

Parish: Brompton

Committee date: 22nd December 2022

Ward: Northallerton North and Brompton

Officer dealing: Aisling O'Driscoll

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Target date: 14.12.2021

21/02227/FUL

Full planning application for construction 38 residential dwellings with associated access, parking, landscaping and infrastructure.

At: Land to The South of North Moor Road

For: Taylor Wimpey*

*** The applicant is Taylor Wimpey. However, this is a joint venture between Taylor Wimpey and Persimmons as was the adjacent site which gained permission under 21/02226/REM**

This application is referred to Planning Committee as the proposed development forms part of the wider North Northallerton Development.

1.0 Site, Context and Proposals

- 1.1 The wider North Northallerton Development Area is located approximately 1km north of Northallerton town centre. It measures approximately 52.8 hectares and is bounded by the A167 Darlington Road to the west and A684 Stokesley Road to the east. To the north lies open countryside with the settlement of Brompton beyond that. To the South lies the Thurston Road Business Park. The wider site is bisected by the Northallerton to Middlesbrough train line running approximately north/south through the site.
- 1.2 The application site specifically subject of this application, is located at the south-western corner of the wider North Northallerton Development Area. To the immediate west is a vacant site which recently gained permission under 21/02226/REM for 62 dwellings. To the east is an NHS building which was approved under 19/01110/FUL and is now complete and operational. To the south-east is Allerton Steel, a metal fabrication company.
- 1.3 The current application seeks full permission for 38 dwellings. The proposal includes a 4m meter bund with 3m fencing to provide sound mitigation from Allerton Steel.
- 1.4 During the life of the application the issue of noise and amenity has been discussed at length. This has resulted in the final proposal of the bund to provide noise attenuation.

2.0 Relevant Planning History

- 2.1 15/01083/HYB – mixed use development of 900 dwellings and a neighbourhood centre comprised of shops, restaurants and drinking establishments, extra care facilities, medical facilities, primary school, recreation pitches and car parking – all matters reserved except for access – Granted. Although the application site falls within the red edge of the Hybrid application all plans indicate that the details of this site were not confirmed or approved at that stage. As such there is no outline consent at this site and a full application has been submitted.

3.0 Relevant Planning Policies

3.1 The relevant policies are:

S1: Sustainable Development Principles
S2: Strategic Priorities and Requirements
S3: Spatial Distribution
HG1: Housing Delivery
HG2: Delivering the Right Type of Homes
HG3: Affordable Housing Requirements
E1: Design
E2: Amenity
E3: The Natural Environment
E4: Green Infrastructure
E7: Hambleton's Landscapes
IC1: Infrastructure Delivery
IC2: Transport and Accessibility
IC3: Open Space, Sport and Recreation
RM1: Water Quality, Supply and Foul Drainage
RM2: Flood Risk
RM3: Surface Water and Drainage Management
RM4: Air Quality
RM5: Ground Contamination and Groundwater Pollution
RM6: Renewable and Low Carbon Energy
Housing SPD - adopted July 2022
National Planning Policy Framework

4.0 Consultations

- 4.1 Parish Council – Brompton Parish Council object to the application on the grounds that housing should not be sited so close to Allerton Steel due to the noise and consequent harmful impact on residents. It would be unfair to place restrictions on Allerton Steel to mitigate impact on residents. No further development should be allowed until the roads, drainage and other matters on the existing development at North Northallerton are completed. Inadequate provision for pedestrian /cyclist crossing points.
- 4.2 Highway Authority – No objections subject to conditions
- 4.3 Environmental Health Officer – Final Comments awaited to be reported in the Committee Update Papers.
- 4.4 Environmental Health Officer Contaminated Land – No objection subject to conditions
- 4.5 Lead Local Flood Authority – No objections subject to conditions
- 4.6 Yorkshire Water – Recommend conditions
- 4.7 North Yorkshire Policy Designing out Crime Officer – The overall design and layout is acceptable, however, some minor issues could be resolved as follows:

- Surface treatments, soft landscaping and lighting should be used to avoid creating an air of neglect and isolation for the rear parking courts
- Consider gating the bridging units to restrict access into the rear parking courts
- All roads and segregated footpaths, regardless of whether they are adopted or not, should comply with BS 5489-1:2020
- Enhance the planting for corner plots to prevent desire lines
- The creation of ambiguous space for footpath links to rear gardens should be avoided

