

Parish: Aiskew
Ward: Bedale
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Committee Date: 18 August 2016
Officer dealing: Mrs Helen Conti
Target Date: 3 August 2016
Date of extension of time (if agreed): 20 August 2016

16/01300/FUL

**Retrospective application for extending of an industrial unit
At Unit 1 Bank Top Yard, Bedale Road, Aiskew
For Mr Charles Knight**

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 This application seeks retrospective consent for the construction of an extension to the front of an existing small industrial unit. The unit is located at Bank Top Yard which is an area housing a number of small workshops to the south of the A684 adjacent to St Marys and St Joseph's Catholic Church in the centre of Aiskew. There are other units to the east, the south and south west and a terrace of dwellings to the north which front onto Bedale Road.
- 1.2 The applicant runs a small body repair business and has constructed the extension to enlarge his working and storage area. The applicant was granted planning permission in 2012 to extend the building to the front. This application has been submitted because the extension as built extends 1.2m further to the west than previously approved. The extension measures 5.7m out from the front of the unit and has a maximum width of 9.5m. The extension has been constructed with insulated metal sheets. The extension has been built on top of the party wall between Units 1 and 2.
- 1.3 The applicant is the only employee in the business and the extensions are to improve security and storage space rather than to increase the volume of business activity.
- 1.4 The access to the site for all the units is a private track from the A684. The applicant has shown two parking spaces on the proposed site plan. The original plan indicated parking spaces that would block access to the units behind Unit 1. A further plan has been submitted with a revised parking layout and is awaiting comment from the Highway Authority.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 98/50018/P - Use of and extension to existing workshop for the repair, servicing and paint spraying of motor vehicles (Use Class B2); Granted 17 February 1999.
- 2.2 12/01399/FUL - Alterations and extension to existing industrial unit to form a car body repair workshop; Granted 23 November 2012.
- 2.3 16/00077/CAT3 – Enforcement investigation in relation to the extension not built in accordance with the approved plans of 12/01399/FUL –pending consideration.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP17 - Retention of employment sites

4.0 CONSULTATIONS

- 4.1 Parish Council - Concerns have been raised to the Parish Council from two residents concerned the extension is much bigger than the previous application and unacceptable to them.
- 4.2 Environmental Health Officer - no objection and the inclusion of conditions relating to working outside the building and restricting working hours.
- 4.3 Highway Authority - no objections.
- 4.4 Two objections supported by various plans and photographs have been received from neighbouring businesses. The concerns have been summarised as follows:
- Concerns originally raised in 1998 regarding parking and turning areas are increased by the extension to the building;
 - The plan submitted does not show the relationship between the approved application and the 'as built' situation, an unapproved increase of 84% over the original plan;
 - The drawing makes no provision for disposal of rainwater on one side and roof flashings are now on adjacent property; the drawing doesn't show sufficient detail;
 - The plan submitted does not show all the built drainage and flooding now occurs on the right of way due to construction work;
 - The applicant has illegally entered neighbours property to carry out construction;
 - The business leads to vehicles blocking the access to neighbouring sites and vehicles are unable to turn around and have to reverse onto the A684;
 - The two parking spaces shown on plan would obstruct access to unit 5;
 - The applicant has carried out work outdoors; and
 - Concerns regarding drains being connected to the main sewer and not a soakaway.

5.0 OBSERVATIONS

- 5.1 The main considerations in determining this application are (i) the principle of the development; (ii) its likely impact on neighbour and visual amenity; and (iii) any impact on highway safety. The alleged encroachment by the applicant is not a planning issue but a civil matter between the parties.

Principle

- 5.2 The applicant extended the building to accommodate his existing level of business. The business is not expected to expand further and to continue to operate with a single member of staff. The extension allows the business greater security and it is therefore considered the principle of development is acceptable in view of the general support provided by policy DP18.

Neighbour and visual amenity

- 5.3 It is noted the extension has been built larger than the previous approval 12/01399/FUL, nevertheless the impact of the extension is acceptable and in keeping with the area. An existing wall screens the majority of the extension with only the roof projecting above the wall. It is considered the extension to the front of the unit does not have an impact on the amenity of the dwellings located to the north of the site. A restriction can be imposed by a condition restricting the working hours and

that work takes place inside the building only in order to protect the amenity of residential neighbours.

- 5.4 Neighbouring properties have concerns regarding surface water run-off and flooding to the front of the extension since the extension has been built. The applicant intends to create a soak away to allow the drainage of the surface water. There currently is no provision for guttering on the southern elevation. A condition can be included to ensure the issues with surface water are resolved. North Yorkshire Building Control Partnership is working with Yorkshire Water and the applicant to resolve an issue relating to connection to the main drain and this is a pre-existing issue and does not require additional consideration as a planning matter in this application.

Highway safety

- 5.5 Neighbours have objected regarding car parking and the ability of vehicles to turn on the site, although these concerns are not shared by the Highway Authority, which does not object. The applicant previously supplied a copy of his land ownership to prove the area of the extension is entirely within his control when it was first considered in 2012. Any issues over the rights to develop on the land are a matter to be resolved between the relevant landowners as this is a civil matter and not a matter for the local planning authority.
- 5.6 The extension allows additional vehicles to be accommodated under cover rather than in the open. The applicant proposes two additional parking spaces to the front of the extension. The position of the parking spaces has altered during the consideration of the application to prevent the obstruction of access to the units to the east of the application site. An objector has submitted photographs showing delivery vans having to reverse back and turning at the bottom of the private lane before exiting onto the A684. These details have been referred to the Highway Authority to allow a further opportunity for comment. The extension does not block access to the neighbouring units of 2 and 3 Bank Top Yard. A condition is recommended to keep the area for parking and turning clear.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application 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 CK01 received by Hambleton District Council on 28th July 2016.
 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. No work shall be carried out within the site outside the hours of 7.30am to 7pm Monday to Friday, 7am to 1pm Saturday and at no time on Sundays, Bank or Public Holidays.
 5. 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 drawing number CK01 received 28th July 2016 for parking spaces shall be kept

available for their intended purposes at all times. The parking spaces should be laid out in accordance with drawing number CK01 within three months from the date of this approval and thereafter maintained.

6. There shall be no working outside the buildings on site.
7. The building hereby approved shall be used for car body repair workshop only.
8. Within three months of this approval, notwithstanding the details shown in drawing CK01 the means of surface water disposal will have been installed in accordance with details that have been submitted to and approved in writing by the Local Planning Authority and retained thereafter.

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: CP17, DP1, DP3, DP17 and DP18.
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 interest of the amenity of neighbours in accordance with Local Development Framework Policy DP1.
5. To ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development and in accordance with the Local Development Framework Policies CP1 and DP3.
6. In the interest of the amenity of neighbours in accordance with Local Development Framework Policy DP1.
7. In the interest of the amenity of neighbours in accordance with Local Development Framework Policy DP1.
8. To prevent discharge of surface water from the site on to neighbouring properties in the interest of amenity and in the pursuit of a sustainable drainage solution and in accordance with DP1.