

Parish: Northallerton
Ward: Northallerton South
4

Committee Date : 30 May 2019
Officer dealing : Miss Ruth Hindmarch
Target Date: 4 June 2019

18/01113/FUL

Creation of 12 additional flats at first floor level, together with ground floor retail uses (Use Classes A1/A2/A3 only). Works include first floor extension to Regency Mews, together with the installation of shop fronts at ground floor level; two-storey extension to Romanby Court, together with the creation of 2no. new ground floor retail units (Use A1/A2/A3) following partial demolition and conversion of the existing building;

At: Romanby Court High Street Northallerton North Yorkshire
For: Ark Grove Limited.

1.0 Site, context and proposal

- 1.1 The application site is located within Northallerton Town Centre and Northallerton Conservation Area. The site currently comprises a mix of A1, A3 and A5 units at ground floor together with some existing flats and vacant space at first floor level. The buildings are laid out around a courtyard with the buildings closest to the High Street fronting onto it. One of these buildings, No.139 is a listed building. The courtyard area is currently used to access a limited number of the existing businesses.
- 1.2 The surrounding area is predominantly retail, commercial and leisure uses as you would expect in a Town Centre location. To the rear of the site is Tesco supermarket and its associated car park. The site is bounded on both sides by alley ways that provide pedestrian access from the High Street to the Tesco site at the rear and the existing commercial units along Regency Mews that are within the application site.
- 1.3 The application seeks consent for works to redevelop this commercial area and will include the addition of 12 flats at first floor and 2 new commercial units at ground floor. The construction works include a first floor 'infill' extension to Regency Mews, together with the installation of shop fronts to the courtyard elevation of existing ground floor commercial units. A two-storey extension is proposed to Romanby Court, following partial demolition and conversion of the existing building together with the creation of the two new ground floor retail units and flats above.
- 1.4 Amended details have been secured as follows:
- Removal of central canopy area
 - Provision of bin store
 - Alterations to layout in the interest of residential amenity
 - Noise and odour information and mitigation
 - Work to assess the impact on listed wall
 - Changes to the scheme to incorporate acceptable waste storage and cycle storage

2.0 Relevant planning and enforcement history

- 2.1 75/0094/FUL - Alterations To Existing Building To Convert First Floor Storeroom And Flat To Coffee/Banquet Room Including The Provision Of Bar And Servery; Granted March 1975
- 2.2 77/0546/FUL – Extension to existing kitchen; Granted July 1977
- 2.3 83/0180/EUC - Use Of Existing Shop As A Licenced Bar And Restaurant For Use Also In Connection With An Existing Adjacent Restaurant; Granted May 1983

- 2.4 15/02141/FUL - Retrospective application for the construction of a wooden storage shed; Granted November 2015

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 CP12 - Priorities for employment development
Core Strategy CP13 - Market towns regeneration
Core Strategy Policy CP14 - Retail and town centre development
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP20 - Design and the reduction of crime
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP6 - Utilities and infrastructure
Development Policies DP16 - Specific measures to assist the economy and employment
Development Policies DP19 - Specific measures to assist market town regeneration
Development Policies DP20 - Approach to town centre development
Development Policies DP21 - Support for town centre shopping
Development Policies DP22 - Other town centre uses
Development Policies DP28 - Conservation
Development Policies DP32 - General design
National Planning Policy Framework

4.0 Consultations

- 4.1 Northallerton Town Council – no observations
- 4.2 Highway Authority – Concern must be expressed with regard to the lack of off street car parking that is associated with the development. The plans indicate that are 12 off street car parking spaces to serve the 11 flats and the retail units but it is unclear as to which users will be assigned these spaces . The site is however within the town centre area of Northallerton so the location is sustainable. The High Street is subject to a Traffic Regulation Order that will control on street parking and as such highway safety is unlikely to be compromised by the application.
- Consequently the Local Highway Authority recommends a condition is attached to any approval relating to a construction management plan.
- 4.3 Lead Local Flood Authority – no objections subject to conditions.
- 4.4 North Yorkshire Fire & Rescue Service – no objection/observation to the proposed development
- 4.5 Police Designing out Crime Officer - should this application be granted I would ask that a planning condition be placed on it requiring that prior to the commencement of any works that the applicant provides full written details of what crime prevention measures are to be incorporated into the development and these measures must be agreed in writing by the Authority.
- 4.6 Yorkshire Water Services – site already connected to the public sewer, condition required to control surface water.

