

Parish: Aiskew

Ward: Bedale

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16/01531/FUL

Committee Date:

10 November 2016

Officer dealing:

Mrs H M Laws

Target Date:

15 September 2016

Date of extension of time:

11 November 2016

Alterations and extensions to existing flats and demolition of pizza shop and construction of a detached building to provide 5 flats at Regency Pizza 5 Northallerton Road Leeming Bar North Yorkshire for Mr J Costandi

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application was deferred at last month's meeting following the receipt of amended plans, which have now been assessed. 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 roof lights on the front elevation. The scheme has been amended in its design resulting in a hipped roof structure, meaning that the second floor flat provided within the roof space has been reduced from a floor space of 83.45sqm to 72.46sqm.
- 1.5 The proposed ridge height of the building would be approximately 8.6m (increased by approximately 250mm); the proposed footprint would be approximately 15.7m x 9.5m. The floor area in each of the other flats would be 61.51sqm.
- 1.6 A shared area of amenity space is proposed to the rear of the apartment block.
- 1.7 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 (two existing units and five proposed).
- 1.8 The building would be finished in brickwork and concrete interlocking double pantiles.

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.
No additional comments have been received regarding the amended plans.
- 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 HDC 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.

No additional comments have been received regarding the amended plans.

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 from this existing use.

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 hipped roof section (amended from a gable) is proposed for the front elevation, which is a similar

feature to the existing (gabled) 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 wall 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 daylight within the neighbouring property (an analysis based on the Building Research Establishment's 'Site Layout Planning for Daylight & Sunlight' has been submitted by the agent).
- 5.9 Concern was previously expressed regarding the proposed gable, considered to be wide and tall and positioned 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 amended plans have moved the footprint 1m south and replaced the gable with a hipped roof. It is considered that the sense of enclosure for the residents would be reduced as a result of the amended design, replacing the brick gable with a hipped roof. The overall height of the building would extend far above the boundary fence but much of this would be the concrete pantiles sloping away from the boundary. This would reduce the sense of enclosure experienced by the existing residents. It is considered, as a result of the amendments, that the dominant impact on amenity would be minimal.
- 5.10 In conclusion, it is considered that the effect on daylight and sense of enclosure resulting from the proposed development would not cause significant harm to residential amenity and would not therefore be contrary to LDF Policy DP1.
- 5.11 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 and as a result of the amendments is considered to accord with currently adopted policies. As a result of the amendment that replaces the gable wall with a hipped roof it is considered to overcome the concerns regarding the impact of the proposed development on the amenity of neighbouring residents.

Highway safety

- 5.12 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, which would reduce the existing sense of enclosure along this part of Northallerton Road experienced as a result of the tall brick buildings on the southern side of the road. 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 **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. 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.
 3. All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property.
 4. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No dwelling shall be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situate within the curtilage of that dwelling have been implemented. 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.
 5. No development shall take place until details of the feasibility of the surface water drainage strategy have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented and retained.
 6. 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.
 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 until the access to the site has been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
 - b. The existing access shall be improved with 6 metre radius

kerbs, to give a minimum carriageway width of 4.5 metres, and that part of the access road extending 6 metres into the site shall be constructed in accordance with Standard Detail number E7; e. Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing highway; and i. 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.

8. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference 106:15/02 Rev G). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
9. 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.
10. 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 a detailed highway management method statement relating to the programme of demolition and construction works shall be submitted to and approved by the Local Planning Authority. The statement shall include arrangements for the following: (i) protection of carriageway and footway users at all times during demolition; (ii) erection of hoardings, security fencing and scaffolding on/over the footway and carriageway; (iii) removal of materials from the site; (iv) delivery of materials and plant to the site; (v) loading/unloading of materials and plant; (vi) storage of materials and plant; (vii) parking of contractors vehicles; and (viii) likely timescales. The approved details shall be adhered to for the full duration of the site clearance and construction works. No materials associated with on-site construction works shall be stored on the public highway.
11. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered 106:15/01B; 02G and 03E received by Hambleton District Council on 1 July and 13 October 2016 unless otherwise approved in writing by the Local Planning Authority.

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. 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.

3. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.
4. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with LDF Policies.
5. To prevent pollution to the water environment in accordance with LDF Policies CP21 and DP43.
6. In accordance with LDF Policies CP2 and DP4 and the interests of highway safety.
7. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience in accordance with LDF Policies CP2 and DP4.
8. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with LDF Policies CP2 and DP4.
9. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety in accordance with LDF Policies CP2 and DP4.
10. To prevent building operations from obstructing the public highway to the detriment of the free flow of vehicular traffic in accordance with LDF Policies CP2 and DP4.
11. 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.

Informatives

1. Please refer to the comments received by Hambleton District Council on 19 August 2016 from Network Rail.
2. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste
1 x 240 litre green wheeled bin for garden waste
1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and
1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from its own Neighbourhood Services.

If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned.

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.hambleton.gov.uk or by telephoning 01609 779977.