4.8 MOD Safeguarding – No safeguarding objections

4.9 Natural England – No Comments

4.10 Public comments – Two letter of objection were received raising the following issues:

- Too close to noise generating business
- This will lead to undue harm to residents and pressure on the business
- Subsequent impact on local economy
- No evidence of contribution towards local infrastructure

5.0 Analysis

5.1 The main issues to consider are:

- Principle
- Amenity
- Affordable housing and housing mix
- Design and impact on the character of the area
- Drainage and Flood Risk
- Highways safety
- Biodiversity

Principle

5.2 Whilst the site was formerly part of the North Northallerton Development Area, this allocation is not brought forward in the new Local Plan owing to the advanced nature of the development of the site. Local Plan Policy HG5 deals with windfall housing and states that a proposal for housing development within the main built form of a defined settlement will be supported where the site is not protected for its environmental, historic, community or other value, or allocated, designated or otherwise safeguarded for another type of development.

5.3 Northallerton is defined as a market town in the Settlement Hierarchy. Policy S5 defines the built form as the closely grouped and visually well related buildings of the main part of the settlement and land closely associated with them. This excludes any individual or ribbon developments which are clearly detached from the main part of the settlement; ribbon development which relates more to the surrounding countryside; gardens or paddocks etc that relate more to the surrounding countryside; agricultural buildings on the edge of a settlement; outdoor sports and recreational spaces on the edge of settlements.

5.4 The site is located between a business park and a large housing development which is partially complete. The site is not protected for any of the above reasons and is therefore considered to be within the main built form of the settlement. As such the site is considered to be in a suitable location for housing in terms of sustainability and the principle of the development is therefore supported.

Amenity

- 5.5 Local Plan Policy E2 states that all proposals will be expected to provide and maintain a high standard of amenity for all users and occupiers, including both future occupants and users of the proposed development as well as existing occupants and users of neighbouring land and buildings, in particular those in residential use. Amongst other criteria a proposal will be required to ensure adequate daylight/sunlight, good relationships between buildings, preservation of privacy, protection against noise and that any adverse impacts be made acceptable. The policy also requires provision for bin storage and adequate amenity space.
- 5.6 The relationship and space between dwellings within the proposed layout allows for light permeation throughout the site. Dwellings are oriented in a manner that will not result in significant overshadowing of neighbouring plots. Separation distances of 20-21m are achieved where principal elevations face each other. Many of the dwellings on this site, however, have side to rear relationships which allows them to be sited closer together.
- 5.7 The rear of each plot can be accessed externally, which allows for safe and secure storage of both bins and bicycles. Some of the plots also feature garages and/or sheds which can also be used for secure storage of bicycles.
- 5.8 The relationship between the proposed dwellings and wider surrounding development has been considered. The proposed separation distances to the neighbouring (approved) dwellings to the west are approximately 20m where principal elevations face each other and this is considered to be acceptable.
- 5.9 To the south the rear gardens of Plots 532-538 are somewhat overlooked by the Office building known as Gibraltar House. The dwellings have been sited with a 17-18m separation distance from the office building. Although boundary planting is not shown on the landscaping plan it is considered that tree planting in this area would improve the privacy level of the gardens. However, whilst this relationship is not ideal, due to the separation distances further landscaping is not considered necessary at this stage but could be implemented later if preferred by future residents. Whilst White Rose House is also close to the boundary the dwellings have been sited in a way that preserves the privacy of the rear amenity spaces of the relevant plots.
- 5.10 To the east of the site is a three storey NHS building. The floor plans for this building show that the first floor windows on the relevant elevation serve individual consultation rooms. The design of the building is such that the upper floors step away from the boundary. The ground floor therefore is closest to the boundary at approx. 10m, the first floor 21m and the third at over 30m. The dwellings at plots 523 and 524 are oriented with their sides facing the boundary. The rear gardens are set slightly south of the NHS building creating a skewed view between the building and the gardens. It is considered that this relationship is acceptable.

