

Item Number: 15
Application No: 14/01398/FUL
Parish: Norton Town Council
Appn. Type: Full Application
Applicant: Mrs Lindsay Burr
Proposal: Change of use and alteration of former office to form a 2 bedroom dwelling, to include bricking up of shop front and installation of 2no. vertical sliding sash timber windows and front and rear entrance doors.
Location: 13 Commercial Street Norton Malton North Yorkshire YO17 9HX

Registration Date:
8/13 Wk Expiry Date: 17 February 2015
Overall Expiry Date: 18 February 2015
Case Officer: Rachel Smith **Ext:** 323

CONSULTATIONS:

Parish Council	Recommend refusal
Highways North Yorkshire	Advises additional cycle spaces
Environmental Health Officer	Recommend condition
Building Conservation Officer	No objection

Neighbour responses: Mrs Vivienne Nicholson, Mr P Mason, Mrs Angela Wardale,

SITE:

The site is situated within Norton Town Centre Commercial Limits, and is also within Norton Conservation Area. The application relates to the ground floor of the building, which is currently vacant, but most recently used as offices. The building is three storeys in height and constructed from brick under a pantile roof. There are traditional sash windows to the first and second floor. The ground floor however, has a more modern shopfront with a glazed tile surround. The upper floors of the building have residential use. The neighbouring building to the west is in use as flats, and to the east is a pet shop.

PROPOSAL:

Permission is sought for the change of use of the former offices on the ground floor to form a two bedroom flat. The main changes relate to the removal of the modern shop front, with its replacement in brickwork to match the rest of the building. Two sash windows, and a door will be created on the front elevation. The rear of the building will remain unchanged apart from the restoration of the existing windows and doors which were covered for security purposes during the previous occupation of the building by a bank. The land to the immediate rear of the building will be utilised as a shared amenity area for the occupants of the flats in the whole building.

HISTORY:

3/96/144/PA permission granted for the change of use of shop premises to banking, together with the alteration to the front elevation.

11/01007/FUL – Permission granted for subdivision of existing flat to form two flats

14/ 00947/MFUL – the site lies within the redline for the application for the erection of 62 flats together with under croft car parking, and the erection of a street front commercial unit with one bed studio above, on land to the rear.

POLICY:

The Town and Country Planning (Listed Building and Conservation) Act 1990

Ryedale Plan – Local Plan Strategy

Policy SP1 General Location of Development and Settlement Hierarchy
Policy SP2 Delivery and distribution of New Housing
Policy SP4 Type and mix of New Housing
Policy 6 Delivery and Distribution of Employment Land and Premises
Policy SP12 Heritage
Policy SP 16 Design
Policy SP20 Generic Development Management Issues

National Planning Policy Statement

National Planning Guidance

CONSULTATION RESPONSES

Norton Town Council has recommended refusal on the grounds of loss of commercial/retail space and protection of the Commercial Street frontage.

Three letters of objection have been received. The letters can be viewed in full on the public access website. However, they include the following points:

- The applicant has obtained permission for residential units to the rear on a previously commercial site, and now wants to remove another commercial unit. This is a commercial street.
- The Local Plan Strategy recognises Norton’s risk of decline and the loss of any shop could tip it over the edge.
- The shop is unsightly due to neglect.
- Loss of commercial space can be devastating for those shops who rely on being part of a hub. The office had a community use.
- The shop planned nearby should not be counted until it becomes a reality.
- Houses made from old shops can stick out, e.g. mismatch of bricks.
- Consider more detail should be included in relation to Conservation Area/listed buildings
- More residential units will result in a greater demand for parking.
- Increasing congestion next to already congested area.
- There should be no more loss of offices or shops, taking away employment possibilities.

APPRAISAL:

The main issues in the consideration of the application are:

- Principle of loss of office accommodation
- Principle of residential use
- Amenity for future residents
- Parking/highway considerations
- Impact of the development on the character of Norton Conservation Area
- Response to Town Council and neighbour objections

PRINCIPLE OF LOSS OF OFFICE ACCOMMODATION

The site is situated on Commercial Street which is within Norton Town Centre Commercial Limits. The Ryedale Plan – Local Plan Strategy identifies Norton as a local centre with shops that meet everyday needs. It includes the following statement within paragraph 5.18:

Norton is not performing as strongly in retail terms and there are indications that it risks falling into decline. Given its local centre role and its role as a gateway into Malton, it is essential that Commercial Street has an inviting appearance to attract and retain custom and recent public realm improvements have assisted in this.

Policy SP7 Town Centre and Retailing, includes the following:

To support their retailing role, loss of retail floor space will be resisted on Primary Retail Frontages unless it can be demonstrated that individually or cumulatively the proposal would not undermine the vitality and viability of these areas and the wider Town Centres.

These statements clearly detail the weight given to the importance of maintaining the vitality of town centres. In this case however, the retail use was lost in 1977 when permission was granted for the change of use of the shop to a bank. There are no policies within the Ryedale Plan – Local Plan Strategy which would preclude the change of use of an office. The existing building is in a poor state of repair, and its re-use and renovation is welcomed. The enhancement of a building can in itself add to the vitality of an area by creating a more inviting appearance to attract and retain custom and the physical works proposed are considered to be an enhancement to the appearance of the building.

