

**RYEDALE DISTRICT COUNCIL
PLANNING COMMITTEE**

SCHEDULE OF ITEMS TO BE DETERMINED BY THE COMMITTEE

PLANS WILL BE AVAILABLE FOR INSPECTION 30 MINUTES BEFORE THE MEETING

Item Number: 6
Application No: 14/00947/MFUL
Parish: Norton Town Council
Appn. Type: Full Application Major
Applicant: Mr Paul Sedman
Proposal: Erection of 37no. one bedroom apartments. 20no. two bedroom apartments, 3no. three bedroom dwellings and 2no. four bedroom apartments with undercroft parking, private and communal amenity areas, landscaping, management office, alteration to existing vehicular access and erection of street front commercial unit with one bed studio above
Location: ATS Euromaster 25 - 27 Commercial Street Norton Malton North Yorkshire YO17 9HX

Registration Date: 5 September 2014 **8/13 Week Expiry Date:** 5 December 2014
Case Officer: Gary Housden **Ext:** 307

CONSULTATIONS:

Building Conservation Officer	Further design changes recommended
North Yorkshire Education Authority	Comments awaited re level of contribution
Sustainable Places Team (Yorkshire Area)	Further views awaited
Archaeology Section	Further views awaited
Highways North Yorkshire	Further views awaited
Parish Council	Further views awaited
North Yorkshire Police Architectural Liaison Officer	Further views awaited
Land Use Planning	Conditional support
Sustainable Places Team (Yorkshire Area)	Recommend condition
Land Use Planning	Drainage details not acceptable
Environmental Health Officer	Recommend Conditions
Tree & Landscape Officer	Recommend conditions
Countryside Officer	Confirms proposed landscaping acceptable recommend condition
Housing Services	No views received to date
North Yorkshire Police Architectural Liaison Officer	Comments made in respect of designing out crime
Parish Council	Object
Highways North Yorkshire	Awaits further plans before making a recommendation

Neighbour responses: Sophie Tasker, Mr Keith Nicholson, Simon Jones, Sarah Munro, Sheila And Brian Atkinson, Miss Cherry Potter, Mr Darron Callender, Mr Andrew Douthwaite, Mrs Janet Douthwaite, Mrs Jackie McGibbon, Lee Halsteal, J Wasley, Z M Rea, Julie Parker, Miss Rosie Wardale, Mrs Angela Wardale, Mr Roger Wardale, Mrs Vivienne Nicholson, Mrs Gaynor Johnson, Miss P Simpson, Mrs C J Miers, The Occupier, Hassan - Shoraka, N Abbey, T Jones, Karen

PLANNING COMMITTEE

16 December 2014

Overall Expiry Date: 28 December 2014

SITE:

The application site is located within the identified development limits as shown on the Ryedale Local Plan Map - adopted 2002. The frontage of the site is shown within the Town Centre Commercial Limits and the entirety of the site is located within the designated Conservation Area.

Until recently, the eastern half of the rear of the site was occupied by the ATS tyre depot and its associated raised hardstanding area. The ATS buildings have now been demolished and the site gives open views to the rear boundary with the railway line. The River Derwent runs further to the north. There is also a small disused electricity sub-station building in the north-east corner of the site which will be removed as part of the development.

The site frontage with Commercial Street currently has a 13.6m wide open space, between shop units and flats fronting Commercial Street. These are buildings of varying eaves and apex heights - apex heights of the frontage building vary between 8.5, and 12.5m in height. The western site boundary abuts No. 5 Commercial Street and other properties known locally as Buckrose Court. Elevations showing the proportions and sections of the scheme in relation to the adjacent properties are appended to this report.

Parts of the site are located in Flood Zones 2 and 3 and this is addressed later in this report.

PROPOSAL:

The proposed development is for a market-led scheme comprised mainly of apartments (37No. 1-bed units and 20No. two-bed units) and also an attached terrace of 3No. 3-bed dwellings and 2No. four-bed apartments/dwellings. There is also associated undercroft parking for 59No. vehicles and 41No. bicycle storage spaces with 17No. surface parking spaces with associated communal areas and landscaping. In addition, a single commercial (shop) unit is proposed at the frontage of the site with a studio flat above.

