

**Item Number:** 9  
**Application No:** 14/00625/FUL  
**Parish:** Norton Town Council  
**Appn. Type:** Full Application  
**Applicant:** Mr Robert Hopkinson  
**Proposal:** Change of use of existing residential care home (Use Class C2) to a 15no. bedroom house of multiple occupation (HMO) (retrospective)  
**Location:** Wellington House 63 Wood Street Norton Malton North Yorkshire YO17 9BB

**Registration Date:**  
**8/13 Wk Expiry Date:** 15 January 2016  
**Overall Expiry Date:** 8 January 2016  
**Case Officer:** Helen Bloomer **Ext:** 328

#### CONSULTATIONS:

<b>Parish Council</b>	Object
<b>Housing Services</b>	No objection in principle
<b>Highways North Yorkshire</b>	Recommend conditions

**Neighbour responses:** Mr & Mrs Palmer,

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**SITE:**

The application site is an existing, extended two storey 19th Century Villa, located on the Corner of Wood Street, within the Norton Development Limits. South of the application site is the manufacturing works with residential properties predominantly to the east.

#### PROPOSAL:

Retrospective planning approval is being sought for the change of use of Wellington House from a residential care home (Use Class C2) to a 15 No. bedroom House of Multiple Occupation (HMO) (Sui Generis) . Its is understood that the property has been used in this manner for approximately one year. No alterations have taken place or are being proposed to the external appearance of the building. The internal works required to convert the building have already been carried out.

The application site benefits from seven of road parking spaces.

#### HISTORY:

87/00068/OLD 3/96/178A/PA Change of use of doctor's surgery to a residential home for mentally handicapped. Approved 05.01.88

90/00081/OLD 3/96/178B/FA Erection of extension to residential home to provide 4 extra bedrooms, bathroom, lounge and dining area. Approved 10.7.90

90/00082/OLD3/96/178C/FA Increase the maximum number of mentally handicapped residents from nine to sixteen (condition number 3 of decision 3/96/178A dated 5.1.88 refers). Approved 07.03.91

15/00081/CU. Unauthorised Change of Use. This planning application was submitted in June 2014, however it was never validated due to outstanding information. This matter was not resolved and works commenced on site. It was brought to the Local Planning Authorities attention by the Councils

Licensing Team. Following a letter from officers the applicant validated the application. This is the application that Members are presented with, albeit it is now retrospective.

**POLICY:**

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 SP19 - Presumption in the Favour of Sustainable Development

Policy SP20 - Generic Development Management Issues

National Planning Policy Framework

National Planning Policy Guidance

**APPRAISAL:**

This application is before Members of the Planning Committee because a letter of objection has been received from a neighbouring property and Norton Town Council have also resolved to recommend refusal of the application.

The main considerations in assessing this application are:-

- i) Principle
- ii) Impact Residential Amenity
- iii) Highways

i) Principle

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

Policy SP2 (Delivery and Distribution of new Housing) of the Ryedale Plan - Local Plan Strategy concludes that within the Principle Towns of Malton and Norton the conversion and redevelopment of previously developed land and building as well as the sub-division of existing dwelling is supported when within the development limits.

Policy SP4 (Type and Mix of New Housing) also supports the principle of increased housing choice and high quality housing through the re-use of empty properties and improvements and adaption's to existing homes.

It is considered that the development as proposed would provide much needed single person accommodation in the social sector in the town. The provision of such accommodation is considered to comply with the advice contained in the N.P.P.F. which promotes a wide range of differing types of housing accommodation.

The principle of the development is therefore considered acceptable

ii) Impact on residential Amenity

Policy SP20 (Generic Development Management Issues) states that ..

'New development will not have a material adverse impact on the amenity of present or future occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, and odour, light flicker, loss of privacy or natural daylight or be an overbearing presence'

Paragraph 17 of the National Planning Policy Framework requires new development to 'Secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'.

The neighbours directly west of the application site have raised objection to the application. As members will note this application is retrospective and has been operating as a HMO for approximately a year. Whilst the Authority has not received any complaints about the operation of the site, the letter of objection identifies that there is the potential for conflict if the site is not well managed. Officers are therefore advising that if members are minded to approve the application that a condition is attached requiring the submission of a management plan. The plan should clearly identify how the applicant will; provide information and advice to occupants about noise and consideration to neighbours, carry out garden maintenance, refuse and recycling facilities and general property maintenance. Furthermore it is important to note that there is alternative legislation that deals with anti social behaviour.

It is not only important to consider the amenity of the neighbouring properties but also those who would be residing in the property. Policy SP4 (Type and Mix of New Housing) advises that communal amenity space will be required as part of flatted development, where this is feasible and practicable. The submitted internal layout plans shows that there would be one communal room and three kitchens at ground floor. There is in addition to this outside amenity space which the occupiers would have access to. Officers consider that the proposed development would provide sufficient amenity space for future occupiers.

There are a variety of different bedroom sizes including singles with access to the shared bathrooms and large doubles with en-suites and dressing rooms. All of the bedroom sizes are in excess of the minimum size for a single room which is 2.4x2.74 metres.

Housing Services have verbally confirmed that they have no objection to the proposed development and that the applicant has been working closely with them and North Yorkshire Fire and Rescue to ensure that the development is compliant with the relative legislation.

Subject to the recommended conditions it is not considered that the proposed development would have an adverse impact on the amenity of neighbouring properties.

### iii)Highways

The Highways Authority, based on the former use of the site and its proximity to Norton Town Centre have raised no objection to the proposed development, subject to the recommended conditions.

### Consultation Responses

Norton Town Council have resolved to object to the proposal, on the basis that they consider this scheme has cramped accommodation with limited facilities. The full Town Council's consultation response has been attached to this report.

Officers, however, consider that this has been addressed in section ii) of this report.

A letter of objection has also been received from the immediate neighbour west of the application site. Whilst the full version of their correspondence can be viewed on the public access, a summary has been provided. The occupiers of No.61 Woodgate have raised concern over the lack of consideration of the occupiers in terms of; slamming of doors, revving cars, shouting from ground floor to first floor and banging of car doors.

Officers consider that this matter has also been addressed in paragraph ii) of this report.

In light of the above assessment the recommendation is, one of approval.

**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            Within 3 months of the date of this permission, a management plan shall be submitted to the Local Planning Authority for approval in writing. Once approved, the management plan shall be implemented as approved within 3 months unless otherwise agreed in writing by the Local Planning Authority. The Management plan shall relate to the following areas:

- i) Information and advice to occupants about noise and consideration to neighbours
- ii) Garden maintenance
- iii) Refuse and recycling facilities
- iv) Property maintenance

Reason:- In the interests of the proper management of the property and the amenity of adjacent residents.

3            Within 3 months of the date of this permission, details of secure cycle parking will be submitted to the Local Planning Authority for approval in writing. Once approved, the cycle parking will be brought into use within 3 months and retained thereafter.

Reason:- In the interest of facilitating access by sustainable modes of travel, in accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy.

4            Notwithstanding the provision of any Town & Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on 59/2/90A; for parking spaces, turning areas and access shall be kept available for their intended purpose at all times.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy, and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

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

- Drawing No. 59/2/90A Site Plan
- Drawing No. R201510-3 Proposed ground floor layout
- Drawing No. RH201510-4 Proposed first floor layout

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