

Parish: Romanby

Ward: Romanby

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Committee date: 20 July 2017

Officer dealing: Miss L Chambers

Target date: 27 July 2017 (requested
not yet agreed)

17/00803/FUL

Demolition and construction of new service station store, pumps and new underground fuel tanks

At former garage, 10 Boroughbridge Road, Northallerton

For Stevensons of Oxbridge Ltd

This application is referred to Planning Committee due to the level of Public Interest

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is a former vehicle repair garage with a single storey building set back from the main road frontage with car parking area to the front and a servicing area to the rear. There are two existing vehicular access points taken from Grange Close to serve parking to the front of the site and servicing to the rear.
- 1.2 Whilst the site is currently vacant, it retains a generally tidy appearance. Boroughbridge Road is a principal route into Northallerton town centre, passing the railway station approximately 230m north of the site. The immediate vicinity of the site is broadly residential in nature with dwellings of varying periods, the application site being an exception to this predominant character.
- 1.3 Permission is sought to demolish the former garage building and redevelop the site as a petrol filling station with associated shop. This would include the introduction of an access point from Boroughbridge Road, with one of the existing access points to Grange Close being utilised as an egress point to form a one-way system for customers using the site. The more westerly access/egress would be retained in its existing form for servicing and an additional five car parking spaces provided.
- 1.4 The proposed shop would have a smaller footprint than the existing building (350sqm as opposed to 525sqm) and would sit broadly in the same position in relation to the rear service area. However, there would be a larger forecourt area to the front for parking and eight fuelling points located under a canopy. The canopy would be 5.5m in height, positioned to the front of the proposed building, to the north east corner of the site.
- 1.5 The proposed building would be single storey with a mono-pitched composite clad roof, the elevational treatment would include brickwork to the lower section with render above, there would also be small areas of cedar cladding to the front and an aluminium framed, glazed shop front. At its broadest point the proposed building would be 25.2m in width and 16.3m in depth; the overall height of the building would be 5.9m.
- 1.6 The application form indicates that 6 full time and 10 part time jobs would be provided on site.
- 1.7 Improvements have been secured as follows: following a noise assessment, attenuation measures are now proposed to protect residential amenity, including screen fencing to the western boundary and to enclose fixed plant and machinery to the rear of the proposed building.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 None.

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 CP12 – Priorities for Employment Development
Core Strategy Policy CP13 – Market towns regeneration
Core Strategy Policy CP14 – Retail and town centre development
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 DP6 – Utilities and Infrastructure
Development Policies DP8 – Development Limits
Development Policies DP16 – Specific measures to assist the economy and employment
Development Policies DP17 – Retention of employment sites
Development Policies DP19 – Specific measures to assist market town regeneration
Development Policies DP24 – Other retail issues
Development Policies DP30 - Landscape Character
Development Policies DP32 - General design
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

4.0 CONSULTATIONS

- 4.1 Parish Council – Adopts a neutral stance with some concerns around traffic issues. The Parish Council welcomes the opportunity for additional employment to the area and competition within the town and environment for fuel retail. Concern is expressed regarding the proposed opening hours of 6.00 am - 11.00 pm and 7.00 am - 10.00 pm area suggested instead.
- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Environmental Health – No objection.
- 4.4 Yorkshire Water – No comments received.
- 4.5 Public comments – 23 objections and 5 supporting comments have been received, these are summarised below.

Objections

- Air pollution;
- Noise pollution;
- Light pollution;
- Highway safety;
- Increased traffic and congestion;
- Fire safety risk and no means of escape from Grange Close;
- Existing shops serve the area without need for another;
- The proposed opening hours would be disruptive;

- Potential impact on the safety of children using a nearby play area;
- Land contamination;
- Loss of property value;
- Uncertainty about the number of deliveries to the proposed shop;
- Lack of consultation regarding the application;
- Potential anti-social behaviour due to late opening hours;
- Insufficient parking on the site may result in overflow parking in surrounding streets;
- The site would be better used for housing; and
- Loss of light due to boundary fencing and/or hedge.

Supporting Comments

- The proposal is small scale,
- The existing site is an eyesore; the proposal would bring it back into use;
- Reduced need for travel across town for fuel;
- Creation of jobs & safeguarding land for employment purposes; and
- Lack of competition between existing garages in the area.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development; (ii) access and highway safety; (iii) residential amenity; and (iv) design.