The total number of residential units is sixty-three additional units and this gives rise to a requirement of 22.05 units of affordable accommodation based on a policy requirement of 35%. 18No. units are proposed on site, comprised of 11No. 1-bed apartments and 7No. 1-bed apartments. A commuted sum for the remainder is proposed.

The buildings are proposed to be constructed from a combination of predominantly clamp brick walls and clay/plain tiles. It is considered, however, that the final choice of materials should be the subject of a condition requiring the submission of samples to be agreed and sample panels to be constructed if permission is granted.

The heights and proportions of the buildings varies markedly and is described below:-

- 3-bed terraced houses - Each unit 5 metres x 8.4 metres floor area with 5 metres eaves and 8.5 metre apex
- 4-bed apartment/dwellings - Each unit 5.4 metres x 8 metres floor area

- 1 and 2-bedroomed apartments - Located in blocks up to 3.5-storeys with 8 metres eaves and apex heights between 12.4 metres and 13 metres above upper ground level as shown on the submitted plans
- Commercial Unit and Flat fronting Commercial Street - Floor area of 4.7 metres x 5.87 metres with 5 metre eaves and 7.4 metre apex heights

The application is accompanied by a series of detailed technical reports which may be inspected on the Council's website.

Appended to this report, however, for Members information is the Planning Support Statement; Design & Access Statement and Flood Risk Assessment; and a further letter from the agents dated 3 December 2014, setting out the changes to the scheme arising from consultation responses and officer negotiations.

POLICY:

National Policy

National Planning Policy Framework 2012
National Planning Policy Guidance 2104

Ryedale Plan Local Plan Strategy 2013

Policy SP1 - General Location of Development and Settlement Hierarchy
Policy SP2 - Delivery and Distribution of New Housing
Policy SP3 - Affordable Housing
Policy SP4 - Type and Mix of New Housing
Policy SP7 - Town Centres and Retailing
Policy SP11 - Community Facilities and Services
Policy SP12 - Heritage
Policy SP16 - Design
Policy SP17 - Managing Air Quality, Land and Water Resources
Policy SP18 - Renewable and Low Carbon Energy
Policy SP19 - Presumption in Favour of Sustainable Development
Policy SP20 - Generic Development Management Issues
Policy SP22 - Planning Obligations, Developer Contributions and the Community Infrastructure Levy

HISTORY:

Previous history relating to tyre depot which is not relevant to this scheme.

14/00697/FUL: Demolition of former ATS buildings - Approved

APPRAISAL:

The main considerations in relation to this application are:-

- Principle of the development;
- Layout, scale and design of the scheme;
- Impact on the Conservation Area;
- Impact on the amenity of adjoining properties;
- Flood risk/drainage issues;
- Highway safety/parking;

- Noise;
- Affordable Housing;
- Other developer contributions; and
- Archaeology.

Principle of development

The site is located within the development limits of Norton. Malton and Norton is the principle focus for new residential development as identified in the Ryedale Local Plan Strategy. The LPS seeks to focus growth on the market towns. The proposal is consistent with the overall approach to development set out in Policies SP1 and SP2 which seek to promote development in sustainable locations. This site has direct access onto Commercial Street and is within walking distance of the railway station and bus depot. It is also within walking distance of Malton town centre.

At present, the Council cannot demonstrate a 5-year supply of housing sites. This means that paragraph 49 of the NPPF is engaged and there is a presumption in favour of the grant of planning permission for sustainable development. Para 14 also advises that proposals that accord with the development plan should be approved without delay and where the development plan is out of date, granting permission., Para 17 also advises Local Planning Authorities to proactively support new development to deliver the homes and business units that the county needs.

Notwithstanding the 5-year supply position, the site lies within the identified settlement limits and there is no objection in principle to the re-development of this brownfield site.

