

Parish: Northallerton
Ward: Northallerton South
11

Committee date: 7 February 2018
Officer dealing: Mrs Tracy Price
Target date: 5 February 2019

18/02646/REM

**Reserved matters application for seven dwellings
At D Oakley Limited, 68 Romanby Road, Northallerton
For Park Quadrant Homes**

This application is referred to Planning Committee at the request of a Member of the Council

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site is located a short distance from Northallerton town centre, within the development limits of Northallerton (with Romanby). It is currently occupied by a long established local joinery business. The agent advises that the business is moving to other premises within the town. The surrounding uses comprise mainly residential terraced buildings and a Christian centre, which accommodates a large scale detached building, which stands on the corner of the site, acting somewhat as a local landmark. The terrace buildings are sited close up to the pavements, although Springwell Terrace East and West extend perpendicular to the road to the west of the site. The one anomaly to terraced properties is a pair of semi-detached properties to the west of the site.
- 1.2 The existing buildings on the site reflect this historic form and layout of the development in the area. The traditional brick buildings sit hard up to the pavement, creating an internal courtyard area. The buildings are of some character and local interest. However, it was recognised that they are not best suited to modern day business requirements and are surrounded by residential uses when outline permission was granted for their redevelopment with housing in 2017.
- 1.3 The outline permission was for seven dwellings (17/01059/OUT). Approval is now sought for the reserved matters of access, appearance, landscaping, layout and scale for seven dwellings. All dwellings would face onto Springwell Lane in a terrace formation. The dwellings would be two storey with a room within the roof-space. At ground floor incorporating a lounge, kitchen, lobby and WC at first floor two bedrooms and a bathroom and within the roof-space a master-bedroom. All dwellings will have a private garden and bin area. The access to the site is maintained off Romanby Road with two access points. Two car spaces are allocated per dwelling. A new boundary fence would be located to the boundary shared with Springwell Terrace East along with landscaping along the Romanby Road and Springwell Terrace East elevation.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 17/01059/OUT - Outline application for the redevelopment of the site with seven dwellings; Granted 20 November 2017.
- 2.2 18/01024/REM - Reserved matters application for six dwellings as amended by plans received by Hambleton District Council on 24 and 28 August 2018, refused 22 October 2018. The reasons for refusal were:
1. The proposed scheme is considered to be an over-development of the site. The layout is considered to fail to accord with the requirements of Local Development

Framework Policies CP17 and DP32 owing to the contrived arrangement in order to achieve the footprint of development proposed in the scheme.

2. The proposed development is considered to provide a poor quality of private amenity space for future residents and as such the proposed development is considered to fail to accord with the requirements of Local Development Framework Policies CP1 and DP1.
3. Owing to the limited capacity of nearby streets to provide suitable alternative parking provision, it is considered that the proposed on-site parking provision of less than 2 units per dwelling is unacceptable and harmful to the amenity of future residents and through the increased demand for off-site parking will be likely to harm the amenity of those in the vicinity of the application site.

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 CP17 - Promoting high quality design
Development Policy DP1 - Protecting amenity
Development Policy DP3 - Site accessibility
Development Policy DP4 - Access for all
Development Policy DP8 - Development Limits
Development Policy DP32 - General design
Development Policy DP33 – Landscaping
Development Policy DP43 - Flooding and floodplains
Size, Type and Tenure of New Homes SPD - adopted September 2015
National Planning Policy Framework - published July 2018

4.0 CONSULTATIONS

- 4.1 Parish Council – No observations
- 4.2 Highway Authority – No objections subject to conditions
- 4.3 Yorkshire Water – No comment. However, the developer should note that Yorkshire Water would expect a minimum of 30% reduction from the current rate of surface water that enters the public sewer.
- 4.4 Environmental Health Officer – No objection. The land contamination report submitted in support of the development identifies potential significant risks from contamination such as hydrocarbons, metals, solvents and asbestos. The report recommends a Phase 2 site investigation is undertaken consisting of boreholes, soil sampling and analysis for a range of contaminants including metals, hydrocarbons, VOCs, SVOCs and asbestos. This is agreed and five conditions are recommended to ensure these works are carried out in order to deliver a safe development.
- 4.5 Natural England – No comments received.
- 4.6 Public comments – Three representations have been received. The representations can be briefly summarised as:
 - Objection to the noise levels coming from the site during demolition, concrete breaking etc.; and

- Two comments in favour of the proposed development.