- 4.7 Environmental Health – concern raised regarding the impact of noise and odour on new residential units and from the wider nearby commercial premises activities. In order to protect the amenity of the new occupants of the development from noise and odour conditions are recommended.
- 4.8 Public Rights of Way – informative required.
- 4.9 Waste Services – waste and recycling provision meets our requirements.
- 4.10 Public comments – site notices were posted in the vicinity of the site and neighbours notified. This resulted in three letters of objection and three letters of observation being received. The comments received relate to;
- Noise and impact on existing businesses
 - Consideration should be given to the noise from surrounding uses on the proposed residential properties.
 - Concerns regarding the changes to the existing Chinese restaurant building and the impact on the existing Chinese restaurant business
 - Potential closure of the Chinese will adversely affect the vitality of the town centre
 - Concern regarding the partial demolition of historic buildings

5.0 Analysis

- 5.1 The main issues to consider are: i) whether the principle of development is acceptable; ii) impacts on Heritage Assets; iii) matters relating to Design, Visual Impact and Designing out Crime; iv) impact on Residential Amenity (including noise and odour issues); Highway Impacts and; v) Drainage.

Principle of development

- 5.2 Northallerton is a Principle Service Centre as set out in the Spatial Principles within the Local Development Framework, where development will be directed due to the sustainability credentials of the Centre. The five market towns, designated as “Service Centres”, will play the leading role in the future development and provision of services within Hambleton. Most new development will be focused in these towns, with more development being in the main towns.
- 5.3 Policy support for the principle of the retail element of the scheme is provided by CP14 which provides support for maintaining and enhancing the viability and vitality of the district’s town and district centres. The policy identifies Northallerton as the Main Town Centre, with its function to serve the district. CP14 goes on to state that retail and other town centre development of a scale appropriate to the identified role will be supported provided that it respects the character of the environment of the centre, including its special architectural and historic interest and assists in maintaining its existing retail function.
- 5.4 Further policy support for the application is provided by DP19 which provides policy support for the regeneration of the Market Towns, expressing support for a range of initiatives including support for residential accommodation, redevelopment of vacant and underused sites close to town centres, and improving the quality, diversity and use of publicly accessible spaces and the public realm.
- 5.5 DP20 provides support for town centres and encourages uses, activities and investment that will sustain or enhance their character, attractiveness, conservation, heritage, vitality and viability and lead to the centres becoming more vibrant and economically successful.

- 5.6 DP22 states that development of appropriate non-shopping town centre uses including residential development will be encouraged to locate within the Town Centre boundaries where support is given to the vitality and viability of the centres and access is available for all sectors of the community.
- 5.7 The site is located within the Primary Retail Area of the Town Centre. It is considered the proposals will 'open up' the courtyard area and encourage use of the area and generate greater footfall. The commercial units will be more visible due to the dual aspect through the inclusion of new shop fronts that will face the courtyard area and the alleyways either side of the site. The development will encourage uses, activities and investment that will sustain or enhance the character of Northallerton town centre, its attractiveness, and vitality and viability.
- 5.8 The existing units will be improved and additional units provided. Comments received relating to the existing Chinese Restaurant and its potential loss are noted. However, the site will retain A3 use. Issues relating to any lease of the building are a civil matter and not a material planning consideration. The applicant is seeking to improve the commercial offer available on the site.
- 5.9 The proposal includes the addition of first floor residential flats, this use gains support from the Development Plan as detailed above. The presence of small scale residential accommodation within the town centre can contribute to the vitality and viability of the area and can help to achieve a livelier environment and improve safety by ensuring a constant public presence.
- 5.10 The mix of uses proposed within the area is considered to gain support from Development Plan Policies. The development of the site will have a positive contribution on the vitality and viability of the town centre and the principle of the proposal is considered acceptable.

