

Item Number: 11
Application No: 14/01335/MFUL
Parish: Norton Town Council
Appn. Type: Full Application Major
Applicant: Yorkshire Housing Limited (Linda Gray)
Proposal: Erection of block of 1 no. 1 bedroom and 1 no. 2 bedroom apartments and block of 5 no. 1 bedroom and 3 no. 2 bedroom apartments following demolition of existing garage and outbuildings together with formation of vehicular access, 10 no. parking spaces, communal refuse store and additional 1 no. parking space for 29 Wood Street.
Location: 27 Wood Street Norton Malton North Yorkshire

Registration Date:
8/13 Wk Expiry Date: 5 March 2015
Overall Expiry Date: 14 January 2015
Case Officer: Alan Hunter **Ext:** Ext 276

CONSULTATIONS:

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| Environmental Health Officer | Recommend conditions |
| Archaeology Section | Recommend condition |
| Land Use Planning | Comments |
| Parish Council | Recommend approval |
| Highways North Yorkshire | Await amended documents |
| Building Conservation Officer | No objection |
| North Yorkshire Police Architectural Liaison Officer | Comments and concerns raised regarding design issues |
| Housing Services | Comments made |
| Property Management | No views received to date |

Neighbour responses: Mrs Vivienne Nicholson, Mr Keith Nicholson, Mrs Angela Wardale,

SITE:

The application site comprises industrial/business buildings located on Wood Street, together with the rear garden of No. 29 Wood Street. The site is directly opposite Vine Street and approximately measures 15.5m in width on its frontage, and 23.5m in width including the rear garden of No. 29, together with 39m in depth. The site is also located within the Norton Conservation Area, and within an area designated as being an archaeologically sensitive location. To the east and south of the site are established residential properties. To the west of the site are commercial garages with properties located on Commercial Street to the northern side. The site is located outside the indicative flood plain.

There is an unusual arrangement of gardens for No. 29 and 31 Wood Street, consequently the rear garden of No. 31 lies directly behind No. 29, and No.29's garden (part of the application site) lies behind No. 31's garden.

PROPOSAL:

Full planning permission is sought for the erection of a block of 1 no. 1 bedroom and 1 no. 2 bedroom apartments and a block of 5 no. 1-bed units and 3 no. 2 bedroom apartments following demolition of existing garage and outbuildings together with formation of vehicular access, 10 no. parking spaces, communal refuse store and additional 1 no. parking space for No. 29 Wood Street.

The larger block will front Wood Street and it will approximately measure 15.4m in width at its greatest by 17.5m in depth at its greatest, with an eaves height of 7.9m and a ridge height of 11.3m. This proposed building will span the front elevation of the site and be three storeys in height with a 4.6m wide archway on the eastern side of the front elevation. One front door is proposed giving direct access to a single apartment, with the remaining units gaining access via the archway.

The smaller building will be located to the rear with its gable running north – south and has a footprint approximately measuring 8.5m by 8.3m and be 5.2m to the eaves and 7.7m to the ridge height.

The proposed undercroft will provide a means of access to the rear of the site with 10 car parking spaces beyond. A bin storage area is also proposed within the site. This building has been designed to appear as an outbuilding. A single parking space is also proposed for No. 29 Wood Street.

The building is proposed to be constructed of buff coloured bricks under a clay pantile roof with UPVC windows and aluminium doors.

HISTORY:

2007 Conservation Area Consent granted for the demolition of existing buildings on the site.

2008: Planning permission granted for the erection of 5 no. 1 bed apartments and 3 no. 2-bed apartments with basement level storage, courtyard parking, cycle and refuse stores, communal amenity area and formation of vehicular access (revised details to refusal 08/00028/MFUL dated 10.04.2008)

2008: Planning permission refused for the erection of 7 no. one bedroom apartments and 3 no. two bedroom apartments with undercroft and courtyard parking, cycle and refuse stores, amenity area and formation of vehicular access. Dismissed on appeal.

2010: Conservation Area Consent granted for the demolition of existing sheds.

2011: Planning permission granted for the extension of time to implement the 2008 planning permission.

2014: Planning application withdrawn for the erection of 10 apartments.