- 5.11 The application site is in close proximity to Allerton Steel, a steel fabrication business located on Thurston Road occupying a large metal clad factory building. Whilst the site shares a boundary with the area of land on which permission has been granted for an extension to Allerton Steel (19/02209/FUL), the site is also in close proximity to the existing main building. The starting point through the course of the Hybrid application approving the development of North Northallerton, development of housing on this site was resisted owing to the amenity risk from noise and the potential to have to limit Allerton Steel's operations owing to noise disturbance. The agent of change principle would prevail in this case, should a loss of amenity be demonstrated once development is complete, which could have a detrimental impact on Allerton Steel's operations.
- 5.12 Following much discussion regarding the noise impact of Allerton Steel on the amenity of future occupiers of the dwellings a revised layout was submitted which includes a 4m high bund with 4m high acoustic fencing, providing an 8m high acoustic barrier between the proposed housing and Allerton Steel.
- 5.13 It is pertinent to consider at this point Paragraph 187 of the National Planning Policy Framework which states that: Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.
- 5.14 Given the above it should be noted that Allerton Steel as it exists today has no time restriction on its operations nor are there any conditions which limit the noise level which can be emitted from the site. This was taken into account in the consideration of the wider North Northallerton Development Area. Indeed, a condition (36) was placed on the Hybrid permission which requires that the approved dwellings are designed to meet BS8233:2014 and sets limits on the internal noise levels. Notably a further condition (37) was imposed on the Hybrid which prohibited the application site from being developed for dwellings or houses in multiple occupation. It must be considered therefore whether the site itself is suitable for housing given the proximity to such an intensive industrial use.
- 5.15 In addition to this the visual impact of the noise mitigation measure itself must be taken into account. The bund and fencing will measure 8m in total and will be an imposing feature in the street scene. This, however, could be balanced against the visual barrier it will create between the dwellings and the industrial buildings to the east. Concern may also be expressed with regard to public access to the bund and the health and safety issues created by the 8m drop into the Allerton Steel side. The applicant indicates that the acoustic fencing will provide sufficient barriers at the top of the bund and access to the rear of the bund will be restricted by security gates.
- 5.16 A Noise Impact Assessment was submitted in support of the application and the Council's Environmental Health department was subsequently consulted. The Environmental Health Officer has indicated that the proposals now meet the minimum requirements for both external and internal noise levels. Conditions are recommended to ensure that the mitigation measures are installed. Owing to the

way in which noise assessments are carried out, looking at the average noise levels, officers have some residual concerns about the potential impact on residential amenity through occasional or sporadic noise from Allerton Steel. The site is open and potentially operational 24/7 depending on the nature of the project that they are working on. As such there is potential for one off noises late at night, which could cause noise and disturbance.

- 5.17 The final report of the Environmental Health Officer is awaited at the time of writing and will be reported via the Committee Update Papers. However, from discussions to date, it is considered that the British Standard requirements on noise have been met and that the acoustic measures proposed will result in a satisfactory level of amenity. However, there remains some residual concern with regard to one off and sporadic noise, with the potential to lead to a loss of amenity for residential occupiers of the site.

Affordable housing and mix

- 5.18 Local Plan Policy HG3 states that the council will seek provision of 30% affordable dwellings on all housing developments. In all cases where affordable housing is provided it will be expected to:

- provide a mix of tenures, subject to identified need, consisting of one third each of:
 - i. affordable rented;
 - ii. social rented; and
 - iii. intermediate dwellings (shared ownership) or other types of affordable home ownership;
- be dispersed in small clusters across development sites;
- be externally indistinguishable in terms of design and materials from any market housing on the site; and
- be transferred at transfer price.

Where it can be demonstrated that the requirements above are not viable, due to specific site conditions or other material considerations affecting development of the site, an alternative dwelling or tenure mix that meets local need or a lower level of provision may be acceptable. The affordable housing will also be required to remain affordable in perpetuity.

- 5.19 Policy HG2 states that all new residential development should assist in the creation of sustainable and inclusive communities through the provision of an appropriate mix of dwellings in terms of size, type and tenure. A proposal for housing development will be supported where:
- a range of house types and sizes is provided, that reflects and responds to the existing and future needs of the district's households as identified in the Strategic Housing Market Assessment (SHMA) or successor documents, having had regard to evidence of local housing need, market conditions and the ability of the site to accommodate a mix of housing;
 - all homes meet the National Described Space Standards (NDSS), or any successor standards/policy.