Heritage assets

- 5.11 Local Development Framework Core Policy CP1 states that development that would significantly harm the natural or built environment, or that would generate an adverse traffic impact, will not be permitted. Proposals will be supported if they promote and encourage or protect and enhance: (amongst other things) the historic and cultural features of acknowledged importance.
- 5.12 Core Policy CP16 states that development or other initiatives will be supported where they preserve and enhance the District's natural and manmade assets, where appropriate, defined in the Development Policies Development Plan Document and identified on the Proposals Map. Particular support will be given to initiatives to improve the natural environment where it is poor and lacking in diversity.
- 5.13 The policy continues by stating that development or activities will not be supported which either (i) has a detrimental impact upon the interests of a natural or man-made asset; or (ii) is inconsistent with the principles of an asset's proper management; or (iii) is contrary to the necessary control of development within nationally or locally designated areas. Any necessary mitigating or compensatory measures must be provided to address potential harmful implications of development.
- 5.14 In assessing the impact of the proposal on the built heritage any harm caused to heritage assets must be given great weight and importance in the determination of the application as set out in paragraph 193 of the NPPF.
- 5.15 Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should

be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

- 5.16 Paragraph 194 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 5.17 Paragraph 196 of the NPPF states that where a development proposal will lead to "less than substantial harm" to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 5.18 The proposal includes work to a listed building in the form of new window openings in the main building and new shopfronts and openings in the boundary wall that adjoins the rear off-shoot of the listed building (this work is also subject to a separate listed building consent). The surrounding work also has the potential to affect the setting of the listed building. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses.
- 5.19 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Northallerton Conservation Area.
- 5.20 The proposal would affect the rear off shoot of the listed building and the boundary wall that adjoins this. No part of the listed building itself is to be demolished. Given use of appropriate fenestration materials it is considered that the works would not harm the historic significance of the building itself. In terms of the listed boundary wall, further work has been carried out to assess the significance of this wall and the impact of the proposed works. The boundary wall is now fully visible (following removal of vegetation) and is considered to have evidential value in its surviving form and 19th century fabric; historical value in defining the former burgage plot layout which is typical to Northallerton; aesthetic value from the use of handmade brick with large, flat stone coping; and as communal value as a defining feature within the Conservation Area. The proposal keeps this wall in situ however openings will be made within the wall to enable access into the retail units. This will result in the loss of some of the historic materials in order to form the openings, the insertion of supports and shopfront structures. The extent of the work will ensure the stone coping will be retained above the fascia. The work will harm the significance of this listed wall. It is considered the level of harm will be less than substantial given large parts of it will be retained and the stone coping will remain in its entirety. This harm must be weighed against the public benefits of the scheme.
- 5.21 The scheme will redevelop this site into a more attractive area within the High Street, as well as opening up the courtyard area itself through removal of part of the existing (non-listed) building. The scheme will provide 12 additional small residential units. The scheme will also improve the appearance of the public footpaths on either side of the site which in turn should lead to more foot-fall in the area and a more vibrant commercial area within the High Street. The works will also, to some extent repair the wall and help to ensure its future survival which is encouraged. Overall, it is considered the public benefits of the scheme outweigh the harm to the historical significance of the wall.
- 5.22 In terms of the setting of the listed building and the effect on the character and appearance of the conservation area it is considered the works will have a positive

impact. The courtyard area is currently under-utilised and is not an attractive space for use by the public. The proposals will improve this area, it will be opened up with better pedestrian access, the new shop fronts around the courtyard will ensure it is used and the improvements on the outside of the buildings that face onto the alleyways at either side of the site will improve the overall appearance of the area. The introduction of the mixed use area will bring an improvement in the overall vibrancy of the site. The development is considered to have a positive impact on the heritage assets and as such it is considered that the development is in compliance with the requirements of both Local Development Framework policy and the tests set out within the NPPF.