Layout, scale and design of the proposed scheme

The proposed scheme has a vehicular access onto Commercial Street, previously used as the entrance to the former ATS tyre fitting depot. The entrance to the site is currently a relatively unattractive open gap in an otherwise built-up street frontage.

The design promotes the construction of a small street front commercial unit with studio flat above in order to 'close up' the streetscene at this point. A 5.5 metre wide vehicular access with single footway is proposed to the eastern side of the shop unit which enters into the depth of the site to provide a turning area for all vehicles, include both emergency and service vehicles, as well as normal residents and visitors vehicles. A secondary pedestrian access is also shown on the amended plans which exits onto Commercial Street via an existing alley wall to the south-western corner of the site.

The bulk of the scheme is comprised of 37No. one-bed apartments, 20No. two-bed apartments, with 3No. 3-bedroom dwellings and 2No. four-bed apartment/dwellings. The units are provided with a significant area of undercroft parking at basement level with a smaller number of spaces at surface level. Each of the dwellings is provided with a small self-contained curtilge. The apartments are set in a courtyard layout with areas of communal space to the front and rear.

The buildings are comprised of a variety of heights and scales as set out earlier in this report. It is of note, however, that the taller elements of the scheme are set to the sides and rear of the site where they are reasonably well screened by other existing taller buildings on Commercial Street frontage and Buckrose Court. There are limited views from the north because of the presence of the railway line and river and limited public access at that point.

Whilst this is a high density scheme comprised of buildings up to 3½-storey in height, it is set in a town centre location and close to other buildings, some of which area of similar height. The layout, design and scale of the scheme is considered to be generally appropriate to this town centre, urban location.

Impact on the Conservation Area

Notwithstanding the current appearance of the site, it is all located within the designated Conservation Area. The Local Planning Authority therefore has a duty under S72 of The Planning Listed Buildings and Conservation Area Act 1990 to ensure that any development preserves or enhances the character of the designated area.

In this case, the scheme has been amended from a pre-application proposal to promote the introduction of a small commercial unit and flat on the Commercial Street frontage in order to close-up an unattractive gap on the Commercial Street frontage. This is considered to represent a significant enhancement to the character of the Conservation Area. The detail of the scheme in the depth of the site has also been amended to set a general reduction in the height of the tallest buildings and to provide more interest in the design of the scheme throughout. Further amended plans have been received which are currently being appraised by the Building Conservation Officer. Any further comments and responses will be reported on the late pages or at Committee.

Impact on adjoining property

Members will be aware that the site is located adjacent to the buildings on Commercial Street. It is close to Buckrose Court and other properties on the street frontage. At their closest point, the buildings near the western boundary (the 3No. bedroomed two-storey dwellings) are between 11 metres and 12 metres away from the adjoining properties with a side-to-rear relationship. The scheme has been amended in this area of the site in order to address a dispute over the extent of the site boundary red-line and also to ensure that a reasonable level of amenity is provided for both existing and future residents. The adjacent site to the east is a large area of undeveloped land which sits at a generally lower level. The adjacent land is all located in Flood Zone 3 and the nearest other properties to the east are in Wallgates Lane, varying between 60 to 80 metres from the boundary of the site. There are no other properties to the north or the south of the site that are considered to be adversely affected by the scheme.

Flood Risk and Drainage

A small section of the site in the north-western corner is located in Flood Zone 3. A Flood Risk Assessment has, however, been submitted as part of the application because it is categorised as a Major application. The FRA contains a sequential assessment and exception test and this has been considered by officers and the Environment Agency. The Environment Agency raise no objection, but conditions are recommended if planning permission is granted for the scheme, these include finished floor levels and other resilience measures; scheme for sustainable drainage to be agreed (including limiting run-off rates) and mitigation of any contaminates found.

Yorkshire Water had advised that the proposed drainage arrangements are now acceptable subject to conditions.