- 5.20 At the time of the granting of Planning Permission for North Northallerton under the original hybrid application the viability appraisal showed that the development was only able to provide 13.4% affordable housing. The main question in this case is whether the parcel of land, subject of this application was considered within that appraisal and as such should be considered under the requirements of the S106 agreement for North Northallerton as opposed to the 30% requirement under the new Local Plan.
- 5.21 Owing to noise related difficulties with the relationship to Allerton Steel, this parcel of land was effectively omitted from the outline approval, but a receipt and cost was retained within the viability appraisal. This has resulted in the applicant having to submit a Full application rather than a Reserved Matters application, in this case.
- 5.22 The matter of affordable housing is still pertinent to the wider North Northallerton development proposals owing to the requirements of the S016 agreement which requires an open book review, which is triggered by the number of completed units and at the current build rate is likely to take place in late Spring 2023.
- 5.23 It is noted that it is intended that Karbon Homes purchase up to 48 units at North Northallerton, which would not be subject to the Council's usual S106 controls but would be subject to controls placed as a result of Homes England Funding, which would ensure that they meet affordable housing definitions.
- 5.24 Having reviewed the submissions, Officers are content that this site does form part of the wider viability appraisal and as such need not provide 30% affordable housing.
- 5.25 The proposed mix is detailed in the following table:

House Size	No of units	Market Housing Proposed	Market Housing Target	Affordable Housing Proposed
1 bedroom	6	15.7%	5-10%	0%
2 bedrooms	7	18.4%	40-45%	0%
3 bedrooms	25	65.7%	40-45%	0%
4+ bedrooms	0	0%	0-10%	0%

- 5.26 As can be seen from the table the development over provides on 1 and 3 bedroom properties and under provides on 2 bedroom properties. Whilst the mix is not strictly in accordance with the targets set out in the SPD, it is considered that as a whole the development provides a good level of smaller homes which do not excessively exceed the Nationally Described Space Standards.

Design and Impact on the character of the area

- 5.27 Local Plan Policy E1 Design states that all development should be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and helping to create a strong sense of place. Development should respond positively to its context, draw inspiration from its surroundings, contribute to local distinctiveness, create safe accessible environments which maximise health outcomes whilst making efficient use of land.

- 5.28 Policy E7: Hambleton's Landscapes states that the Council will protect and enhance the distinctive character and townscapes of settlements in the district. This will be achieved by ensuring that development is appropriate to, and integrates with, the character and townscape of the surrounding area.
- 5.29 The application is for 38 units on approx. 1.02ha of land. This gives a density of approx. 37 dwellings per hectare. This is the same density as that approved on the neighbouring site under 21/02226/REM. The justification for this is that the Hybrid permission required that the development be carried out in accordance with the Parameters Density and Phase 1 Areas Plan contained within the Design and Access Statement. The plans indicate that in this part of the site density was expected to range from 35-40 dwellings per hectare. In this case therefore the proposed density is considered acceptable.
- 5.30 Vehicular access to the site will be gained from North Moor Road. North Moor Road is currently open at its western end to a point just before the newly installed link road bridge. A pedestrian access will also be provided along the north-east side of the development allowing quick access by foot for the dwellings which face North Moor Road.
- 5.31 The dwellings are set back from North Moor Road due to the requirements of an easement. This allows for a planted buffer between the dwellings and the main road. The landscaping scheme shows the area will include a hedgerow with 6 trees. A root barrier will be provided to protect the drainage system. The remaining space will be planted with wildflowers and grass. An area of shrub planting is shown near the vehicular entrance.
- 5.32 The individual house types include single, two and three storey dwellings. The three storey dwellings have been designed to appear both as three storey buildings and as dormer two storey dwellings. The single and two storey dwellings are a typical design for the type of development. The proposed dwellings feature a mixture of red and buff brick, a mix of grey and red roof tiles with white PVC fenestration. Window heads are marked by Artstone or brick detailing. Boundary walls will be construction of matching brick corresponding with the associated dwelling.
- 5.33 North Yorkshire Police Designing out Crime Officers were consulted and the following advice was returned.

The proposed vehicular access onto the site and movement within it are suitable as it keeps permeability at an appropriate level. This will make it more difficult for offenders to enter the area and move around without being conspicuous and not challenged.

