

Item Number: 9
Application No: 13/00166/MOUT
Parish: Norton Town Council
Appn. Type: Outline Application Major
Applicant: Scothern Construction Ltd (Mr Ian Scothern)
Proposal: Mixed development comprising 3 no. retail units (Use Class A1) and childrens day nursery (Use Class D1) with associated vehicular access, parking and landscaping (site area 0.73 ha)
Location: 5 Welham Road Norton Malton North Yorkshire

Registration Date:
8/13 Wk Expiry Date: 24 July 2013
Overall Expiry Date: 27 March 2013
Case Officer: Gary Housden **Ext:** 307

CONSULTATIONS:

Archaeology Section	Recommend condition
Environmental Health Officer	No views received to date
Network Rail	No objection
Sustainable Places Team (Yorkshire Area)	No objection
Yorkshire Water Services	No views received to date
Mr Jim Shanks	No views received to date
Parish Council	Recommend approval
Highways North Yorkshire	Matters to be secured through a Section 106 Agreement and conditions

Neighbour responses: Clive Orrah, Mrs Susan Strangeway, Mrs Gail Denney, Mr Kevin Swift, Mrs K Youngson,

.....

SITE:

The site of the proposed development is the former Clothing Factory and its curtilage which is sited on the east side of Welham Road, Norton and covers an area of approximately 0.73 hectares.

The site was previously occupied by a 3-storey red brick building fronting Welham Road with a single-storey factory "extension" running to the south. The site has now been cleared.

The site is bounded to the south by dwellings on Springfield Garth, to the north-east by dwellings on St Nicholas Street and a garage fronting Welham Road, to the north-west by Welham Road with dwellings opposite and the to the south-west by Springfield Garth with dwellings opposite.

The Norton Conservation Area abuts the site along its northern-east boundary and the whole of the site is within the floodplain of the River Derwent.

PROPOSAL:

Outline permission is sought to erect 3 No. retail units (Class A1) and a children's day nursery (Class D1) with associated access, parking and landscaping.

Although the proposal is in outline, the access and layout have been submitted in detail and the approval of these elements is sought.

Illustrative plans have been submitted of the retail units which show a building split into three units. The building is of a mono –pitched construction with a combination of cladding and brick walls with eaves of approximately 8 metres reducing to 6.4 metres.

The day nursery is shown with a traditional brick and clay tile construction with eaves and apex heights of 3.6 and 6.6 metres respectively.

Plans of the illustrative elevations, site layout and access arrangements are attached for Members information together with the previously approved site layout for application 09/00282 for comparison purposes.

The applicants have also submitted the following reports to accompany the application which can be viewed in full on the Councils website:

- Planning Statement
- Design and Access Statement
- Flood Risk Assessment
- Framework Travel Plan and Transport Note
- Archaeological Assessment
- Ecological Assessment
- Noise Impact Assessment
- Geo-Environmental Assessment

HISTORY:

The site has been the subject of a number of applications relating to the Clothing Factory. The last being in 1999 when permission was granted to extend to the rear to form additional office space. More recently planning permission was granted for a food store Use Class(A1) and day nursery Class(D1) reference 09/00282/MOUT. The foodstore had a 1,650 gross food store and established the principle of the retail use of the site. A developer contribution was also agreed towards the Brambling Fields highways scheme.

POLICY:

National Policy

National Planning Policy Framework 2012
Section 2 – Ensuring the Vitality of Town Centres

Paragraphs 24 to 26 are of particular relevance and state:

“Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

This sequential approach should not be applied to applications for small scale rural offices or other small scale rural development.

When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of:

- *the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*
- *the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made."*

The applicant has also made reference to other elements of the NPPF in their planning statement.

Ryedale Local Plan – Adopted 2002 – Relevant Saved Policies

Policy R1 – Retail Development within Town Centres

Policy T3 – Access to the Local Highway Network

Policy T7 – Parking

Policy ENV7 – Landscaping

Ryedale Retail Capacity Study 2006 and updates of 2008 and 2011

Appraisal

The main issues associated with the proposed development are considered to be:

- Principle
- Retail impact
- Design, style and impact on neighbour amenity
- Flood risk
- Highways impact
- Ecology
- Contaminated land
- Archaeology

Principle

The site is located in an edge-of-centre location outside the Malton & Norton commercial limits. The principle of the retail use has, however, been established by the grant outline permission for a 1,650 sq.m foodstore (Reference 09/00282/FUL) and is regarded as a commitment by the Council in terms of retail capacity figures.

