

North York Moors National Park Authority

Plans list item 4, Planning Committee report 14 October 2021

Application reference number: NYM/2021/0518/FL

Development description: construction of single storey rear extension to convenience store to form additional holding stock area and single storey rear extension to post office building to form additional staff room

Site address: 12 - 14 Main Street, East Ayton

Parish: East Ayton

Case officer: Mrs Helen Stephenson

Applicant: James Hall and Co fao: Mr A Bangs, c/o agent ,

Agent: Smith & Love Planning Consultants fao: Miss Abigail Kos, Rational House, 32 Winckley Square, Preston, PR1 3JJ

Director of Planning's Recommendation

Subject to no adverse comments from Yorkshire Water regarding development over the public infrastructure; approval subject to the following:

Condition(s)

Condition number	Condition code	Condition text									
1.	TIME01	The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.									
2.	PLAN01	<p>The development hereby permitted shall not be carried out other than in strict accordance with the following documents:</p> <table><tr><th>Document Description</th><th>Document No.</th><th>Date Received</th></tr><tr><td>Location plan</td><td>1:1250</td><td>05/07/2021</td></tr><tr><td>Proposed plans</td><td>473 02 P4</td><td>05/07/2021</td></tr></table> <p>or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.</p>	Document Description	Document No.	Date Received	Location plan	1:1250	05/07/2021	Proposed plans	473 02 P4	05/07/2021
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Proposed plans	473 02 P4	05/07/2021									
3.	GACS07	No external lighting shall be installed in the development hereby permitted until details of lighting have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.									

4.	MATS09	All new brickwork utilised in carrying out the development hereby permitted shall match that of the existing building unless otherwise agreed in writing with the Local Planning Authority.
5.	MATS00	All timber cladding to be used in the development hereby permitted shall match the existing timber cladding and thereafter be so maintained unless otherwise agreed in writing by the Local Planning Authority.
6.	GACS00	No deliveries of shop stock shall be made to the premises before 0700hrs or after 2000hrs on weekdays and Saturdays nor at any time on Sundays, with exception to the delivery of the Sunday papers only, without the prior written agreement of the Local Planning Authority.
7.	WPDR00	Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force relating to "Permitted Development", the areas shown on the approved plan to be used for the provision of parking space, turning area and access shall be retained and kept available for those purposes at all times and shall not be used for any other purpose.