It would appear from the proposed Site Layout Plan that all pedestrian and cycle links are needed and do not create unnecessary permeability. They are provided with good levels of natural surveillance, which creates a feeling of safety and security and deters criminal and antisocial behaviour. The proposed site layout plan shows a street design that primarily has active frontages providing natural surveillance of the public realm and enclosed rear gardens.

Research conducted by Professor Rachael Armitage (Huddersfield University), on behalf of the Design Council/CABE, Home Office and Secured by Design, has clearly shown that rear parking courts are vulnerable to crime. They have higher levels of vehicle crime and criminal damage than other types of parking, and also facilitate offender access to the rear of properties. Residents do not tend to use their allocated spaces within these courts, preferring to park on street, regardless of whether the street was designed for on street parking. Rear parking courts are therefore known generators of crime and antisocial behaviour.

Where rear parking courts are used in this proposal, the developer should allow sufficient budget for boundary walls, surface treatments, soft landscaping and lighting to avoid creating an air of neglect and isolation. Also, to enable surveillance from within the dwelling it serves, the boundary treatment should be visually permeable. This could be achieved by having close boarded fencing or a wall to a height of between 1m – 1.5m, topped with trellis or railings, to create an overall height of 1.8m.

Where bridging units are to be used as an entrance to a rear parking court, consideration should be given to having gates as close to the entrance as possible to prevent them being used as gathering places, which can lead to complaints of antisocial behaviour.

- 5.34 Further recommendations are made in relation to a lighting scheme and provision of solutions to avoid desire lines forming across plot frontages. It is considered that the above recommendations can be dealt with by condition.
- 5.35 Returning to the matter of the proposed bund. Clearly, the outlook of the site to the industry to the south of the site is not a positive one, being a range of large office and industrial buildings. The proposed bund is a somewhat alien feature in the environment. However, if housing is considered to be acceptable in principle it may be argued that the bund improves the outlook from the site.
- 5.36 Overall, the layout, density, scale and design are considered to be of an acceptable standard.

Drainage and flood risk

- 5.37 Policy RM3 states A proposal will only be supported where surface water and drainage have been addressed such that:
- surface water run-off is limited to existing rates on greenfield sites, and on previously-developed land reduce existing run-off rates by a minimum of 50 percent or to the greenfield run-off rate where possible;
 - where appropriate, sustainable drainage systems (SuDS) will be incorporated having regard to North Yorkshire County Council Sustainable Drainage Systems Design Guidance or successor documents. The Council must be satisfied that the proposed minimum standards of operation are appropriate and arrangements for management and maintenance for the lifetime of the development are put in place;
 - wherever possible, and where appropriate, SuDS are integrated with the provision of green infrastructure on and around a development site to contribute to wider sustainability objectives;

- if the drainage system would directly or indirectly involve discharge to a watercourse that the Environment Agency is responsible for, or a system controlled by an internal drainage board the details of the discharge must take account of relevant standing advice or guidance and have been informed by early engagement with the relevant body;
- if a road would be affected by the drainage system the details of the system have been agreed with the relevant highway authority; and
- SuDS for hardstanding areas for parking of 50 or more cars, or equivalent areas will be expected to include appropriate additional treatment stages/interceptors to ensure that any pollution risks are suitably addressed.

5.38 The drainage scheme indicates that surface and foul water will connect to separate existing public systems in North Moor Road. Due to the size of the site a Flood Risk Assessment has been submitted. The FRA confirms that the site is wholly within flood zone 1. The report identifies a localised area of medium and high risk for surface water flooding. These are likely to be as a result of depressions in existing topography or obstructions on site. Reference to the maps indicated that the medium/high risk areas are self contained and do not form part of a flood path originating offsite. The report, however, appears to cover both the application site and the adjacent site on which consent has already been granted. The area identified above appears to be located on the adjacent site and therefore is not relevant to this application.