5.0 OBSERVATIONS

- 5.1 The principle of residential redevelopment has already been established through the granting of outline planning permission 17/01059/OUT. Therefore the main considerations in the determination of this application are whether the details of the proposed development are suitable in terms of (i) design and form; and whether the development would have any detrimental impact on (ii) residential amenity; or (iii) highway safety.
- 5.2 The main issues to consider are: (i) design; (ii) amenity; (iii) landscaping; (iv) highway issues; and (v) protected species; and (vi) land contamination.

Design

- 5.3 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.'
- 5.4 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of the local character and setting, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.5 The National Planning Policy Framework supports this approach and, at paragraph 130, 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 128 sets an expectation that the applicants engage with the local community in drawing up the design of their schemes; '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.'
- 5.6 The submitted Design and Access Statement describes how alternative options have been considered and discounted, and the evolution of the design process is documented since the previous refusal decision at planning committee in October 2018. The site had outline planning permission for 7 dwellings with associated parking. The proposed physical form of the development is to be located to the Springwell Lane side of the site and will have a terrace form with south facing gardens which will back onto a courtyard parking area which then affords vehicular access onto Romanby Road.
- 5.7 The relative heights of the proposed houses, (comparative to Church House which is of a much larger scale than the pair of semi-detached dwellings to the west), effectively form a step in the ridge heights. The use of a hip detail to the roof adjacent to the pair of semi-detached properties helps to reduce the mass of the development. In addition, the proposed materials have been selected with reference to and in sympathy with surrounding development.
- 5.8 The layout of the site is relatively tight for 7 relatively large houses, along with private amenity space and car parking. The layout has been adjusted since the earlier refusal in order to improve access into the parking spaces, improve the relationship with existing neighbours and allow for an increase in landscaping. It is noted that the tight nature of the Romanby Road vista with buildings being close to each other

across a tight road is better suited for the access to the site rather than the built mass of the development.

- 5.9 Overall, Officers are satisfied that the layout and design proposed is acceptable in this relatively urban environment, and will respect the local character in terms of scale, volume and massing.

Amenity

- 5.10 The buildings on Springwell Lane take their height reference from the adjacent buildings. The design and location of the buildings on the site ensures the visual amenity of neighbours is protected. It is considered that adequate separation distances are proposed between existing and proposed dwellings for the development not to have an overall adverse impact on residential amenity. As such, the proposal reflects the surrounding built form in accordance with Policy CP17, DP32 and DP1 of the Local Development Framework.
- 5.11 A third part representation raises concerns related to the building phase and potential disruption with traffic and noise issues. It is considered that the construction time-frame of a scheme of this nature is short term and conditions recommended by highways would ensure that the impact on highway safety is addressed. The hours of construction can also be controlled by condition to ensure building works are not to be carried out within unsociable hours.

Landscaping

- 5.12 It is considered that the increased depth from the footpath to the dwellings provides relief to the narrow street. The increased areas of landscaping to Romanby Road and the increased depth from the footpath on Springwell Lane, the agent states, are a direct result of local resident requests. The proposal is considered acceptable and typical of schemes within this urban locality and accords with Policy DP33 of the Development Policies Development Plan document which requires landscaping to be integrated within the design in order to contribute to a number of objectives including contributing to the character, appearance and sense of place.

Highway issues

- 5.13 The Highway Authority raises no objection subject to conditions relating to the appropriate visibility splay, precautions to prevent mud on the highway, on-site parking and storage during development and implementation of the access, parking and turning areas. It is considered that the scheme meets the requirements set out within DP3 meeting the minimum levels of car parking. It is also noted that the site is located within a short walking distance of Northallerton and it is therefore considered to be in a sustainable location that is highly accessible. Overall, it is considered that the parking provided is achievable and satisfactory.

Protected species

- 5.14 The application is accompanied by a bat report the findings of which include no evidence of bat roosting activity in buildings 1, 2 and 3. Buildings 4, 5 and 6 contain bat roosts with a maximum of 6 no. brown long eared bats. Based on the results of the survey it is considered unlikely that the buildings are used as a maternity roost but rather by male or non-breeding female bats as a transitional roost. Based on the results of the survey the bat roosts within the buildings are considered to be of low conservation importance and not significant to the favourable conservation status of bats in the local area. However, a European Protected Species Mitigation (EPSM) licence will be required in order to permit works which would result in the damage,

destruction, or blocking of access to, a breeding site or resting place used by a European Protected Species (including all bat species).