Principle of development

- 5.2 The application site is previously developed land which was used as a tyre centre (B2 Use) but is currently vacant. The, re-use or redevelopment of the site is welcomed in principle. The site is in close proximity to Northallerton town centre and therefore a sustainable location within development limits.
- 5.3 While acknowledging the wider area is broadly residential, the site itself is commercial in nature and as such could be re-used for commercial purposes in line with the lawful use of the site (which as a former Tyre Centre is understood to be a B2 use), without the need for planning permission. Policy DP8 supports infill development or the redevelopment of existing sites within Development Limits and Policy DP17 specifically seeks to safeguard land in employment.
- 5.4 The principle of redeveloping the site for commercial use is therefore consistent with policy. Objectors have suggested they consider alternative uses, such as housing, to be more appropriate in this location; however such development would conflict with Policy DP17 in terms of the potential loss of an employment site. In any event, the Council can only consider the proposal put forward.
- 5.5 It is also identified by those in support of the proposal, as well as some who object to the specific location of the development, that a petrol filling station in Romanby would be beneficial in offering a service residents currently have to travel through the town centre to reach.
- 5.6 Policy DP24 identifies support for small scale retail uses (those of less than 500sqm) outside of the Primary Retail Area where it would serve neighbourhoods and residential areas, as would be the case in this instance.

Access and highway safety

- 5.7 The principle cause of objections to the proposal relates to access arrangements for the site and the potential impact on traffic and highway safety. Boroughbridge Road

is a busy, major route to and from Northallerton town centre, in addition to this there is a railway crossing approximately 65m to the north east of the site. When the barriers to the crossing are closed cars currently queue past the application site.

- 5.8 The application includes a transport statement and supplementary information provided at the request of the Highway Authority. These assess the projected vehicle movements into the proposed new access from Boroughbridge Road and out onto Grange Close. The Highway Authority has confirmed that this information demonstrates that the impact on the local road network would be negligible with the majority of trips to the site being undertaken by existing passing trips rather than increasing the number of trips on the network.
- 5.9 It is intended that access would only be taken from Boroughbridge Road with a one way system operating ensuring exit onto Grange Close. The Highway Authority does not object to this arrangement in principle but has emphasised the importance of measures being introduced to ensure this remains the case and it is clearly communicated to drivers. These requirements could be achieved via condition with a requirement for appropriate signage.
- 5.10 The applicant has shown that the site can accommodate manoeuvres of vehicles required to facilitate the collection of refuse and fuel deliveries to site.

Residential Amenity

- 5.11 While acknowledging that activity on the site will increase from the current situation of a vacant premises, the site has previously been in commercial use and therefore vehicle movements to and from the site could resume without the need for planning permission for an alternative business use. Whilst no quantitative assessment of vehicle movements has been undertaken to show the relative impacts of the lawful use, compared with the proposed use, it is considered that the two uses could have a similar impact in terms of vehicular activity. The nature of activity may change, particularly the time of day that activity occurs. However, there is nothing to suggest this would have an unacceptable impact on the amenity of neighbours.
- 5.12 A number of potential impacts on residential amenity have been identified by those objecting to the application, including noise, light pollution and air pollution. A noise assessment has been carried out to determine the impact of the proposal on the amenity of neighbouring residents. The report recommends the introduction 1.8m close boarded fencing along the south western boundary of the site and to surround the fixed plant and machinery to the rear of the proposed shop, which have been duly incorporated into the proposals. The Environmental Health Officer confirms this approach is suitable to sufficiently mitigate the impact on residential amenity from noise.
- 5.13 The immediate neighbour to the south of the site raises concerns about the potential impact to light as a result of fencing and hedging along the shared boundary. However, the hedging already exists on site and the proposal seeks to retain that. The proposed fence is not considered to be excessive in scale, given that it is in line with permitted development rights. In addition, the proposed building would be located further away from the neighbouring property than the existing and as such any impact in that respect would be lessened.
- 5.14 Concern has also been raised by a neighbouring occupier regarding the location of the proposed bin store and the potential for vermin to be encouraged. This is primarily an Environmental Health matter and no objections have been raised by the Environmental Health Officer. Provision has been made for the appropriate storage and collection of refuse, it would be a management issue for the operator of the site

to ensure collections are made at appropriate intervals and the site is maintained properly.

- 5.15 The application proposes lighting to the perimeter of the proposed building and the underside of the proposed canopy. Concerns have been raised about the potential for light pollution to detract from the amenity of neighbouring occupiers. However, the application includes an assessment of light spillage that demonstrates that light from the site would be directed within the confines of the site without overspill into neighbouring properties. The Environmental Health Officer has reviewed this and raises no objection to the lighting proposed. A suitably worded condition could be included to prevent additional lighting being introduced without consent.
- 5.16 Boroughbridge Road is a busy route into Northallerton town centre and therefore vehicles are a prevalent feature of the area. The Environmental Health Officer has not identified an existing air quality concern that would be affected by the proposal. While visits to the site may increase above those experienced as a result of the former use, this is not considered to be at such a level as to significantly impact on air quality.
- 5.17 Concerns have been raised by residents of Grange Close about the potential for a fire on the site to be a danger to their properties and that as the street is a cul-de-sac there would be no means of escape for residents. It would be incumbent on the operator of the site to comply with the legislative requirements as administered by North Yorkshire County Council Trading Standards, in order to hold a petroleum storage certificate, which includes the need to manage fire risk. This regulatory control does not fall within the scope of the planning application.