5.39 The Lead Local Flood Authority were consulted and no objections were returned subject to conditions

Highway safety

5.40 Policy IC1 states that the Council will seek to ensure that development is supported by the timely delivery of necessary infrastructure and facilities by:

- requiring that proposals for development are capable of being accommodated by existing or planned infrastructure and services and do not have an unacceptably harmful impact on existing systems, in each case this is to be established by appropriate assessment or investigatory work;
- requiring developers to provide, or meet the costs of providing, the infrastructure, facilities and/or mitigation necessary to make their proposed developments acceptable in planning terms;
- ensuring suitable arrangements are made for ongoing maintenance where infrastructure and facilities are directly provided;
- requiring that the delivery of development is coordinated with the delivery of new or improved infrastructure and services and causes minimal disruption to existing provision; and
- working with developers and infrastructure/service providers to identify viable solutions for the delivery of infrastructure and services to support sustainable development.

The nature and scale of planning obligations sought will depend on the form of development and the impact it is considered to have upon the surrounding area on the basis of documentary evidence. Infrastructure and facilities should be provided on site.

5.41 Policy IC2 states that The Council will work with other authorities and transport providers to secure a safe and efficient transport system that supports a sustainable pattern of development that is accessible to all. A proposal will only be supported where it is demonstrated that:

- it is located where the highway network can satisfactorily accommodate, taking account of planned improvements, the traffic generated by the development and where the development can be well integrated with footpath and cycling networks and public transport;
- where transport improvements are necessary proportionate contributions are made commensurate with the impact from the proposed development;
- it seeks to minimise the need to travel and maximise walking, cycling, the use of public transport and other sustainable travel options, to include retention, where relevant, and enhancement of existing rights of way;
- any potential impacts on the strategic road network have been addressed having regard to advice from early engagement with Highways England;
- highway safety would not be compromised and safe physical access can be provided to the proposed development from the footpath and highway networks;
- adequate provision for servicing and emergency access is incorporated; and
- appropriate provision for parking is incorporated, taking account of:
 - i. highway safety and access to, from and in the vicinity of the site;
 - ii. the accessibility of the development to services and facilities by walking, cycling and public transport;
 - iii. the needs of potential occupiers, users and visitors, now and in the future;
 - iv. the amenity of existing and future occupiers and users of the development and nearby property; and
 - v. opportunities for shared provision, where locations and patterns of use allow.

For all major development, and where transport issues are likely, the Council may require proportionate Transport Assessments, Transport Statements or Travel Plans as necessary. Where a travel plan is required it should set out measures to reduce the demand for travel by private car, air pollution and carbon dioxide emissions from transport, and encourages walking, cycling and other sustainable travel options.

5.42 The main access to the site is to be taken from North Moor Road at the north-west corner of the site. This access is to be shared with the previously approved development to the west. Pedestrian access is also shown connecting the main access point to the eastern plots. Additional pedestrian access is to be made available at the north-east corner.

5.43 Parking is provided either in curtilage or to the rear of properties in a courtyard style. The exceptions are plots 506 and 519 (1 bedroom coach house style flats) where the parking is provided in an integrated garage beneath the living space. Tracking information has been provided to demonstrate manoeuvring around the courtyard parking.

5.44 North Yorkshire County Council Highways Officers were consulted and returned no objections subject to conditions relating to detailed plans, construction of adoptable roads and footways, parking, construction management plan and restriction of garage space for use as parking.

Biodiversity

5.45 Policy E3 (The Natural Environment) of the Local Plan states that all development will be expected to demonstrate the delivery of a net gain for biodiversity. Paragraph 6.46 of the supporting text states that the latest DEFRA guidance and relevant metric tool should be used to demonstrate compliance with the policy. Policy E3 also states that harm to biodiversity should be avoided, but where unavoidable, should be appropriately mitigated.

5.46 A preliminary Ecological Appraisal was carried out by Quants Environmental which covered both this site and the adjacent site (21/02226/REM). The appraisal identified that the site mainly comprises semi-improved grassland which is bordered by mature trees, hedgerows and fencing. The grassland is considered to be of low ecological value, whilst the trees and hedgerows are of notable value.

5.47 The site was considered to be of potential value to open ground nesting birds such as meadow pipit, skylark and lapwing. The Hybrid permission is subject to conditions which require, for each phase, the submission of an Ecological Enhancement Management Plan (condition 30), pre-construction surveys (32) and that site clearance works be undertaken outside of bird nesting season (33). As this application is a standalone application these conditions should be reapplied to any permission granted.