- 5.15 Overall this proposal is not considered to detrimentally affect protected species and implementation can be suitably managed through the licence so as not to have a detrimental impact on biodiversity.

Land contamination

- 5.16 The application is also accompanied by a Contaminated Land Risk Assessment and the findings include that significant risks are considered to be evident in relation to the possible presence of hydrocarbons, metals, solvents and other contaminants from on-site sources. A Phase 2 investigation would therefore be needed. HDC Environmental Health Officer has assessed the report and confirms the report recommendations in that a Phase 2 site investigation is undertaken consisting of boreholes, soil sampling and analysis for a range of contaminants including metals, hydrocarbons, VOCs, SVOCs and asbestos. Five conditions have been recommended in relation to a risk assessment, phase 3 remediation strategy and a potential verification report to ensure these works are carried out in order to deliver a safe development. It is considered that the implementation can be suitably managed to ensure a safe development of the site and to protect human health and the environment.

Planning Balance

- 5.17 In terms of design, the proposed development is considered to respond positively to the character and appearance of the locality and will fit within the streetscape in terms of heights, design and materials. The layout of the site is tight but the proposed parking and amenity space is considered to be appropriate given the location and context of the site. Given the location of the site within the town and walking distance to amenities, this is considered a sustainable location and the necessity for on-site parking is considered to be lower than other sites further from amenities. The amenity of neighbouring occupiers has been considered throughout the application process in order to mitigate harmful impacts in terms of privacy and overshadowing. In conclusion, the proposed development is considered to be acceptable in this instance.

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 in complete accordance with the drawing(s) numbered SM1002(02)01,02,03,04,05,06,07,08,09 received by Hambleton District Council on 11th December 2018 unless otherwise approved in writing by the Local Planning Authority.
 3. Prior to construction or alteration of above ground external surfaces commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site. The materials shall be approved in writing by the Local Planning Authority.
 4. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted development', no

enlargement shall be carried out to the dwelling and no building or other structure shall be erected within or on the boundary of the curtilage of the dwelling hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.

5. Prior to construction of any building or regrading of land commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development and the relationship to adjacent development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.

These details are required prior to construction or regrading because they could otherwise be compromised and in order to minimise the risk of abortive work being undertaken.

6. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.
7. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements; (i) The crossing of the footway shall be constructed in accordance with the approved details and Standard Detail number A1; (ii) The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway; and (iii) Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway and shall not be able to swing over the highway.
8. No part of the development shall be brought into use until the existing access on to Springwell Lane and the westernmost access onto Romanby Road has been permanently closed off and the highway restored. These works shall be in accordance with details which have been approved in writing by the Local Planning Authority in consultation with the Highway Authority. No new access shall be created without the written approval of the Local Planning Authority in consultation with the Highway Authority.
9. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43 metres measured along both channel lines of Romanby Road from a point measured 2 metres down the centre line of the access road.
10. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made

available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

11. Unless otherwise approved in writing by the Local Planning Authority, there shall be no HCVs brought onto the site until a survey recording the condition of the existing highway has been carried out in a manner approved in writing by the Local Planning Authority in consultation with the Highway Authority.
12. All doors and windows on elevations of the building(s) adjacent to the existing and/or proposed highway shall be constructed and installed such that from the level of the adjacent highway for a height of 2.4 metres they do not open over the public highway and above 2.4 metres no part of an open door or window shall come within 0.5 metres of the carriageway. Any future replacement doors and windows shall also comply with this requirement.
13. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway. b. on-site materials storage area capable of accommodating all materials required for the operation of the site. c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
14. No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase: a. the parking of vehicles of site operatives and visitors, b. loading and unloading of plant and materials, c. storage of plant and materials used in constructing the development, d. erection and maintenance of security hoarding, e. Site operational hours considering the proximity of the nearby primary school.
15. Above ground construction of dwellings shall not be commenced until a detailed landscaping scheme indicating the type height, species and location of all new trees and shrubs has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situated within the curtilage of that dwelling have been implemented. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
16. The construction of the development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted to and approved in writing by the Local Planning Authority.