Design and visual impact

- 5.23 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."
- 5.24 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.25 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.
- 5.26 The Design and Access Statement prepared by the agent assesses the proposal in respect of the use, scale, layout and appearance. The new build development on this occasion will all be two storey and no higher than any of the existing buildings on site and similarly there will not be any increase in the depth of the units from those existing. The new-build elements will effectively 'square off' the existing courtyard area so it is fully enclosed (with pedestrian access) in a logical fashion. The Statement puts forward that the decision was made to demolish part of the Romanby Court building as it projected into the courtyard area in an incongruous fashion and its demolition will open up and enhance the space further.
- 5.27 The existing commercial units will become double fronted to provide greater active frontages and access will be opened up through the courtyard area, this is intended to enhance the freedom of movement of pedestrians within the area, all with a view to increase trade.
- 5.28 As stated above the new build elements will be no higher than the existing and the new shopfronts and openings will respect those existing in terms of style and proportion. Materials details have not yet been agreed and a suitably-worded condition would be required to ensure that the materials used respond positively to the character and appearance of the area.
- 5.29 It is stated the development would lead to a substantial improvement on the current appearance of the site, much of which is under-utilised and of poor quality. Having visited the site officers concur the area would benefit from works to improve its appearance in parts and encourage use by the public. The proposed building work is considered to fit in with the character of the existing buildings around the courtyard and it is considered the extensions will fit the character of the wider area.

- 5.30 In terms of the use of designing out crime principles, comments have been received from the Designing out Crime Officer (DOCOC). The comments received raise concern about the hours of use of the commercial premises and potential conflict with the residential occupiers, as discussed later in this report, the internal courtyard area is to be closed to members of the public from 9pm and the layout of the flats has been amended so the bedrooms are facing the internal courtyard area in order to address this potential issue. The DOCOC also recommended access to the courtyard is controlled, stating failure to secure this area will provide an ideal gathering place which is highly likely to result in complaints of criminal or anti-social behaviour. The removal of the central canopy together with limiting access to this area has been incorporated into the proposals in part to assist with this potential issue. The DOCOC also makes reference to the requirement for secure cycle storage, the amended plans received now provide this and it is considered the details are acceptable. Other issues raised by the DOCOC such as lighting and CCTV can be finalised as part of the conditions required.

Residential Amenity

- 5.31 The provision of additional residential development in a commercial area raises concerns in terms of the impact of noise from the surrounding uses. The site itself will be opened up further to the public and increased footfall is expected within the area together with the presence of public rights of way to the north and south of the site that link the High Street to Tesco in particular. Access to the courtyard itself is to be restricted at certain times of the day in the interest of residential amenity and provided the courtyard area is closed to members of the public between the hours of 9pm and 7am the Environmental Health Service has raised no objection to the proposal in this respect. Outside the control of the application is the use of the public rights of way and also further existing noise sources, for example, the delivery yard at Tesco. In order to ensure there is an acceptable level of noise the applicant was requested to amend the layout of the flats to ensure the bedroom windows were facing inwards over the courtyard area. These amendments were completed and the Environmental Health Officer is satisfied in terms of noise.
- 5.32 Concern was raised regarding the impact of odour due to the location of current flue termination points in proximity to the proposed residential properties. The applicant submitted an odour assessment which identified some of the existing units as high risk. This assessment also included recommendations for odour abatement and it has been confirmed that the existing A3 and A5 units will also benefit from the recommended mitigation measures. Subject to the odour abatement being installed in accordance with the details submitted the Environmental Health Officer raises no objection. Conditions are recommended to control their installation and ongoing maintenance.
- 5.33 The proposed residential units are all flats and provide smaller units of accommodation. The proposed units all meet the Nationally Described Space Standards and whilst it is acknowledged the units do not have designated amenity space, this is not an uncommon way of living in town centre areas and the flats have access to the courtyard area. Issues regarding bin storage have been addressed through the installation of a number of stores within the ground floor of the building for use by the occupiers of the flats.

Highway Impact

- 5.34 The development site includes 12 off-street parking spaces. The Local Highway Authority has expressed concern with regard to the amount of off-street parking and also states it is unclear as to which users will be assigned the parking spaces within the site. However, the site is within the town centre area and is therefore in a

sustainable location where access to all essential services can be gained without the use of the car. The High Street is also subject to a Traffic Regulation Order that controls on-street parking and as such highway safety is unlikely to be compromised.

- 5.35 The applicant has provided information that denotes long-stay/overnight parking in the town centre area. There are a number of places occupants of the site could park their cars, if they have access to one. It is also considered that given the scale of the development and size of the units the demand for parking is unlikely to be significant. As the site is sustainably located there is good access to other modes of transport. Cycle parking will be provided within the buildings and the courtyard, details of which are shown on the layout plan.
- 5.36 Overall, given the scale of development, the location of the site, the provision of public transport and parking within the town centre it is considered the highway impacts are acceptable.