5.48 The report indicates that 55m of species-poor hedgerow forms a boundary feature on the southern edge of the application site. The hedge is dominated by hawthorn *Crataegus monogyna*, with occasional blackthorn *Prunus spinosa* and elder *Sambucus nigra*. The hedge is currently unmanaged and is starting to become outgrown. There are no standard trees within the hedge. The Preliminary Ecological Report recommends that the hedge be retained, however, the Biodiversity Net Gain report indicates that it is to be removed and replaced by 75m of native hedgerow to the northern boundary with North Moor Road. In this case as there is a demonstrable net gain of hedgerow within the development coupled with the low value of the existing hedgerow it is considered that the loss in this case is acceptable.

5.49 As mentioned above a Biodiversity Net Gain report and relevant metric were also submitted in support of the application. The metric shows a net gain of 10.78% for habitat units and 286.14% for hedgerow units. The report also details how these features should be managed. It is considered that the details of the report be secured by condition.

6.0 Recommendation

6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:

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

2. The permission hereby granted shall not be undertaken other than incomplete accordance with the drawing(s) numbered:
 - NTH-PH3-000 - Phase 3 Sheepcote - Northallerton - Location Plan - rev A received 23.06.2022
 - NTH-PH3-004 - Phase 3 Sheepcote - Northallerton - Landscape Layout - rev J received 16.11.2022
 - NTH-PH3-003 - Phase 3 Sheepcote - Northallerton - Boundary Treatment Layout - rev H received 16.11.2022
 - NTH-PH3-002 - Phase 3 Sheepcote - Northallerton - Materials Layout - rev G received 16.11.2022
 - NTH-PH3-001 - Phase 3 Sheepcote - Northallerton - Site Layout - rev N received 16.11.2022
 - NTH-PH3-006 - Phase 3 Sheepcote - Northallerton - Bund Sections - rev A 12.12.2022
 - Stapleford_R21_Rev00
 - Stapleford_End_Trad_R21_Plots529-531_Rev00 (Plots 529-531 variant)
 - ASHDOWN VILLAGE A3 Planning Drawing
 - ASHRIDGE VILLAGE A3 Planning Drawing
 - BARNWOOD VILLAGE A3 Planning Drawing
 - BRAUNTON LEAN ON VILLAGE A3 Planning Drawing
 - GALLOWAY VILLAGE A3 Planning Drawing
 - HALDON VILLAGE A3 Planning Drawing
 - KINGLEY VILLAGE A3 Planning Drawing
 - WENTWOOD VILLAGE A3 Planning Drawing
 - PK-WD-06 - Pickering - Plans & Elevations - Village
 - Ga2_2_Double Garage_Twin_R21_Rev00
 - Ga1_1_Single Garage_R21_Rev00

3. Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads, road lighting and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority. The development must only be carried out in compliance with the approved engineering drawings.

4. No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation. The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.

5. No dwelling must be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority and as shown on Drawing Number NTH - PH3 -007 Revision A received by Hambleton District Council on 02.11.2022. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Order, the garages shall be used solely for parking of motor vehicles and domestic storage including cycle parking and shall not be used as additional living accommodation without the granting of an appropriate planning permission.
7. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:
 1. The provision of wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway by vehicles exiting the site.
 2. An area for the parking of all contractors, site operatives and visitors vehicles clear of the Public Highway.
 3. An area for the storage of all plant and materials used in constructing the development clear of the Public Highway
 4. Measures to manage the delivery of materials and plant to the site including the location of loading and unloading areas.
8. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.
9. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:
 - i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
 - ii) the means of discharging to the public sewer network at a rate not to exceed 3.5 litres per second.
10. Development shall not commence until a scheme detailing foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document). The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. Principles of sustainable urban drainage shall be employed wherever possible. The works shall be implemented in accordance with the approved phasing. No part or phase of the development shall be brought into use until the drainage works approved for that part or phase has been completed. Note that further restrictions on surface water management may be imposed by Yorkshire Water and the Local Planning Authority.
11. Development shall not commence until a scheme restricting the rate of development flow runoff from the site has been submitted to and approved in writing by the Local Planning Authority. The flowrate from the site shall be

restricted to a maximum flowrate of 15.0 litres per second for up to the 1 in 100 year event. An appropriate allowance shall be included for climate change effects and a further 10% for urban creep for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme has been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