These details are required prior to the construction because they could otherwise be compromised and in order to minimise the risk of abortive work being undertaken.

17. No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority.

18. No building works including excavation, breaking up of existing concrete or tarmac areas, demolition works, piling operations, external construction works in general shall be carried out except between 0700 hours and 2100 hours Monday to Friday, 0700 hours to 1700 hours Saturday and there shall be no such work on Sunday or on any public holidays.
19. The following land contamination investigation, remediation and verification conditions must be addressed sequentially. The outcome of the investigations will indicate the further site investigation, remediation and verification that may be required. In all instances if contamination is found or suspected at any time during development that was not previously identified all works shall cease and the Local Planning Authority shall be notified in writing immediately. No further development shall be undertaken until a detailed site investigation and risk assessment, having regard to current best practice, has been carried out. Where remediation is necessary a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority before any further development occurs. (See Notes for Applicant CL2 and CL4)
20. No development shall commence until a 'Phase 2' intrusive site investigation and risk assessment, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority. (see Note for Applicant CL2)
21. No development shall commence until a 'Phase 3' Remediation Strategy, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority unless the outcome of the 'Phase 2 Investigation' shows that remediation is not required. (see Note for Applicant CL4)
22. No further development shall commence until the approved remediation scheme has been implemented.
23. In the circumstances that remediation has been required the development shall not be occupied until a Verification Report, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority. (see Note for Applicant CL5)

The reasons 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 Development Plan Policy(ies) CP1, CP2, CP4, CP16, CP17, DP1, DP8, DP32
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. The Local Planning Authority would wish to retain control over the extension of this development in the interests of the appearance of the site and to control the size of the property in accordance with Local Development Framework Policy CP1, DP1, CP17 and DP32 and to ensure it remains of a size that is commensurate to the holding which it serve
5. To ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1 and DP1.

6. In accordance with policy CP2 and in the interests of highway safety
7. In accordance with policy CP2 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience
8. In accordance with policy CP2 and in the interests of highway safety.
9. In accordance with policy CP2 and in the interests of road safety.
10. In accordance with policy CP2 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
11. In accordance with policy CP2 and in the interests of highway safety and the general amenity of the area.
12. In accordance with policy CP2 and to protect pedestrians and other highway users.
13. In accordance with policy CP2 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
14. In accordance with policy CP2 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
15. In order to soften the visual appearance of the development and provide any appropriate screening.
16. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
17. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution in accordance with Local Development Framework Policies CP1 and DP1.
18. In order to protect the amenities of residential property in the locality.
19. To ensure safe development of the site and to protect human health and the environment.
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Informatives

1. Detailed site investigations with regard to land contamination should have regard to current best practice and the advice and guidance contained in CLR11 (Environment Agency, 2004), British Standards including BS10175: 2011 "Investigation of

potentially contaminated sites – Code of Practice" and BS5930: 1999 "Code of practice for site investigations", and the National Planning Policy Framework (NPPF) 2012.

2. Remediation Strategies should have regard to current best practice and the advice and guidance contained in CLR11 (Environment Agency, 2004). Further advice is contained in the YALPAG Technical Guidance for Developers, Landowners and Consultants "Development on Land Affected by Contamination", version 8.2 February 2017. Remediation Strategies should include an options appraisal, objectives for remediation, proposed remediation works, proposed verification works, permits or consents required, contingency measures and unexpected contamination, and timescales.
3. Verification reports should have regard to current best practice including CLR11 (Environment Agency, 2004) and YALPAG Technical Guidance for Developers, Landowners and Consultants documents "Development on Land Affected by Contamination", version 9.2 March 2018, "Verification Requirements for Cover Systems", version 3.4 (YALPAG 2017), and "Verification Requirements for Gas Protection Systems, version 1.1 (YALPAG, 2016). Verification reports should contain the details and objectives of all the remediation works undertaken on site. This should include a description of all remediation works carried out including photographs, certificates and transfer notes, plans showing areas remediated, volume and location of materials affected by contamination and treated or disposed of either on or off-site, volume and source of clean materials re-used or imported onto site, justification for any deviation from the agreed remediation strategy, details of any unexpected contamination encountered, details of verification sampling including laboratory results and comparison with agreed remediation criteria, evidence of appropriate installation of gas protection systems, and conclusions demonstrating that all pollutant linkages have been broken.