Whilst the application has identified the construction of 3 no. retail units (Class A1) confirmation has been received from the applicants that these units are to be proposed for non-food sales. This is important in terms of traffic generation issues which will be considered later in this report but also in the context of the principle of the use of the retail use of the site which is considered below.

Retail Impact

National Policy relating to retailing principles is set out in the NPPF and paragraph 24 sets out the sequential test that Local Planning Authorities should apply to town centre uses that are not in an existing centre. Members will recall this was a matter of concern during the consideration of the earlier foodstore proposal that was permitted for this site.

This site is an edge- of –centre location and is considered to be acceptable as suitable sites are not available within the existing town centre. A detailed appraisal of other sites within the existing town centre of Malton and Norton has been undertaken. It is accepted by officers that the previous permission established the principle of the retail use of the site used that the scale of the retailing now proposed could strengthen the vitality and viability of Malton and Norton town centres. The current

scheme is for a comparison goods based scheme (non-food) and will contribute to an under represented category of retailing in the town.

A sequential test has also been undertaken by the applicants which also conclude that there are very limited opportunities within or close to the existing centres for similar proposals. The scheme is therefore considered to comply with the thrust of retail policy as set out in the NPPF.

Design, Siting and Impact on Neighbour Amenity

The site has been in a semi-derelict state for some time. Prior to the recent demolition of the former Dewhurst factory buildings the Council had received numerous complaints regarding its condition. Whilst the site is now cleared it is surrounded by developers hoarding and has an unkempt appearance. The redevelopment of the site will undoubtedly bring significant visual improvements to the area.

The Design and Access Statement explains how the current scheme has evolved and how the layout has changed from that previously approved, ref 09/00282/FUL. The access arrangements to the retail units from Welham Road remain as previously approved by Committee. The works involve the provision of a right turn lane into the site and the provision of a pedestrian island. These works are shown on the layout plan and also shows the position of the junction with St.Nicolas Street and the works to the recently constructed Lidl store.

The earlier scheme had a single point of access which also served the proposed D1, children's day nursery. The current scheme proposes a second access off Springfield Garth to serve the children's day nursery, separate from the proposed retail units. The 'secondary' access would lead to 13 no. off road car spaces which would be solely for the nursery use. It is considered that this number of off road spaces is sufficient to meet the peak usage of the nursery at 'pick-up' and 'drop-off' times in order to avoid conflict with other users of Springfield Garth. There are considered to be significant operational benefits from separating the potential on-site conflicts with retail related traffic and nursery traffic. It is also noted that the secondary access is located towards the western end of Springfield Garth where its impact on local residents is minimised.

The indicative proportions of the buildings are set out earlier in this report and are considered to be acceptable in terms of their general scale. The eaves of the retail units range between 6.4 and 8 metres. At its nearest point Unit 1 is approximately 25 metres from the back of properties in St.Nicholas Street. The current proposal shows the D1 unit relocated to the eastern end of the site, nearer to The Old Pottery. The previous scheme showed the much larger foodstore and parking area in this part of the site. On balance the scale and location of the units is considered to be acceptable subject to those matters being specified by condition and that the heights of the buildings do not exceed the proportions stated on the submitted plans.

Detailed matters of design are reserved. However, subject to the precise agreement of materials and colour of cladding the scheme is considered to be acceptable.

In this instance the scheme will result in the removal of the substantial conifer hedge adjoining the Springfield Garth boundary. Again the Council has received complaints regarding the oppressive appearance of the existing hedge and the scheme represents an opportunity to enhance the boundaries of the site.

A condition is recommended to require all details of boundary treatments to be agreed in the interests of the visual and residential amenities of the local area.

Flood risk

A Flood Risk Assessment has been submitted which has been assessed by the Local Planning Authority and the Environment Agency. No objections are raised subject to three planning conditions which limit surface water discharge from the site to no more than 29 litres/second; floor levels to be

set no lower than 19.05m (A.O.D.) and surface water drainage to be designed to accommodate a 1 in 30 storm event with a site storage to accommodate a 1 in 100 year event. The Environment Agency have also submitted further advice on flood resilience matters which are recommended as informatives.