PRINCIPLE OF RESIDENTIAL USE

The Ryedale Plan – Local Plan Strategy identifies Malton and Norton as a Principal Town – Primary Focus for growth. Policy SP2 supports the conversion of previously developed land and buildings within development limits. Accordingly the principle of the proposed use is considered to be acceptable, and will result in a dwelling in a sustainable location.

AMENITY CONSIDERATIONS

The dwelling will be situated on a main road which will result in potential noise and dust problems for future occupiers. The Council's Environmental Health Officer has not objected to the proposed development, however she has raised concerns in relation to the effects of noise and fumes/dust from traffic. She therefore recommends a scheme of mitigation to include such measures as specialist glazing or mechanical ventilation, together with the provision of a door lobby, to reduce potential noise and dust. In relation to outdoor space, there is a shared amenity area to the rear of the building which will be available for use by the occupants of all the flats in the building. It is considered that the space is commensurate with the size of the proposed flat.

Taking account of the location of the site within a mixed use area, it is not considered that the proposed development will have an adverse impact on the existing amenities of neighbouring occupiers.

HERITAGE ASSESSMENT

The Planning (listed Buildings and Conservation Areas) Act 1990 includes the following duty:

72 (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

In this case, it is not considered that the existing shop front respects the character of the building, and as such does not make a positive contribution to the character of Norton Conservation Area. The proposed development includes the replacement of the shop front with brickwork to match the

remainder of the building, together with the inclusion of traditional sash windows and door. It is considered that such works will be a significant improvement which will enhance the character of the Conservation area. As such the works will discharge the duty under Section 72 of the Act. The Council's Conservation Officer has advised:

No objection –This proposal will enhance the character of the Conservation Area by removing an unsympathetic shop front and re-instating some more appropriate architectural form to the building.

One of the letters of objection to the development expresses concern that the response from the Conservation Officer is not more detailed. It is considered however that because the development will result in an enhancement to the building, which includes the insertion of traditional sash windows, a more detailed appraisal is not required. The objectors comments regarding the potential for a mismatch of bricks is accepted, and indeed is a matter that requires careful detailing. However the existing shop front is clearly not considered to be sympathetic to the character of the building. Its removal and re-instatement in matching brick work is therefore beneficial. A condition requiring the submission of details of bricks is however recommended.

PARKING CONSIDERATIONS

The Highways Authority has been consulted on the application, and has responded as follows:

The adjacent road network is subject to various restrictions and short stay parking. The proposal involves an existing building and is sited within a town centre area with good links to amenities, public transport and long stay parking within a reasonable distance.

No Highway Authority objections are therefore raised to the proposed development. However, it is strongly advised that 2 no. covered and secure cycle parking spaces are made available within the site allied to the change of use applied for.

Such spaces should be in addition to the spaces conditioned (03) for the first and second floor subdivision application at this property approved under ref.11/01007/FUL on 24 November 2011.

In the light of this consultation response, it is recommended that a condition be imposed requiring details of cycle parking on site.

CONCLUSION

It is considered that the positive benefits that will be achieved by the re-use of the building, together with the enhancement of the front elevation, outweigh any concerns and objections regarding the loss of the existing office use. Accordingly, the development is considered to comply with policy, and the recommendation is one of approval subject to conditions.

RECOMMENDATION: Approval

1 The development hereby permitted shall be begun on or before .

Reason:- To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

2 Prior to the occupation of the residential property hereby approved, 2 no. covered cycle parking spaces shall be provided for use by occupants. Details of which shall first be submitted to, and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainability, and to satisfy the requirements of Policy SP 20 of the Ryedale Plan – Local Plan Strategy, and the NPPF.

- 3 Notwithstanding the submitted details, and prior to the commencement of any works on site, a scheme to mitigate the effects of noise and dust from traffic via the front windows and door shall be submitted to, and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenities of future occupiers, and to satisfy the requirements of Policy SP20 of the Ryedale Plan – Local Plan Strategy.

- 4 The shared amenity area shown on drawing 4312-AR20-03-A3 shall be retained for the use of the occupants of the dwelling hereby approved.

Reason: In the interests of the amenities of future occupants, and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 5 Prior to the commencement of the development, details of all windows and doors including means of opening, depth of reveal and external finish shall be submitted to and approved in writing by the Local Planning Authority

Reason: To ensure an appropriate appearance and to comply with the requirements of Policies SP12, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 6 Before the development hereby permitted is commenced, or such longer period as may be agreed in writing with the Local Planning Authority, details and samples of the materials to be used on the exterior of the building the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance that results in an enhancement of the character of Norton Conservation Area, and to satisfy the requirements of Policies SP12, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 7 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

Dwg no. 4312-EX10-01-A4 – Revision A Site Plan
Dwg no. 4312-AR30-01-A2 Front and Rear elevations as proposed
Dwg No. 4312-AR20-01-A3 proposed new ground floor flat
Dwg no. 4312-AR20-03-A3 Proposed change of use

Reason: For the avoidance of doubt and in the interests of proper planning.

Background Papers:

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