

Parish: Aiskew
Ward: Bedale
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Committee Date: 13 October 2016
Officer dealing: Mrs H M Laws
Target Date: 30 September 2016

16/01531/FUL

Alterations and extensions to existing flats and demolition of pizza shop and construction of a detached building to provide 5 flats
At 5 Northallerton Road, Leeming Bar
For Mr J Costandi

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site lies in a central position within the village close to the roundabout junction of the A684 with Leases Road. The site fronts onto the northern side of the A684 and is currently occupied by a building with land including some car parking to the rear. The site bounds the Wensleydale Railway line to the north; the rear of the terrace of dwellings on Leases Road and the side of the neighbouring semi-detached dwelling at 5 Mattison Close.
- 1.2 The existing building is currently occupied by a pizza takeaway and two, two-bedroom flats. The single storey section to the side of the building would be removed to allow an alteration to the existing access at the side of the building. It is proposed to retain the flats and change the use of the remaining pizza shop space to incorporate it into the existing ground floor flat. It is also proposed to alter and extend the building by adding pitched roofs to the existing flat roofed sections at the rear.
- 1.3 The land to the rear of the building is currently used for parking in association with the pizza shop and the flats. It is proposed to construct a building towards the rear of the land as an apartment block.
- 1.4 The proposed building would accommodate a total of five, two-bedroom flats; two on the ground floor, two on the first floor and one on the second floor, within the roof space, served by four dormer windows on the rear elevation and four rooflights on the front elevation. A shared area of amenity space is proposed to the rear of the apartment block.
- 1.5 The proposed ridge height of the building would be approximately 8.4m; the proposed footprint would be approximately 15.7m x 9.5m. The floor area in four of the flats would be 61.51sqm; the floor area in the top floor flat would be 83.45sqm.
- 1.6 It is proposed to alter the existing access and construct a new road with a turning head. A total of 12 parking spaces are proposed to serve the seven flats.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 2/89/004/238 - Outline application for a detached bungalow; Refused 4 July 1989.
- 2.2 2/90/004/0238A - Outline application for a detached bungalow; Refused 21 January 1991.
- 2.3 04/02306/FUL - Two semi-detached houses and alteration to shop front; Granted 15 February 2005.
- 2.4 05/02512/FUL - Alterations and extensions to part of the existing shop and store to form a flat; Granted 11 January 2006.

- 2.5 06/01726/FUL - Change of use of shop to hot food takeaway: Granted 9 October 2006.
- 2.6 06/01811/FUL - Three dwellings; Granted 6 November 2006.
- 2.7 07/01389/FUL - Single storey extension to hot food takeaway; Granted 17 July 2007.

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 CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
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 DP32 - General design
Development Policies DP43 - Flooding and floodplains
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council - Objects on the grounds that (a) a three storey building is not in keeping with local design; (b) the sewer in the A684 is already over capacity; and (c) the access and egress from the proposed site onto the busy A684 is within 20 metres of the mini roundabout which is already problematic.
- 4.2 Highway Authority – no objection; conditions recommended.
- 4.3 Ministry of Defence - no safeguarding objections.
- 4.4 Network Rail - no objection subject to conditions.
- 4.5 HDC Environmental Health Officer - there will be no significant effect on local amenity, therefore no objection.
- 4.6 Scientific Officer (Contaminated Land) – no objection subject to a condition.
- 4.7 Public comment - A letter has been received from the residents of 7 dwellings on Leases Road adjacent to the application site whose comments are as follows:
- The previous plan for two houses was acceptable but a block of five two bedroom flats far exceeds the original accommodation requirements;
 - The height of block means it could overshadow gardens;
 - Dormer windows could infringe on residents' privacy;
 - Bad vision and access from Northallerton Road;
 - Access to the rear of Leases Road has already been restricted due to the high fence, which has narrowed the pathway needed for bins;

- Sewerage capacity; and
- The flats could accommodate more than 20 people, leading to overcrowding and noise pollution.

5.0 OBSERVATIONS

- 5.1 The issues to be considered include (i) the principle of residential development in this site; (ii) the loss of the existing business; (iii) the design and layout of the proposed scheme; (iv) the effect of the development on the character and appearance of the surrounding area; (v) the impact on residential amenity; and (vi) highway safety.

Principle of development

- 5.2 The site lies within the Development limits of Leeming Bar, which is defined in the LDF as a Service Village (Policy CP4). In the September 2014 review of the Settlement Hierarchy the village is redefined as a Secondary Village but this means it is still capable of forming a sustainable community and the principle of additional residential development is therefore acceptable.