Map showing application site



**North York Moors
National Park**

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Scale: 1:1500

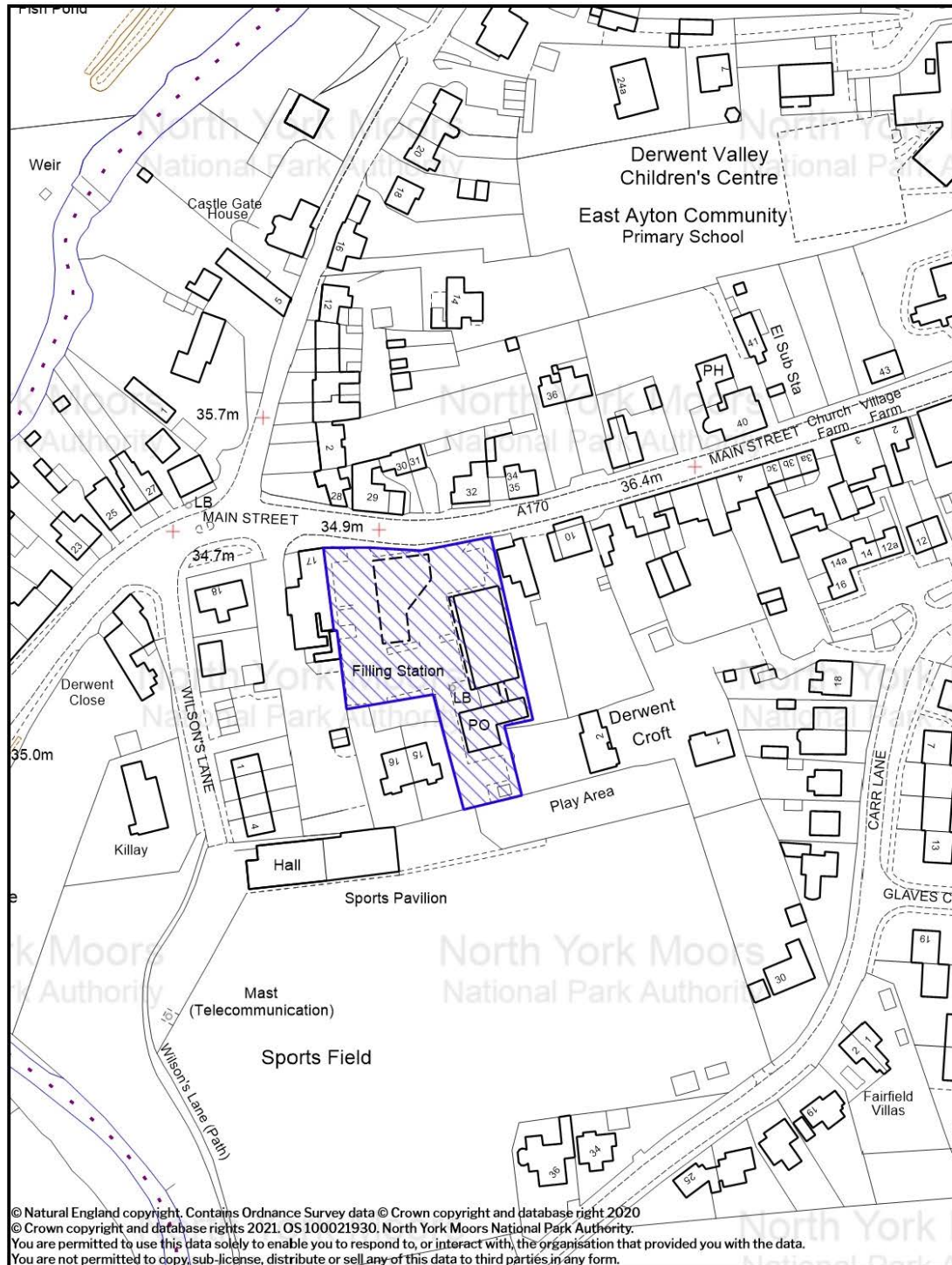


Photo showing location of proposed store room extension; between the main convenience store to the left and the Post Office to the right. The area is currently screened by solid timber boarding.



Photo showing location of proposed staff room extension to the rear of the Post Office. The extension would occupy the paved area.



Consultation responses

Parish

The application is of concern. The plan indicates that the shop extension will be built over a mains sewer. The new extractor fans are proposed at the boundary with the adjacent property which will increase noise and possibly odour nuisance. The fans should be relocated to the elevation facing the carpark. Parking is a major issue at the shop which will only increase to the detriment of residents. Expansion of the shop area will reduce staff parking and at the same time local buses are changing so it will make it harder for staff to get to work. Increased traffic will exacerbate existing safety issues as pedestrians and motor vehicles come into conflict as the white lines at the entrance to the parking area have not been renewed.

Highways

No objection.

Yorkshire Water

Comments awaited

Environmental Health

No comments to make from a Commercial Regulation – Environmental Health perspective.

Further Comments

I can confirm there are no further comments, I wish to add to my earlier consultation submission from an Environmental or Commercial Regulation perspective.

Environment Agency – No comments received

Forestry Commission – No comments received

Third party responses

Mr Malcolm Wigglesworth of 10 Main Street, East Ayton

As property owner at 10 Main Street my only comment/complaint would be regarding disturbance from the new external refrigeration/air conditioning equipment to be installed adjacent to the boundary with No11. Confirmation that mitigating measures will be taken should sound be an issue would be appreciated.

Mr Colin Bishop, 11 Main Street, East Ayton

Object. I wish to object to the application on the following grounds:

1. Car park; over the years the shop has got busier and busier. Therefore the car park can't cope.
2. Deliveries (lorries).

3. Main road; over the years the main road is busier and many times there are traffic jams. Cars park on the foot path which causes more problems including for cars coming out of Spar car park.
4. Noise; deliveries early morning, fridges on a night, staff slamming doors in stock room, television sound turn up when staff are working night shift.
5. Devalue my house.

I live next door to the shop, the butcher counter will be about 50 yards away and the noise from more fridges and freezers will be very annoying, I suggest they make up fresh meat off site and display in fridge.

They get deliveries every day so why do they need to make a bigger stock room?

This application is not good for the village as the infrastructure is not set up for a supermarket.

They have a post office set up in the shop so why don't they use the post office as a stockroom as there is a lot of space.