Highway Impact

Some concerns have been expressed locally about the detail of the access arrangements proposed onto Welham Road. It should be noted however that this arrangement is exactly the same as that previously appeared under ref 09/00288. This matter was considered in some detail at the time of the earlier application. NYCC – Highways consider that the access arrangements are acceptable in terms of highway safety and that the proposals will provide for a safe access and egress from the site whilst promoting the free flow of traffic along Welham Road. The scheme also provides for the safe movement of pedestrians wishing to cross Welham Road.

There are no highway safety objections relating to the use of the second site access serving the children's day nursery and Springfield Garth subject to adequate vision being provided and the provision of off-street parking. An amended red line plan shows the controlled splay and access onto Springfield Garth.

NYCC highways have sought a developer contribution of £37,500 towards the A64 Brambling Fields scheme and associated works. This figure is lower than that sought under planning permission 09/00282/MOUT because the traffic generated by this scheme differs from that predicted from the previously approved foodstore led scheme. A condition limiting the type of retailing to be carried out from the site is, however, recommended to retain future control over this matter.

Ecology

The Ecology Report submitted has been approved by the Council's Countryside Management Officer because of the presence of the Mill Beck culvert. The impact on the culvert is considered to be 'low risk'. The C.M.O. has, however, requested that a condition be imposed on any permission granted to require a further survey site investigation to the culvert prior to commencement of any development on site in order to ensure that there is no adverse impact on the River Derwent SAC / SSSI.

Contaminated land

There is a risk of contaminants on the site and a condition is recommended to ensure that any contaminants found are dealt with safely, together with the submission of a notification report.

Archaeology

NYCC Historic Environment Team have appraised the application and have no objection subject to the imposition of a condition requiring a written scheme of investigation (W.S.I.).

Other Matters

Safer Neighbourhoods have addressed the scheme and request detailed measures be incorporated into the scheme in order to incorporate crime prevention matters. Protection measures are recommended to the rear 'service areas' of the retail units and appropriate gates and means of enclosure should be installed, together with the secure bin storage areas. Appropriate lighting is also recommended and these two are recommended to be controlled by an appropriate planning condition.

Network Rail have no objection provided that the proposals have no impact in terms of obstruction of the operation of the Malton level crossing. An 'informative' is recommended to accompany the planning permission if granted.

Third Party Responses

Norton Town Council have responded recommending approval of the application.

5No. letters have been received from local residents raising the following points:

- Support provided adequate screening (wall or fence) is installed on boundary;
- Concerns over flooding;
- Support for the re-development ('the sooner the better') ('gets rid of the eyesore');
- Concern over the access into the site from Welham Road and the pedestrian island;
- Concern over the access onto Springfield Garth - extra traffic, safety and fumes;
- Lack of detail on boundary treatments/landscaping;
- Land ownership (extent of red line). Note, this has been addressed by the submission of an amended site plan and service of notice.

The issues have already been covered in the submitted appraisal and appropriate conditions are recommended to ensure that these matters are addressed both in this outline application and any subsequent reserved matters applications.

Conclusion

The proposed development would bring about a much needed re-development of a semi-derelict site which is in a prominent position in the town. The application is in outline, the access arrangement and layout are considered to be acceptable and the scale of the buildings shown on the illustrative elevations is considered to be generally acceptable, although this does need to be controlled by condition.

It is considered that the proposal provides for an acceptable amount of comparison goods (non-food) retailing that is located in an edge-of-centre location which has been justified by the applicants in terms of the National Planning Policy Framework without any significant adverse effects on the town centre.

The proposal is considered to accord with the overall thrust of the NPPF, with the 'saved' policies of the Ryedale Local Plan and with the emerging Local Plan Strategy.

National Planning Policy Framework

Ryedale Local Plan - Policy R1 - Retail development within town centres

Ryedale Local Plan - Policy T3 - Access to the local highway network

Ryedale Local Plan - Policy T7 - Parking

Ryedale Local Plan - Policy ENV7 - Landscaping

RECOMMENDATION:

That this application is approved subject to the satisfactory completion of a Section 106 Agreement relating to developer contributions and appropriate planning conditions

(Conditions to follow)

Background Papers:

Adopted Ryedale Local Plan 2002

Regional Spatial Strategy

National Planning Policy Framework

Responses from consultees and interested parties