POLICY:

National Planning Policy Framework 2012

National Planning Policy Guidance 2014

Local Plan Strategy:

SP1 – General Location of Development and Settlement Hierarchy

SP2 – Delivery and Distribution

SP3 – Affordable Housing

SP4 – Type and Mix of New Housing

SP11 – Community Facilities and Services

SP12 - Heritage

SP16 - Design

SP17 – Managing Air Quality, Land and Water Resources

SP19 – Presumption in favour of sustainable development

SP20 – Generic Development Management Issues

APPRAISAL:

The main considerations in relation to this application are

- The principle of the proposed development;
- The design, scale, layout, materials, and form of the proposed development and its relationship to the surrounding area;
- Whether the proposal will either enhance or preserve the character and appearance of the conservation area;
- Whether the units will have a satisfactory level of residential amenity and whether No 29 Wood St will retain a satisfactory level of residential amenity space;
- Impact upon the amenity of the adjoining neighbours;
- Developer contributions;
- Highway Safety;
- Drainage, and;
- Archaeology.

This application is a 'Major' application and is required to be determined by the Planning Committee.

Conservation Area consent was granted in 2007 for the demolition of the existing buildings on the site. Following legislative changes, Conservation Area Consent is not now required for demolition of these buildings and the demolition of the building can be considered as part of this planning application. Providing there is a suitable and acceptable redevelopment of this site, there is considered to be no objection to the demolition of the buildings.

The site is within the Town's development limits and new residential development in principle is considered to be acceptable in accordance with Policy SP2 of the Ryedale Plan - Local Plan Strategy. A comprehensive approach to the area generally would have been the preferred approach, as this would have allowed development to be linked together, instead of ad hoc development on a piecemeal basis. However, it is understood that this is not possible because the surrounding land is in different ownerships. There is also no development brief for this area, so it is considered to be unreasonable to object to the principle of developing this particular site for residential purposes.

Planning permission was granted 2008 for 8 units on this site, please see attached plans.

The area is characterised by relatively dense street frontage residential development. The proposed development involves the erection of a building to accommodate 8 units and a separate detached building to accommodate 2 additional units. The main building will be three –storeys high which relates well to the scale of the terraced properties to the eastern side. The rear projecting wing is marginally longer than the previously approved rear wing. Since the submission of the first application Officers have negotiated significant improvements to the scheme including a reduction in the scale of the building, better fenestration, the introduction of a front door, and a re-design of the detached building to the rear. Whilst officers have not secured all the changes sought to the design and scale of the building, improvements have certainly been made. The general design of the proposed building in terms of its three-storey brick and pantile appearance is considered to be generally in keeping with properties on Wood Street. The scale of the proposal is largely consistent with the earlier approval. The redevelopment of the site is in principle is considered to be beneficial in terms of townscape and amenity.

The submitted scheme is designed with two windows on the western side; there is concern that these windows could prejudice the re-development of the adjoining site. The applicant's have been asked to re-move these on the earlier application, however they wish to retain these windows. In the circumstances, it is suggested that these windows are obscure glazed and non-opening. They are secondary windows to living areas.

The applicants have proposed a stirling buff brick and UPVC windows with aluminium doors. In order to respect the character of the Conservation Area, the proposal should be constructed of reclaimed bricks to relate to the traditional vernacular of Norton under a clay pantile roof with timber windows and doors. Conditions would need to be imposed to secure this.

The Conservation Officer has no objection to the proposal. Subject to the amendments to the materials described above it is considered that the proposal will have less than substantial harm upon the Norton Conservation Area, and that there are clear public benefits associated with this proposal, relating to the provision of much needed affordable housing in this urban environment.

In view of the above, it is considered that that the duty under s72 of the Planning (Listed Buildings and Conservation) Act 1990, to ensure that new development preserves or enhances the character and appearance of conservation areas is met.

In terms of impact on residential amenity, the proposed building will project beyond the rear elevation of the adjoining property to the east (which is owned by the applicant) but be broadly in line with the rear position of the previously approved scheme. The rear wing of the main part will be 6m from the eastern boundary and directly abutting the western boundary. On the western side is an established commercial workshop, there is considered to be no material impact upon its operations. To the eastern side there is considered to be a satisfactory level of separation distance and the windows on the eastern side are bathroom window that will need to be obscure glazed. To the northern side any potential overlooking will be at oblique angles or at considerable distances, which in this urban environment is considered to be acceptable. The rear two-storey building is considered to have a satisfactory relationship with surrounding properties. The associated vehicle movements and activity with the car parking area together with pedestrian movements to the buildings will have some impact, however this is not considered to create a material adverse effect upon surrounding occupiers. Neither is there considered to be an unacceptable loss of sun lighting day lighting to neighbouring properties. In summary, the proposal is not considered to have a material adverse effect upon the residential amenity of surrounding properties.