Mr and Mrs Dodds, 15 Main Street, East Ayton

We are the only property that this proposal will affect. Whilst we have no actual objection to this we do have concerns as to the height of this extension bearing in mind that when the post office was being built we were given the impression that this was going to be a one storey building. This turned out to be a far higher building than we expected hence our concerns for this extension which will curtail the light into our conservatory where we spend much of our time. From the ground level this extension would be no problem but once inside our home we would see at least 3 to 4 feet of the top of this building, possibly extending 8 or 9 feet.

We already have a lack of light from the huge trees that overhang into the Spar car park. Whilst these trees are not on the Spar property, they do overhang considerably into the car park and as we understand it, the Playing Field Committee wish to cut these trees down but there seems to be lack of support from the Spar management to give the go-ahead for this procedure to be carried out, so we worry about more lack of light especially now winter is approaching.

As there will be a creation of a new butchery and deli department, are we to expect an increase in the volume of delivery lorries these being very frequent at present parking at the side of our property.

We gather there will be a condenser attached to this extension, can this be guaranteed to run silently or at least be placed away from our home, possibly on the opposite side of the new building.

Consultation expiry

08 September 2021.

Background

The application site; 13 to 14 Main Street, is located within the settlement of East Ayton close to the eastern boundary of the National Park. The site comprises a petrol station with associated Spar convenience store and separate Post Office. The site was redeveloped in relatively recent years following the grant of planning permission in 2007/08. A small part of the eastern side of the application site lies within the East and West Ayton Conservation Area and is set within an area of mixed uses ranging from residential, retail, hospitality and community uses.

The application seeks full planning permission for the construction of a single storey extension to the convenience store to provide additional holding stock area, relocation of external plant, together with a single storey extension to the rear of the Post Office to provide an additional staff room.

The proposed stock handling area is located on the south facing elevation of the store, infilling the open area between the convenience store and the Post Office building. Although this area is currently open, it is screened from view by a tall solid timber fence. The proposed extension is shown to be of lightweight timber construction under a shallow pitched roof. Following concern expressed by the Parish Council in relation to the presence of a mains sewer in this location, the applicant's agent has confirmed that no foundations are needed for the extension at the existing bin store location; it is only a roof which is needed to cover the area.

The rear extension to provide a staff room off the Post Office building is relatively small-scale and of flat roof design to minimise its mass. As submitted, the extension is shown to be of brick construction located on the existing paved area to the rear of the building. No windows are proposed and a single personnel door is shown in the south facing elevation. Due to its outward opening arrangement, the proposal will result in the loss of one parking space. Officers have sought amendments to the scheme, requesting the extension is amended to a timber clad structure with an inward opening door (or re-located outward opening door) in order to retain the parking space. Members will be updated at the meeting.

Other elements of the proposal include alterations to the window openings of the convenience store in the front (west facing) elevation and relocation of the ATM, the insertion of a new personnel door in the north elevation of the convenience store, together with replacement and relocation of the plant equipment taking it closer to the neighbouring boundary to the east.

Policy context

The main NYM Local Plan Policies to consider with this application are **Strategic Policy C** (Quality and Design of Development) and **Policy BL8** (Shops, Offices and Food and Drink Services).

Strategic Policy C relates to the quality and design of development within the National Park. The policy seeks to ensure that proposed development maintains and enhances the distinctive character of the National Park through appropriate siting, orientation, NYM/2021/0518/FL

layout and density together with carefully considered scale, height, massing and form. Proposals should incorporate good quality construction materials and design details that reflect and complement the architectural character and form of the original building and/or that of the local vernacular.

BL8 is supportive of new retail development where: the proposal is in accordance with the Helmsley Local Plan; within the main built up part of larger villages; within the main built up area of smaller villages where they are compatible with the character of the area and of a scale which is appropriate to the community; or, in Open Countryside where new proposals are ancillary to an existing enterprise provided it would not result in a cumulative increase in activity which would have an unacceptable impact on the amenities or the vitality and viability of villages.

In relation to the above policies, it must be noted that the village (combining both West and East Ayton) are categorised as a 'Larger Village' by **Strategic Policy B** (The Spatial Strategy) and under **Strategic Policy K** (The Rural Economy), amongst other things, development that promotes and protects existing business by providing flexibility for established rural business to diversify and expand will be supported in order to protect the economic and social well-being of local communities.

