

Parish: Northallerton
Ward: Northallerton South
5

Committee Date : 27 June 2019
Officer dealing : Ms Aisling O'Driscoll
Target Date: 12 March 2019
Date of extension of time (if agreed):

19/00087/FUL

Proposed residential development comprising of 8 dwellings with associated parking, garaging and accessway

at Land East Of Ashlands House Bullamoor Road Northallerton North Yorkshire for Mr Lee Richardson.

1.0 Background

- 1.1 This application was considered at the May Planning Committee where it was resolved to defer the application for further consideration of matters relating to drainage, the impact of the development on a neighbouring tree and to allow a Committee site visit to be undertaken.
- 1.2 The report that follows is an up-date on the report considered by Members at the May Committee.

2.0 Site, context and proposal

- 2.1 The application site comprises a trapezoid shaped grass field sandwiched between Bullamoor Road and Scholla Lane, which is part of a larger parcel of land. The application site equates to 0.23 hectares.
- 2.2 The site is located to the eastern edge of Northallerton and abuts the garden of an existing dwelling, Ashlands House, to the west. The site is located within the Development Limits of Northallerton. With the exception of the rail station which is approximately 2.5km away, the majority of the town's facilities lie within 1.5km of the site. Bus stops are located on Bullamoor Road approximately 400m from the centre of the site. The existing dwellings adjacent to the site comprise mainly 2 storey dwellings with single storey bungalows or 2 storey dwellings with rooms in the roof.
- 2.3 The application was originally for the construction of 9 dwellings with the following mix:
- 6 x three bedroom, two storey dwellings (3 pairs of semi-detached)
 - 3 x two bedroom, two storey dwellings (terraced row)
- 2.4 During the life of the application the number and type of dwellings was reduced to the following:
- 8 x two bedroom, two storey dwellings set out as four pairs of semi-detached dwellings.
- 2.5 In addition, in response to comments from the Highways Officer, the site layout was amended to provide an additional turning head and bin collection point.
- 2.6 The dwellings will be constructed in brick with concrete roof tiles and UPVC windows and doors. The elevation drawings show detailed door surrounds and brick detailing.
- 2.7 The application was considered at 30th May Committee meeting. Members resolved to defer the application pending a site visit and additional drainage information.

2.8 The applicant has subsequently amended the drainage proposal including relocation of the attenuation tank further away from the boundary with Ashlands. Yorkshire Water has been re-consulted and raised no objection to the amendments.

3.0 Relevant planning and enforcement history

3.1 17/01549/FUL - Proposed residential development of 5 dwellings - Granted

4.0 Relevant Planning Policies

4.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;
Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP10 - Form and character of settlements
Development Policies DP13 - Achieving and maintaining the right mix of housing
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
National Planning Policy Framework

5.0 Consultations

5.1 Northallerton Town Council - No observations

5.2 Highways Officer - No objection subject to conditions

5.3 Yorkshire Water - No objection to amended details (up-dated post May Committee)

5.4 Environmental Health (Contaminated Land) - Recommends conditions

5.5 Natural England - No comments

5.6 Ministry of Defence - No objection

5.7 Public Representations - 3 letters of representation were received raising the following issues:

- Landscaping should be incorporated on eastern boundary
- Poor siting of attenuation tank and subsequent impact on trees.
- Dwellings too close to edge of site
- Southern hedgerow should be protected
- Amenity spaces too small
- Not clear where boundary fencing is going
- Boundary treatment should provide a comfortable transition to the countryside
- Permitted Development Rights should be removed to ensure landscaping is retained and no further hard standing is required
- Potential for overlooking of garden from plots 3 and 4
- Parking next to hedgerow could encourage users to cut it back
- Nine units is too many
- Increased traffic on Bullamoor Road

6.0 Analysis

- 6.1 It is considered that the main planning considerations raised in relation to the determination of this application are: i) the principle of development in this location; ii) the design of the development and resultant impact on the character and appearance of the area; iii) Highway safety; iv) residential amenity ; v) drainage and; vi) ecology.