One of the main changes on this submission relates to the increase in units from 8 to 10, along with the inclusion of the rear garden area of No. 29 Wood Street. Members will appreciate that in 2008 a scheme was refused and dismissed on appeal for 10 units. This largely related to the inclusion of basement units in that scheme and the associated sub-standard residential amenity and poor design outcome. The appeal decision also put great emphasis on the design of the scheme relating to the adjoining properties along Wood Street to the east, and it is considered that this has been achieved. In the case of the current application, the inclusion of No. 29's garden is a concern, because it leaves the property with reduced amenity space, although it does provide an off-street parking space which is a net benefit. Furthermore, the lack of amenity space in the scheme is also a concern of Officers. The applicant has stated that it is not viable to develop the site with any less than 10 units and in the manner shown. Whilst it is located near to the Town Centre, Officers would not wish to see this as a precedent. If the application is approved, it is a balanced decision particularly in this regard, with the provision of 10 units of affordable accommodation weighing heavily in favour of the grant of permission.

A Phase 1 Desk Based assessment for potential contamination has been received. The Council's Environmental Technical Officer recommends a condition requiring a Phase 2 ground investigation.

Foul and surface water is to drain into the mains sewer, and Yorkshire Water has no objection to the proposal.

The Highway Authority has requested an amendment to the scheme to incorporate 2 visitor car parking spaces and secure cycle storage facilities. Negotiations are ongoing on this aspect with the applicant to establish if this is possible. Members will be updated at the meeting.

The Police Architectural Liaison Officer has raised concerns with the proposals, particularly:

- Lack of visitor/disabled parking
- Lack of cycle storage;
- That the tunnel access is discrete with limited surveillance;
- Lighting should comply with BS5489:2013 and should be sensitive to the needs of residents and users; and
- The location of utility meters should be on the frontage of the site.

The issue of cycle storage facilities and visitor parking is being discussed with the applicant. The comment regarding surveillance at the entrance is noted and a condition requiring CCTV of that area could be imposed. A condition in respect of lighting should adequately address the other concern raised.

Furthermore the Police Architectural Liaison Officer makes reference to a secure pedestrian gates and remotely controlled gates for vehicles. This is not considered to be possible due to the width of the access and the need to allow two cars to safely pass each other. A condition to address the other points made by the Police Architectural Liaison Officer is considered necessary if the application is approved.

There has been archaeological evaluation of the site carried out previously, which has been assessed by the County archaeologist, who recommends a condition in this case.

The Council's Housing Department supports the provision of these affordable units. Detailed comments are available on the website. The Housing Manager has however made the following observations which are extracted from her formal response.

- *The proposed scheme will provide 10 homes all of which the six one bedroom apartments and four two bedroom apartments will be for affordable rent through an RP. This scheme will help to fulfil an identified need in the town for one and two bedroom properties.*
- *The RP has been allocated grant funding from the Homes and Communities Agency to support the development of this scheme in the 2015-18 programme, and will go some way to meeting affordable housing in a popular community that has a range of local services.*
- *In recognition of the above issues, two of Ryedale District Council's Aims, as contained in the Corporate Plan, are to meet housing needs and to create the conditions for economic success. Without schemes such as this the Council's aims will not be achieved and the community as a whole will not prosper*

Norton Town Council have commented on the proposed development by stating that they recommend approval subject to the emergency services being satisfied that the height of the front archway allows them access to the rear units (9 & 10). Discussions have taken place with the Highway Authority who has confirmed that in such circumstances there is a maximum distance from fire appliances to buildings of 45m; in this case the distance is 30m from Wood Street to external area of Units 9 & 10. There is therefore no requirement for emergency vehicles to have to drive under the archway.

A letter of objection has been received from an adjoining neighbour who requires obscure glazing on the elevation nearest to his property on Commercial Street. Reference is also made to some of the elevations being incorrectly labelled. The elevation of units 9 & 10 that would be nearest to the objector's garden has a first floor bathroom window that would need to be obscure glazed, and this could be secured by planning condition. The agent has been advised of the inaccuracies, and amended plans are awaited addressing this and the above issues.

In accordance with NPPG sites for up to 10 dwellings in Norton should not be providing commuted sums towards affordable housing or Public Open Space. In this case, the developer is a Housing Association, and the intention is to provide affordable housing only. Whilst NPPG is not consistent with the adopted Development Plan that requires such contributions, it is considered to represent a material planning consideration that negates the requirement for a developer contribution in this case. This approach is also consistent with other decisions taken by Planning Committee. It is also not considered to be appropriate in planning terms to require the developer to enter into a S106 agreement to ensure the properties are only used for affordable housing purposes, as there is no planning policy reason to prevent this scale of market units in this location.

Revised plans and elevations are awaited to address the above concerns, without this amended plan it is not considered possible to make a recommendation.

RECOMMENDATION: **Made at the Meeting**

Background Papers:

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