Loss of existing business

- 5.3 The proposed development would result in the loss of the pizza shop business. Policy DP17 aims to retain premises that are used for employment purposes and one of the core planning principles of the NPPF is economic development. However, this must be considered alongside the impact on local amenity that would also result from the closure of the takeaway. One of the criteria of Policy DP17 would allow an alternative to an employment use if it would result in a substantial benefit, for example, removing a use which creates residential amenity problems such as noise or odours. In this case the only complaint received by the Council's Environmental Health related to the bins and this was not upheld but it is considered that there is a potential for disturbance.

Form, design and impact on character

- 5.4 The proposed building would be set behind the frontage of Northallerton Road and would therefore be a form of backland development. The building would be in line with the existing dwelling at Mattison Close, which forms part of a separate cul de sac development, and would lie at right angles to the dwellings on Leases Road. It is considered that this relationship to either side would not be incongruous or out of keeping with the general pattern of development in the village.
- 5.5 The building would be similar in height to its neighbour at Mattison Close although it would be a bulkier structure with a greater depth. A double height gable section is proposed for the front elevation, which is a similar feature to the existing dwelling and a brickwork finish is proposed, which is a traditional material and appropriate for Leeming Bar. The dormers proposed for the rear elevation would ensure that the overall height of the building can be kept as low as possible whilst still providing accommodation at second floor. The dormer structures would be in proportion with the scale of the building and would not detract from its appearance. It is considered that the proposed development is therefore in accordance with LDF Policies CP17 and DP32.
- 5.6 The removal of part of the pizza building would increase the openness of the streetscene but would not detract from the surroundings. It is suggested that the alterations would lead to an improvement in the site's appearance with the opportunity to provide an element of landscaping adjacent to the access to soften the currently harsh impact of the hard surfaces in the immediate vicinity.

- 5.7 The proposed alterations to the building include the construction of pitched roofs in place of flat roofs at the rear of the building. The proposed roofs would have a low pitch, set below the ridge of the existing part of the building. The additional height of the roofs would be minimal in order to protect the appearance of the building and amenity but would provide a subtle improvement to its design.

Impact on residential amenity

- 5.8 The rear gardens of the dwellings on Leases Road are relatively long and the distance from the rear wall of the main part of those houses to the boundary of the application site is approximately 15m. The proposed building would lie approximately 1 metre from the boundary. This therefore would result in a distance of 16m from the rear wall of the houses to the side gable of the proposed building. In this case the distance between the principal elevation of the neighbouring houses and the side elevation of the proposed development is considered to be sufficient to ensure no significant impact on daylighting within the neighbouring property. However, in this instance the gable would be wide and tall and would lie directly along almost the entire rear boundary of the dwellings at numbers 14 and 16 Leases Road providing a dominant and overbearing aspect to those residents. The sense of enclosure for the residents would be significantly affected due to the presence of the building, with its height extending far above the boundary fence, in such close proximity. Additionally the height and form of the gable and its orientation is considered to result in potential for overshadowing to the garden ground of the adjacent neighbours. However, the applicant has submitted an analysis based on the Building Research Establishment's 'Site Layout Planning for Daylight & Sunlight' which shows that the practical impact on amenity from overshadowing is minimal. In conclusion, it is considered that in respect of the sense of enclosure the proposed development would harm residential amenity and therefore be contrary to LDF Policy DP1.
- 5.9 Planning permission was previously granted separately for the construction of two houses (in 2005) and three houses (in 2006), both pre-dating Local Development Framework (LDF) policies. Neither of these schemes was implemented and both permissions have lapsed. The approved scheme for three houses formed a terrace of two-storey properties with accommodation within the roof space. The ridge height of the building was approved at approximately 8.25m and the depth at 10m and therefore with a similar sized gable to the scheme now proposed. The distance to the boundaries to either side was similar to the currently proposed scheme (the approved footprint is 15m x 10m). The effect on the residents of the dwellings on Leases Road would have been similar to that now proposed but this scheme, approved in 2006, was prior to the adopted LDF and the current policies in respect of design and neighbour amenity and prior to the publication of the NPPF, which requires development to seek a good standard of amenity for all existing and future occupants of land and buildings.
- 5.10 The effect of LDF policies and the strong emphasis on design quality on the NPPF has been to raise the quality of new development and to provide greater protection to neighbouring residents. Therefore, while the proposal is of similar proportions to the scheme approved in 2006, it is not compatible with the standards now expected of new development.

Highway safety

- 5.11 The proposed removal of part of the existing building at the frontage of the site would open up the street scene in this part of the village. The access is currently of a poor standard and the Highway Authority has no objection subject to recommended conditions.

6.0 RECOMMENDATION

6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reason:

1. The proposed development would cause a substantial loss of amenity to neighbouring residential property on Leases Road by reason of an overbearing impact to garden ground and an increased sense of enclosure to the existing neighbouring properties contrary to LDF Policies CP1 and DP1, which require proposals to adequately protect amenity.