Highway Safety/Parking Issues

Members will note that a significant number of third party concerns have been raised in respect of highway safety and parking. Indeed, NYCC Highways had also raised concerns about the levels of parking proposed on site and other detailed matters relating to access.

Amended plans have been submitted which increase the levels of on-site parking to 76No. in total on the site, 17No. at surface level and 59No. in the undercroft parking area. In addition, 41No. lockable bike spaces are shown in the undercroft parking together with a cycle store for each of the dwellinghouses on the site. It is understood that these plans satisfy the requirements of NYCC Highways. Written confirmation is, however, awaited and this will be reported to Members on the late pages or to Committee.

Noise

A noise survey has been submitted with the application. However, a further appraisal regarding noise has been requested by the Council's Environmental Health Officer following the demolition of the former tyre depot buildings on the site. Members will be appraised of the further views of the Council's Environmental Health Officer on the late pages or at Committee.

Affordable Housing

Members will appreciate that the application is now being promoted as a market housing scheme. Policy SP3 requires that 35% on-site provision is made as part of such schemes, which will require 22No. units to be affordable. In this case, the applicants are proposing to offer 11No. one-bedroomed apartments and 7No. two-bedroomed apartments on site. These are located in the same block for ease of management purposes for a Registered Provider. The remaining four units are proposed to be offered as a commuted sum. In principle, this is considered to be acceptable by the Council's Housing Manager. However, the detailed comments relating to tenure and size of the units and the level of the commuted sum have yet to be agreed.

Other development contributions

There is a further requirement for an off-site contribution towards Public Open Space of £79,500 in accordance with Policy SP11 of the Ryedale Plan - Local Plan Strategy.

A contribution towards education provision will also be required. The final response from NYCC Education is awaited specifying this figure. These, together with the on and off-site affordable housing provision, these will need to be secured by a Section 106 Agreement.

Archaeology

The site is an area of known archaeological importance and a pre-determination excavation has already been carried out. The developer has submitted a proposed mitigation strategy following the results of the trial trenching which recommends an open area excavation in advance of contributions. The final comments of the NYCC Heritage Unit is awaited.

A number of third party comments have been received which are set out below.

The initial comments from Norton Town Council to the original scheme recommended objection to the scheme for the following reasons:-

- Concern over building heights and impact on the Conservation Area and adjacent property;
- Not in keeping with commercial nature of Commercial Street;
- Insufficient parking - should be at least 1 to 1 ratio;
- Possible congestion at access point and possible safety issues;
- Flooding - much of the site is within Flood Zones 2 and 3 further safety issues and cars trapped in undercroft.

Members will be aware that the scheme has been amended and it is understood that the amended plans will be re-considered by Norton Town Council on 8 December 2014. Members will be appraised of any further comments received at the meeting or via the late pages.

Third Parties

15No. Objection letters raising some or all of the following points:-

- Concern over scale of the scheme - out of character with the Conservation Area;
- Additional noise and disturbance;
- Concerns re infrastructure;
- Increased traffic and congestion;
- Possible anti-social behaviour/increase in crime;

- Impact on surgery;
- Adverse impact on on-street parking on Commercial Street;
- Encroachment on property owned by others;
- Additional overlooking;
- Loss of daylight; and
- Potential adverse impact on other potential future development on land to the east.

14No. letters of Support:

- Will get rid of heavy lorries that previously went to the ATS yard;
- Town needs new investment, jobs and homes;
- More trade for local businesses will arise from increased number of residents;
- Access to existing commercial premises at the rear will become possible;
- Site is an eyesore - this will be a key improvement;
- Ideal for younger people to get onto property ladder;
- Excellent use of a brownfield site; and
- Scale of buildings in keeping with those around.

Further re-consultation has taken place in respect of the amended information and plans received on 3 December 2014. Members will be updated on any further responses received.

RECOMMENDATION: **Recommendation Pending for final responses from outstanding consultees**

Background Papers:

Adopted Ryedale Local Plan 2002
 Local Plan Strategy 2013
 National Planning Policy Framework
 Responses from consultees and interested parties