows would tend to face substantial trees and foliage or boundary fencing. A minimum distance of at least 21 metres is also to be provided between those windows and habitable room windows within existing surrounding properties.

Habitable room windows to be formed within the front elevation of the dwelling to be constructed on plot one would lie within five metres of windows within the gable of 27 Stokesley Road. However, given the oblique angle between the two it is not envisaged that unacceptable overlooking would ensue.

- 5.22 It is considered that the dwellings would not appear unduly overbearing when viewed from the windows of the neighbouring properties.
- 5.23 The applicant has made an assessment of the impact that the proposed development is likely to have upon the quality of the air in the area. In so doing they have made reference to the conclusions of the Environmental Statement submitted in respect of the main part of the North Northallerton development (application 15/01083/HYB), a mixed use development that includes for the construction of 900 dwellings on a significantly larger site to the immediate north and west (see paragraph 2.1 above). This concluded that dust generated during the construction of that development would be negligible provided that suitable dust control measures were implemented throughout, and that exhaust emissions from vehicles following the completion of that development would also be negligible with no need for any mitigation measures.
- 5.24 The applicant asserts that adding a further 17 dwellings to the 900 already approved would not materially alter this conclusion. Consequently, subject to the implementation of the mitigation measures outlined in their supporting documentation, they contend that there should be negligible harm to air quality. This assessment has been considered by the Environmental Health Officer, who supports its findings.

Highway safety

- 5.25 The applicant has submitted a statement and a letter in support of their proposals in which they state that:
- Safe and sustainable vehicular and pedestrian accesses can be achieved to the site. Two accesses are proposed, both from Stokesley Road;
 - The development will more than meet the Council's normal requirements for the provision of associated car parking, 51 car parking spaces being proposed;
 - The development will not lead to a significant increase in vehicular use of the surrounding road network;
 - The development will be accessible by way of a variety of means of transport including the bus, walking and cycling;
 - The highway layout has been designed to satisfactorily accommodate service vehicles; and
 - Should it prove necessary they would be willing to undertake a speed survey in order to ascertain the speed of vehicles using Stokesley Road and accordingly the required visibility splays for the development.
- 5.26 The submitted scheme has been considered by the Highway Authority and, following recent amendments and despite concerns to the contrary, is now considered to be acceptable subject to conditions.

Ecological issues

- 5.27 The applicant has submitted a Phase 1 Habitat Survey in support of their proposal. This concludes that the site has no significant ecological value but recommends that certain measures are undertaken during construction to ensure that flora and fauna are suitably safeguarded. This could be secured by planning condition.

- 5.28 The report refers to one of the trees on the site, identified as “Target Note 1”, as having the potential to be a bat roost. However, the agent has indicated that this would not be affected by the proposal and as such it is not considered necessary to undertake a further bat survey to ascertain if there is any bat activity in that tree. However, it would be reasonable to require details of how the tree would be safeguarded during construction and that could be achieved by use of a condition.

Trees

- 5.29 It is proposed to remove seven trees in order to accommodate the proposed development. This is considered to be acceptable as the trees to be removed are considered to have only limited amenity value, being small and set back from the highway behind a hedge. Furthermore, a significant number of other more mature specimens would remain and these would, it is considered, continue to provide some amenity value in the area. A condition can reasonably be imposed on any approval requiring that suitable replanting is undertaken to offset the loss of the frontage trees.
- 5.30 It is also proposed to trim the hedge back along the site frontage to Stokesley Road in order to improve pedestrian access to the footway adjoining that highway. This is also considered to be acceptable as the hedge is currently overgrown in appearance.
- 5.31 In view of the above, and subject to the imposition of conditions requiring that suitable replanting of trees is undertaken as part of the development, requiring that the trees to be retained are suitably protected during the construction works and thereafter, and controlling the degree to which the hedge is trimmed, it is considered that there are no reasonable tree or hedge related grounds for opposing this development.

Land contamination

- 5.32 The applicant has submitted a Site Investigation Report in support of their proposal. This concludes that soil on the site is not contaminated and that groundwater may be encountered during the construction works. The Environmental Health Officer has requested that further investigative works are carried out before development commences to ascertain whether the site is contaminated but accepts that this can be dealt with by planning condition due to the former agricultural use of the site.

Drainage

- 5.33 It was originally the intention to discharge foul water from the development into the mains sewer and to dispose of surface water via soakaways. However, whilst the former proposal was considered to be acceptable in principle (Yorkshire Water raised no objections) concern was raised about the latter by the Lead Local Flood Authority, who felt that it would not be effective. Amendments have since been made to the scheme and it is now proposed to discharge surface water into the adjoining watercourse. This is considered acceptable by the Lead Local Flood Authority, provided the rate of discharge to that watercourse does not exceed 2.6 litres per second.
- 5.34 The attenuation element of the proposed development would be constructed within the site, comprising two underground cellular containment features, which would be managed by a resident’s management company.

Flooding issues

- 5.35 The site is located within Flood Zone, 1 which means that it is not at significant risk of flooding from watercourses. In order that the development is protected from possible overland flooding from surface water additional information has been submitted by

the applicant, including provision of on-site attenuation, details of overland exceedance flood routes along with agreement on the proposed discharge rates to the local river system. The Lead Local Flood Authority has agreed the discharge rate at 2.6 litres per second along with the proposed attenuation and exceedance flow routes.

Public Open Space

- 5.36 The development makes no provision for public open space within the site which is a requirement of Hambleton's Supplementary Planning Document on Public Open Space, which requires provision on sites of more than ten units. However, given the direct relationship to the wider North Northallerton development and the level of public open space that is to be provided nearby as part of this development, and given the comparatively small scale nature of the development proposed by this application, this is considered acceptable in this instance.

Planning balance

- 5.37 The principle of development on this site is accepted. It is considered that the scheme would provide a suitable form and mix of development on the site. The outstanding matter, which weighs against the proposal, is the substandard amount of affordable housing proposed.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reason:
1. The proposed development fails to provide the required level of affordable housing (40% requirement) and as such is not considered to accord with the requirements of Core Policy CP9 or Development Policy DP15 Allocations Document Policy NM5B, all of which require a 40% affordable housing contribution. It is considered that whilst the applicant's submission demonstrates that the 40% target cannot be achieved on the basis of viability, the 23.5% proposed affordable housing provision is considered to be inadequate and lacking suitable justification.