Principle

- 6.2 Core Policy CP4 is supportive of development of a scale and nature appropriate to secure the sustainability of the settlement where that development is located within Development Limits.
- 6.3 Development Policy DP8 is supportive of development within Development Limits and sets out specific criterion for the assessment of development proposals in terms of the distribution, location, scale and character of development.
- 6.4 The site is located within the defined Development Limits of Northallerton; a Principal Service Centre, where the principle of residential development is considered acceptable.
- 6.5 The Size, Type and Tenure of New Homes SPD seeks to ensure the provision of new homes that are of the right type and size to meet residents' aspirations and provide a range of housing choices.
- 6.6 In this case, the key objectives of the guidance are the delivery of more two and three bedroom market homes, more choice for older people including bungalows for sale. The proposal is for 8 two bedroom dwellings and it is considered that this meets the policy requirements of the LDF and the SPD in these terms. The proposal is therefore considered acceptable in principle and meets the requirements of Core Policy CP4.
- 6.7 It is noted that as the site is within Development Limits and the proposal is for less than 15 units, the development is not required to deliver affordable housing.

Design and impact on the locality

- 6.8 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."
- 6.9 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.
- 6.10 The National Planning Policy Framework 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.
- 6.11 It is proposed that the dwellings be finished in brick with concrete roof tiles and UPVC windows. It is recommended that brick and tile samples be reserved by

condition. The design of the dwellings is considered to be of good quality featuring brick detailing and detailed door surrounds.

- 6.12 It is considered that the design of the dwellings reflects the grain, scale and character of the surrounding area and as such meets the requirements of Local Development Framework policy, in particular DP32 which seeks to ensure that development is of a high quality

Highway safety

- 6.13 Development Policy DP3 states that all proposals for new development must include provision for sustainable forms of transport to access the site, and within the development.
- 6.14 The site is within Development Limits and is considered to be in a sustainable location, with good access to local services within Northallerton.
- 6.15 In response to the Highways Officers initial comments the layout was amended and a bin collection point was added. On re-consultation the Highways Officer indicated that there were no objections to the proposal subject to conditions relating to discharge of surface water, access construction requirements, visibility splays, works in the highway, parking, construction management and landscaping.
- 6.16 The proposed development is considered to have no detrimental impact on road safety and is considered to meet the requirements of Development Policy DP3.

Residential Amenity

- 6.17 Development Policy DP1 sets out that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution, odours and daylight and that development must make provision for the basic amenity needs of occupants.
- 6.18 The layout of the plots allows for acceptable sized amenity spaces and separation distances between windows. Given the separation between the first floor windows and the boundary to the west of the site it is considered that there will be no significant impact on local residential amenity. The proposed development is considered to accord with the requirements of Development Policy DP1 which seeks to ensure that development results in no significant impact on residential amenity.

Drainage

- 6.19 Following consideration at 30th May Planning Committee Members resolved to defer the application pending further drainage details and assessment of the impact of drainage on the neighbouring property and the impact of the proposed drainage solution on a tree located close to the boundary, but in the ownership of the neighbouring property.
- 6.20 In response to this the applicant has submitted amended details which show the proposed attenuation tank located further away from the neighbouring boundary with Ashlands and the tree which is located on the western side of the site boundary. It is considered that these amendments address the concerns raised and adequately protect the well-being of the tree.
- 6.21 The application proposes separate systems of drainage for foul and surface water. It is proposed that surface water will be discharged to the public surface water sewer at a restricted rate of 2.4 litres/second in accordance with the requirements of Yorkshire

Water. The proposed points of discharge of foul and surface water to the respective public sewers are shown on drawing C-70 received 12/06/2019 prepared by Topping Engineers.

- 6.22 Yorkshire Water was re-consulted and has indicated that the details provided are acceptable. It is therefore recommended that these details, on the updated drawing C-70 be secured by condition. As such it is considered that the site can be adequately drained and the development will have no impact in terms of flood risk. The proposed development is considered to comply with the requirements of Development Policy DP43.

Ecology

- 6.23 Development Policy DP31 seeks to ensure that development proposals do not result in significant harm to sites and habitats of nature conservation.
- 6.24 An extended Phase 1 Habitat Assessment dated March 2017 was submitted with the application. The report indicates that its findings are only applicable up to September 2018 and therefore the assessment requires updating. The report was considered under the previously approved application which is itself still extant. It is therefore considered that the issues identified in the Extended Phase 1 assessment are still relevant and the recommendations stand. It is considered that a Phase 2 survey is required to ensure a comprehensive study is undertaken with regard to bats. This will provide further information on bats at the site and must target the Apple Tree SE 37933 94182. Given the work undertaken on this matter to date and the extant planning permission, it is recommended that this survey be secured by condition.
- 6.25 It is considered that the proposed development will not cause any significant harm to natural resources and as such the proposals will meet the requirements of Development Policy DP31.

