

Parish: Aiskew

Ward: Bedale

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Committee date: 30 March 2017

Officer dealing: Mrs H Laws

Target date: 14 April 2017

17/00403/FUL

Alterations and extensions to existing flats and demolition of pizza shop and construction of a detached building to provide 4 flats

At: 5 Northallerton Road, Leeming Bar

For: Mr J Costandi

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site lies in a central position within Leeming Bar 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 to the west and the side of the neighbouring semi-detached dwelling at 5 Mattison Close to the east.
- 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 four, two-bedroom flats; two on the ground floor and two on the first floor. The scheme has been amended from that which was refused planning permission in October 2016, which was for the construction of five flats (the fifth in the roof space served by dormer windows and rooflights).
- 1.5 The proposed ridge height of the building would be 8.65m; the proposed footprint would be 15.6m x 9.5m. The floor area of the flats would be 62.5sqm. (The scheme refused permission last year had an almost identical ridge height and footprint; the floor area of the proposed flats was 61.51sqm).
- 1.6 A shared area of amenity space of almost 180sqm is proposed to the rear of the apartment block to include the storage of bins.
- 1.7 It is proposed to widen the existing access and construct a new road with a turning head. A total of 12 parking spaces are proposed to serve the four new flats and the two existing flats.
- 1.8 The proposed building would be finished in brickwork and concrete interlocking double pantiles

2.0 RELEVANT PLANNING AND 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 - Construction of three dwellings; Granted 6 November 2006.
- 2.7 07/01389/FUL - Single storey extension to hot food takeaway; Granted 17 July 2007.
- 2.8 16/01531/FUL - Alterations and extensions to existing flats and demolition of pizza shop and construction of a detached building to provide five flats; Refused 11 November 2016 for the following reasons:
1. The proposed development due to its massing, height and form is considered to have a detrimental impact on the character and appearance of the area and the amenity of local residential occupiers. The proposed development is contrary to Core Policy 1 and 17 and Development Policy 1 and 32 of the adopted Hambleton Local Development Framework.
 2. The proposed development will result in the loss of a local service and local employer (hot food takeaway), contrary to Local Development Framework Policy DP17 which seeks to protect sites and premises used for employment purposes unless an exceptional case for the loss of the use can be made. In this case no exceptional case has been put forward.

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 – Comments awaited.
- 4.2 Highway Authority – No objection; conditions recommended.

- 4.3 Yorkshire Water - comments awaited.
- 4.4 Ministry of Defence - no safeguarding objections.
- 4.5 Network Rail - Comments awaited.
- 4.6 Wensleydale Railway – Comments awaited.
- 4.7 Swale & Ure Internal Drainage Board - Comments awaited.
- 4.8 Environmental Health Officer – No objection; considers there would be no negative impact on amenity and no likelihood of nuisance.
- 4.9 Environmental Health Officer (contaminated land) – No objection subject to a condition.
- 4.10 Public comments – None received to date.

5.0 OBSERVATIONS

- 5.1 The issues to be considered include (i) the principle of residential development in this location; (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 still has sufficient services and facilities to form 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, neither the LDF nor the NPPF define employment use, although historically it has comprised Class B Uses, i.e. offices, research and development, light and general industry and storage and distribution. Nevertheless, information provided in the application confirms that the pizza shop generally provides employment for two full time staff and four part time staff.
- 5.4 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 Service related to the bins and this was not upheld. Therefore, while hot food takeaways can be harmful to residential amenity, there is no evidence to suggest that has been the case with this business.
- 5.5 The loss of the business was a reason for the refusal of the previous application so this issue must be considered carefully. The supporting statement says the premises forms part of a chain with other shops located in Northallerton and Thirsk. Apart from the shop managers, most staff move between the three shops depending upon holiday and sickness cover, vacant posts and general pressures on the business.

The statement indicates that there is also a staffing shortage within the business, which at times makes it difficult to run all three shops. In the short term it is planned to redeploy all six members of staff associated with this shop within two other shops, with no redundancies. The statement adds that it is hoped to re-open a takeaway in the village in the longer term but on a site with a safer access. There is no evidence to contradict this and therefore it is considered, in light of the additional information submitted with this application, that a refusal of permission on the basis of a loss of employment could not be sustained. Additionally, weight should be given to the benefit of the proposals in terms of the provision of small scale housing in this locality.

Form, design and impact on character

- 5.6 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 the relationship to either side would not be incongruous or out of keeping with the general pattern of development in the village.
- 5.7 The building would be similar in height to its neighbour at Mattison Close although it would be a bulkier structure with a greater depth. The proposed building would have a hipped roof, which is a feature common in this locality, and a brickwork finish is proposed, which is a traditional material and appropriate for Leeming Bar. It is considered that the proposed development is therefore in accordance with LDF Policies CP17 and DP32.
- 5.8 The removal of part of the pizza building would increase the openness of the site in views from Northallerton Road 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.
- 5.9 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 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.
- 5.10 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.

Impact on residential amenity

- 5.11 LDF Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight. The rear gardens of the dwellings on Leases Road are relatively long; the distance from the rear wall of the main part of those houses to the boundary of the application site being approximately 15m. The proposed building would lie approximately 1 metre beyond 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 guidance "Site Layout Planning for Daylight & Sunlight" has been submitted by the agent).

- 5.12 The proposed building would lie only 1m from the boundary with the adjacent dwellings at numbers 14 and 16 Leases Road, thereby increasing the sense of enclosure currently experienced by the existing occupants. The side wall would lie at a distance of 16m from the rear wall of the existing dwellings, which is considered to be an adequate distance to prevent harm to amenity contrary to LDF Policy DP1. Submitted information demonstrates that the building would not adversely affect sunlight and daylight and would not therefore have an unacceptably impact on residential amenity in that regard.
- 5.13 The removal of the dormer windows from the proposed scheme, an amendment made following the refusal of the previous application, would reduce the perception of bulk experienced by the neighbouring residents.
- 5.14 Following the changes made since the previous scheme was refused, it is considered that there would be no unacceptably dominant and overbearing impact on local residents as a result of the proposed development. Further, it is not considered that the effect on daylight and sense of enclosure resulting from the proposed development would cause significant harm to residential amenity. On balance the revised proposal is considered to comply with LDF Policy DP1.

Highway safety

- 5.15 The access is currently of a poor standard and the redevelopment at the site frontage allows it to be widened and thereby made safer. The Highway Authority has no objection subject to recommended conditions.

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. 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. No development shall be commenced until an assessment of the risks posed by contamination, carried out in line with the Environment Agency's Model Procedures for the Management of Land Contamination CLR11, has been submitted to and approved by the Local Planning Authority. A scheme for the remediation of any contamination shall be submitted and approved by the Local Planning Authority before any development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the Local Planning Authority.
7. 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.
8. 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; and (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.
9. 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. H). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
10. 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.
11. 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: Protection of carriageway and footway users at all times during demolition; erection of hoardings, security fencing and scaffolding on/over the footway and carriageway; removal of materials from the site; delivery of materials and plant to the site; loading / unloading of materials and plant; storage of materials and plant; parking of contractors vehicles; 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.

12. 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 order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks and in accordance with the Hambleton Local Development Framework Policy CP21.
7. In accordance with LDF Policies CP2 and DP4 and the interests of highway safety.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.

Informative

1. 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 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 Waste and Street Scene 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.