Design

- 5.18 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."
- 5.19 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.
- 5.20 The National Planning Policy Framework Planning supports this approach and, at paragraph 64, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Paragraph 66 sets an expectation that applicants 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."
- 5.21 The applicant's supporting statement describes the character of the surrounding area as residential and identifies the existing building as being of a poor design that detracts from the appearance of the wider area. The existing building appears to be an amalgamation of building styles and roof forms, in part of painted brickwork finish and partly rendered.

- 5.22 The supporting statement does not identify community consultation having taken place. However, it is apparent from the comments submitted by members of the public that the applicant made contact with neighbouring occupiers although this is not highlighted in the supporting information.
- 5.23 The statement does not include any evidence of other design options being considered. The statement identifies that the design has been chosen as the predominant materials would be in keeping with the surrounding area (i.e. brickwork and render) and that the modern design chosen would be an enhancement within the street scene compared with the existing appearance.
- 5.24 The proposal would bring a vacant site back into use, enhancing the appearance and vitality of the area and creating employment opportunities. The building would be relatively modest in scale being single storey and would therefore respect the scale of the site and surrounding properties. The existing building on site is of poor design quality and the proposed development would result in an improvement to the appearance of the site.

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 1402-1b, 1402-5b, 1402-6b, 1402-7a, PJ1646-E-EXT-001-P1 received by Hambleton District Council on 30/03/17, drawings(s) numbered ITY12454-SK-001, ITY12454-SK-003 received by Hambleton District Council on 26/05/17, and drawing(s) numbered 1402-6d received by Hambleton District Council on 20/06/17 unless otherwise approved in writing by the Local Planning Authority.
 3. The external surfaces of the development shall not be constructed other than of materials, samples of which have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.
 4. Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority there shall be no excavation or other groundwork, except for investigative works, or the depositing of material on the site until the following of highway works have been approved in writing by the Local Planning Authority: 1. Approval of signage details for entrance and exit. The signs are to be located within the development site boundaries and not within the highway extents. 2. Measures to prevent Boroughbridge Road being used as an egress point, including procedures should Grange Close egress point be unavailable. 3. Measures to enable fuel deliveries to utilise egress point from the forecourt onto Grange Close.
 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: (a) The details of the access on Boroughbridge Road shall have been approved in writing by the Local Planning Authority; (b) The details of the alterations to the existing access onto Grange Close have been approved in writing by the Local Planning Authority; (c) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6; (d) 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 45m measured along both channel lines of the major road Grange Close from a point measured 2.4m down the centre line of the access road. The eye height will be 1.05m and the object height shall be 0.6m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
7. 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 visibility splays providing clear visibility of 2 metres x 2 metres measured down each side of the access and the back edge of the footway of the major road have been provided. The eye height will be 1.05 metre and the object height shall 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.
8. Unless otherwise approved in writing by the Local Planning 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 under condition 4: New access from Boroughbridge Road.
9. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on PJ1646-E-EXT-001 for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.
10. 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) Details of the routes to be used by HGV construction traffic; (b) Traffic Management Plan; (c) Management and control of HGV construction traffic; (d) Measures to prevent mud/dirt being deposited on the highway; (e) Parking of vehicles of site operatives and visitors; and (f) Parking /Storage areas.
11. The recommendations made in the noise assessment produced by Apex Acoustics, reference number 6111.1-Revision A, received by Hambleton District Council on 02/06/17, shall be implemented on site and retained for their intended purpose prior to first use of the development hereby approved.

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 CP1, CP2 and CP17.
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.

4. In accordance with policy CP2 and to ensure that the details are satisfactory of the safety and convenience of highway users.
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 accordance with Policy DP3 and in the interests of road safety
7. In accordance with Policy CP2 and the interests of road safety to provide drivers of vehicles using the access and other users of the public highway with adequate inter-visibility commensurate with the traffic flows and road conditions.
8. In accordance with Policy CP2 and in the interests of the safety and convenience of highway users.
9. In accordance with Policy CP2 and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.
10. In accordance with policy number DP3 and to avoid interference with the free flow of traffic and to secure safe and appropriate access and egress to the site in the interests of safety and convenience of highway users and the amenity of the area.
11. In the interests of the amenity of neighbouring occupiers.