Drainage

- 5.37 The site is located in Flood Zone 1 and has existing connections to the public sewer. Yorkshire Water have confirmed given the site's location it will be connected to the public sewer and a condition is necessary, requiring details of the surface water drainage details, with particular reference to limiting the rates of discharge. The Local Lead Flood Authority has also requested a similar condition. A suitably worded condition will be attached to the application. Subject to this it is considered the proposal is acceptable in drainage terms.

Planning Balance

- 5.38 The works to the listed wall will impact on its significance however the impact is considered to constitute less than substantial harm and the provision of openings in this side will aid the overall improvement to the area and use of the courtyard. The public benefits of the scheme overall are considered to outweigh the harm, the proposals will result in a partial redevelopment of this area, which will provide small scale housing accommodation and improvements to the retail offer in the Town Centre.
- 5.39 The proposed development is considered to accord with the tests set out in the National Planning Policy Framework and the requirements of relevant Local Development Framework policy.

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 following drawing(s); Location Plan received by Hambleton District Council on 25 May 2018; proposed elevations 1741-105H received by Hambleton District Council on 8th July 2019; proposed plans 1741/104R and proposed elevations 1741-106H received by Hambleton District Council on 07 August 2019 unless otherwise approved in writing by the Local Planning Authority.

3. Development shall not commence until details of surface water drainage 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:-
 - a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
 - b) evidence of existing positive drainage to public sewer and the current points of connection;

A scheme restricting the rate of development flow runoff from the site shall also be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The flowrate from the site shall be restricted to greenfield runoff rate and/or a minimum 30% reduction of the existing positively drained runoff rate for the 1 in 1, 1 in 30 and 1 in 100 year rainfall events. A 30% allowance shall be included for climate change 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 have been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

4. Prior to any external alterations full written details of what crime prevention measures are to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority. These measures should take into account the comments made by the Designing Out Crime Officer and should provide rationale and mitigation in relation to any suggestions made that are not to be incorporated.
5. 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. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following:
 - (i) the parking of vehicles of site operatives and visitors
 - (ii) loading and unloading of plant and materials
 - (iii) storage of plant and materials used in constructing the development
 - (iv) erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
 - (v) wheel washing facilities
 - (vi) measures to control the emission of dust and dirt during construction
 - (vii) HGV routing
6. Prior to any external works, full details, including samples as necessary, of all external materials shall be provided to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved details and thereafter be retained.
7. The recommendations of the Odour Assessment LDP 2229 December 2018 shall be implemented to the specified existing and new A3 and A5 premises.

Details of ventilation and fume extraction, including a full technical specification by a suitably qualified technical person shall be submitted to and agreed in writing to the Local Planning Authority prior to the commencement of use of the units following completion of the works hereby approved. The scheme should specify the position of ventilation, fume or flue outlet points; the type of filtration or fume treatment to be

installed and shall include details of noise levels generated and any noise attenuation structures to be incorporated. Following installation, commissioning sheets shall be provided to the Local Planning Authority.

8. The extract ventilation system referred to in condition 7 shall be operated and maintained in accordance with manufacturers recommendations including frequency of replacement filters, for so long as the use continues.
9. The courtyard area shall be closed to members of the public between the hours of 21:00 and 07:00 each day.
10. Any unit within the application site boundary shall only be open between the hours of 8am and 12am Monday to Saturday and 8am and 11.30pm Sunday.

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 Policies CP 17 and DP32.
3. To ensure proper provision is made for the disposal of surface water discharge and to mitigate additional flood impact from the development proposals and ensure that flood risk is not increased elsewhere.
4. To satisfy Paragraph 58 and 69 of the National Planning Policy Framework, Policy CP2 and CP13 of the Local Development Framework
5. In the interests of highway safety and the general amenity of the area
6. In order that the character and appearance of the proposed development is acceptable and meets the requirements of Hambleton Local Development Framework Development Policy DP28 and DP32.
7. In the interest of the amenity of the area
8. In the interest of the amenity of the area
9. In the interest of residential amenity
10. In the interest of residential amenity