12. No development shall take place until an appropriate Exceedance Flow Plan for the site has been submitted to and approved in writing by the Local Planning Authority. Site design must be such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedance or flood pathways. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30 year event. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site.
13. The development shall not commence until details of finished floor levels of the development hereby approved have been submitted and approved in writing by the Local Planning Authority. The details should include levels of all properties adjoining the application site. Finished Floor Levels should be set above the 1 in 100 year plus climate change flood level with an additional 300mm freeboard above the flood level. The development shall be carried out in accordance with the approved scheme satisfying this condition.
14. Prior to occupation of any part of the development a scheme shall be submitted to, and approved in writing, by the Local Planning Authority detailing how the recommendations of North Yorkshire Police Designing out Crime Report Ref No: 011-1-2022 dated 22.06.2022 will be incorporated into the scheme. The development shall be implemented in accordance with the approved plans.
15. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.
16. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

17. The landscaping scheme shall be implemented in the first planting season following the occupation of the 30th dwelling in accordance with drawing reference Landscape Layout NTH-PH3-004 Rev G received by Hambleton District Council on 02.11.2022 and in accordance with the Biodiversity Net Gain Assessment reference 151.01 Revision 01 received by Hambleton District Council on 19/10/2022. The trees and hedgerows shall be maintained in accordance with the details set out in the Biodiversity Net Gain Assessment reference 151.01 Revision 01 received by Hambleton District Council on 19/10/2022 for a period of at least 30 years unless an alternative maintenance scheme is submitted to and approved in writing by the Local Planning Authority.
18. No development shall commence until a scheme providing for preconstruction surveys of and mitigation impacts for breeding birds including any nests on the site has been submitted to and approved in writing by the Local Planning Authority. Surveys shall also be suitable to record Schedule 1 barn owl, if present.
19. A badger survey must be carried out by a suitably qualified Ecologist no less than 48 hours before the commencement of construction. Results and appropriate mitigation measures (where required) must be submitted to the Local Planning Authority for approval in writing and thereafter implemented in full.
20. No development (which includes site clearance works and excavation) shall take place/commence until an Ecological Enhancement Management Plan has been submitted to the Council for approval. The Plan will set out all necessary ecological mitigation and enhancements measures, including those specified in Chapter 8: Biodiversity of the Environmental Statement, to cover the construction of the development and not less than 10 years following its completion. The Plan will make provisions for, but is not limited to, habitats, terrestrial mammals, bats, birds, and invertebrates.
21. Vegetation clearance shall be undertaken between September and late February to avoid the bird nesting season (March-August) unless otherwise approved in writing by the Local Planning Authority. Any nests identified during vegetation clearance shall be protected until the young have fledged. Where a Wildlife and Countryside Act Schedule 1 species is involved, mitigation for impacts, e.g. loss of nesting site, must be devised, approved in writing by the Local Planning Authority and implemented. If vegetation clearance and/or construction work is approved in writing by the Local Planning Authority during or extending into the bird nesting season, further assessments and mitigation measures, such as ecological supervision at the developers expense, may be required by the Local Planning Authority.

The reasons for the above conditions are:-

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

2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1 and E1.
3. To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users.
4. To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.
5. To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
6. In order to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity of the development.
7. In the interest of public safety and amenity.
8. In the interest of satisfactory and sustainable drainage.
9. To ensure that no surface water discharges take place until proper provision has been made for its disposal.
10. To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk.
11. To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk.
12. To prevent flooding to properties during extreme flood events and to mitigate against the risk of flooding on and off the site.
13. In the interest of amenity of the occupiers of the adjoining properties and flood risk mitigation.
14. In the interest of community safety, to reduce the fear of crime and to prevent, crime and disorder in accordance with the provisions of Section 17 of the Crime and Disorder Act 1998
15. To ensure safe development of the site and to protect human health and the environment.
16. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1 and E1.

17. To ensure that a suitable landscaping scheme is achieved for the development and that a net gain in biodiversity is achieved in accordance with the Hambleton Local Plan policies S1, E1, E3 and E7.
18. To comply with the Wildlife and Countryside Act 1981 to protect all wild birds whilst they are actively nesting or roosting.
19. In the interest of local ecology and biodiversity
20. In the interest of biodiversity.
21. To comply with the Wildlife and Countryside Act 1981 to protect all wild birds whilst they are actively nesting or roosting.