The West and East Ayton Conservation Area Appraisal and Management Plan (adopted June 2014) acknowledges that the shop and Post Office buildings on the filling station site have been designed in a contemporary style using natural materials and at a similar time the adjacent c.1930s Walker's Fish Restaurant building was also refurbished. Although the flat roofed extensions at Walker's and the filling station forecourt detract from the appearance of the conservation area, on account of their central location, the sites have been included in the extended boundary to ensure that future change and development respects and enhances the streetscape.

Main Issues

The main issues to consider with this proposal are whether the proposed extensions and alterations are of an acceptable size, scale and design and whether the proposal is likely to result in unacceptable impacts on neighbouring amenities (i.e. increased activity, noise nuisance) or highway matters.

Size, scale and design

The proposed extensions are each of relatively small-scale. The visual impact of the stock holding extension is considered to be relatively minor as this open area is already screened by a tall wooden fence. The extension is of lightweight design, essentially comprising a roofed area between the two buildings and of a similar height to the existing fence, albeit with a shallow pitched roof.

This part of the proposal has attracted concern from the Parish Council in relation to the belief that a mains sewer lies beneath the site. However, the applicant's agent has confirmed that there will not be any foundations used to disturb the ground.

Other concerns from residents relate to the associated changes to the store layout and types of goods offered. However, the internal re-organisation of the store would not require planning permission.

In relation to the proposed staff room extension to the Post Office is considered to be of an appropriate size, scale and position. The use of a flat roof is typically discouraged but in this case, it is considered acceptable on account of the fact it adjoins a contemporary designed building and ensures the overall mass is reduced thereby protecting neighbouring amenities. The use of vertical timber cladding as opposed to brick is considered to be more appropriate and therefore Officers have requested amendments to the proposed materials.

Impact on amenities and highway

Comments in relation to the likelihood of noise and odour nuisance have been raised in connection with the proposed replacement and relocation of plant to the eastern site boundary, together with the possibility of additional fridges within the store contributing to noise concerns.

Although the Environmental Health Officer stated there were no comments to make at the initial consultation stage, in light of the neighbour concerns, Officers have sought further advice. The applicant's agent has also confirmed that the replacement equipment will be quieter than the existing and therefore the proposal should represent an improvement. After further consideration of the proposal and consultation comments, the Environmental Health Officer has confirmed that "there are no further comments I wish to add to my earlier consultation submission from an Environmental or Commercial Regulation perspective".

During the consideration of the application, Officers have sought to ensure that the replacement equipment is acceptable however, it must be noted that in the granting of planning permission does not render the equipment immune from further investigation by the Environmental Health Officer should it become a statutory nuisance.

Some concern relating to overshadowing of residential properties has been raised in connection to the proposed staff room extension. However, its relatively low height (i.e. eaves level and flat roof) and distance from neighbouring properties is not considered to result in an unacceptable impact on neighbouring amenities.

Finally, in relation to a likely increase in activity such as deliveries, increased customer numbers, vehicle movements and loss of parking, it is not considered that the relatively small-scale proposal will result in significant harm. The applicant's agent has confirmed that there will be an additional two to three butchers deliveries a week using a long wheel base van during normal working hours of the butcher (which are shorter hours than the opening hours of the store). There would be no additional deliveries for the deli as they would be fed via the usual, existing delivery arrangements. In order to maintain the existing arrangements, it is considered reasonable to impose the delivery condition included on the original application to ensure continuity at the site.

It is noted that the proposed staff room extension will result in the loss of one staff car parking space yet the proposal anticipates an increase in staff numbers. Officers have therefore requested an amended design to the extension in order to protect the existing parking space. Further comments and advice from the local Highway Authority have been requested in this regard and Members will be updated that the meeting.

Summary

The proposed extensions are considered to be of a size and scale which are compatible with the host building and wider setting. Due to their modest proportions and low height they are not considered likely to result in unneighbourly development. The concern raised by the Parish Council and neighbouring residents in relation to activity are noted and on balance, the proposal is not considered likely to result in an unacceptable level of activity which would be harmful to residential amenity. The site is a long established filling station and convenience store located in a larger village within an area of mixed development. The provision of a wider range of goods and continued provision of a range of other services (Post Office, ATM, groceries and fuel) is considered essential to serve the village and wider communities.

Contribution to Management Plan objectives

Approval is considered likely to help meet Policy C6 which seeks to support the sustainability of local communities by supporting the provision of new facilities and resist the loss of existing facilities in villages such as pubs and shops.

Explanation of how the Authority has worked positively with the applicant/agent

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.