Planning Balance

- 6.26 The application is for 8 two bedroom dwellings within the defined development limits of a principal service centre. On balance it is considered the social and economic merits of providing additional homes in a sustainable location outweigh any adverse environmental impacts that may arise from the formation of new dwellings on the edge of the built up area of the town. It is considered that the proposal complies with LDF policies and the National Planning Policy Framework (NPPF).

7.0 RECOMMENDATION:

- 7.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)

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 Y81:1139.03 Rev C received by Hambleton District Council on 12.06.2019; Y81:1139.12 Rev A and Y81:1139.04 Rev B received by Hambleton District Council on 30.04.2019; Y81:1139.13, Y81:1139:14, Y81:1139:15 and Y81:1139:16 received by Hambleton District Council on 16.01.2019 unless otherwise approved in writing by the Local Planning Authority.

3. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development 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
4. 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. The works shall be implemented in accordance with the approved details and programme.
5. 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 highway verge shall be constructed in accordance with the approved details (reference drawing number Y81:1139.03, revision A) 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 public highway.
 - (iii) Provision of tactile paving, in accordance with the current Government guidance. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
6. 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 the major road C149 - Bullamoor Road from a point measured 2.4 metres down the centre line of the access road. The eye height will be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
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 in connection with the construction of the access road or building(s) or other works until:
 - (i) The details of the following off-site required highway improvement works, works listed below, have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority:
 - Provision of tactile paving to provide a pedestrian link from the site to the existing footway on the north side of Bullamoor Road.
 - The relocation of the existing 'side road ahead' warning sign.
 - (ii) A programme for the completion of the proposed works has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.
8. Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details

approved in writing by the Local Planning Authority: - Provision of tactile paving to provide a pedestrian link from the site to the existing footway on the north side of Bullamoor Road.

- The relocation of the existing 'side road ahead' warning sign.

9. No dwelling shall be occupied until the related access, parking and turning and manoeuvring facilities have been constructed in accordance with the approved details (reference drawing number Y81:1139.04, revision B). Once created these access, parking, and turning and manoeuvring areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
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. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning 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 agrees in writing to their withdrawal.
11. 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:
 - (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway;
 - (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site; and
 - (iii) the approved areas shall be kept available for their intended use at all times that construction works are in operation.
12. Soils shall not be re-used or imported onto the development site until a soil sampling and analysis scheme, including the number of samples to be taken and parameters to be tested, has been submitted to and approved in writing by the local planning authority. Before re-use or importation commences the soils shall be subject to sampling and chemical analysis and the results shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until a verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority.
13. 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)
14. 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)

15. Construction work shall only take place between 8am and 6pm Monday to Friday and 8am and 1pm Saturdays and there shall be no working on Sundays or Bank Holidays.
16. The development shall not be occupied 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 part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. 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.
17. Prior to the commencement of the development hereby approved, a Phase 2 ecological survey regarding bats shall be carried out in full accordance with the Phase 1 Extended Habitat Survey report dated March 2017 by Wold Ecology Ltd. The Phase 2 report shall be submitted to and approved in writing by the Local Planning Authority. Any mitigation measures required following consideration of Phase 2 survey shall be implemented in full accordance with the Phase 2 survey report recommendations unless otherwise required and approved in writing by the Local Planning Authority.
18. No removal of trees and hedgerows shall be carried out during the bird nesting season.
19. 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.
20. Unless otherwise approved in writing by the Local Planning Authority the drainage scheme shall be implemented in accordance with drawing number C-70 Revision A received by Hambleton District Council on 12.06.2019.

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. For the avoidance of doubt and in the interest of proper planning.
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. In the interests of highway safety.

5. To ensure a satisfactory means of access to the site from the public highway, in the interests of vehicle and pedestrian safety and convenience.
6. In the interests of road safety
7. To ensure that the details are satisfactory, in the interests of the safety and convenience of highway users.
8. In the interests of the safety and convenience of highway users.
9. 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.
10. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
11. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
12. To ensure safe development of the site and to protect human health and the environment.
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15. To protect the amenity of neighbouring occupiers, in accordance with Policies CP1 and DP1.
16. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties.
17. In the interests of protected species and associated habitats.
18. In the interests of protected species and their associated habitats.
19. To ensure a satisfactory means of access to the site from the public highway, in the interests of vehicle and pedestrian safety and convenience.
20. To ensure adequate drainage of the development.