

Item Number: 14
Application No: 16/00113/FUL
Parish: Malton Town Council
Appn. Type: Full Application
Applicant: Mann Power Consulting Ltd (Mrs Mo MacLeod)
Proposal: Change of use of part of dwelling to a B1(a) office use for the dwelling occupiers business with associated business parking (retrospective application)
Location: Barton Cottage York Road Malton North Yorkshire YO17 6AU

Registration Date:
8/13 Wk Expiry Date: 18 March 2016
Overall Expiry Date: 2 March 2016
Case Officer: Tim Goodall **Ext:** 332

CONSULTATIONS:

Environmental Health Officer No views received to date
Parish Council No views received to date
Highways North Yorkshire Recommend condition

Neighbour responses: Alastair & Ann Barron, Mrs Debra England,

SITE:

The site is occupied by a substantial detached dwelling set in an extensive curtilage which was originally constructed circa 1840. It is located on the north side of York Road, Malton near the junction with Horsemarket Road.

The building is a Grade II listed building and is located within the Malton (Town Centre) conservation area.

PROPOSAL:

Planning permission is sought for the change of use of part of the existing dwelling to office use for the dwelling occupiers' business. The submitted plans indicates that the office use is at ground floor entrance. There are two rooms in uses as offices, a file room and a staff room and WC. There is also an external store area.

There are 7 associated business parking spaces and 4 cycle parking spaces.

The office is for desk space for 6 workers (4 full time, 2 part time). The regular office hours are 8.30 am to 6.00pm.

The planning application is retrospective in nature as the change of use has already occurred.

CONSULTATION RESPONSES:

There have been 2 objections to the application, from the occupiers of The Old Vicarage, York Road and St. Andrews House, Castle Howard Road.

The objections relate to the following issues:

- The office use is more substantial in that it requires parking for employees and visitors. This should not be encouraged in a conservation area with residential housing all around.
- The use should be located at a business site in Malton/Norton not in a residential property in the conservation area
- Concern over the car parking on a busy section of York Road with reference to the elderly residents who walk past from the McCarthy and Stone sheltered accommodation on Castle Howard Road.
- They do not wish to see signs in the conservation area
- The development will set a dangerous precedent in a conservation area
- The development will set a dangerous precedent in a residential area
- It would seem counterproductive to be considering reducing any of Malton's housing stock
- There is enough vacant office accommodation in Malton to negate the need for conversion of a residential property
- Concern over the increase in traffic
- Commercial signage would be unsightly
- Inappropriate development in a quiet residential area with potential increased noise, waste and pollution.
- The removal of a green area for replacement car parking reducing drainage and increasing flood risk.

The objections to the planning application relate to material planning considerations. As the application is recommended for conditional approval, under the Council's scheme of officer delegation it is brought to Committee for Members to consider and determine.

POLICY:

National Planning Policy

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Ryedale Plan - Local Plan Strategy

Policy SP1 - General Location of Development and Settlement Hierarchy
Policy SP2 - Delivery and Distribution of new housing
Policy SP6 - Delivery and Distribution of Employment/Industrial Land and Premises
Policy SP12 - Heritage
Policy SP19 - Presumption in Favour of Sustainable Development
Policy SP20 - Generic Development Management Issues

HISTORY:

00/00872/LBC - Permitted - Internal alterations

04/00746/LBC - Permitted - Alterations to gate and steps to rear of dwelling, formation of opening in garden wall, formation of parking area to front of dwelling by altering ground level and resiting of stone wall and formation of doorway to west elevation

04/00825/FUL - Permitted - Formation of opening in garden wall, re-positioning and alteration of stone wall adjacent to driveway to form additional parking, works to lower ground levels and lowering of gate with removal of concrete steps

06/01024/MFUL - Refused - Erection of 29 no. one bed and 16 no two bed sheltered apartments for the elderly with 1 no. house managers apartment, communal facilities, parking area and formation of vehicular access

06/01176/LBC - Refused - Demolition with some re-building of sections of boundary wall to enable formation of vehicular access to land to rear of Barton Cottage

APPRAISAL:

The key issues to consider are:

- i. Principle of development
- ii. Impact on neighbour amenity
- iii. Highway safety
- iv. Impact on the Listed Building and the Malton (Town Centre) conservation area
- v. Other matters

- i. Principle of development

The key issue for Members to consider is whether the loss of part of a residential dwelling to employment use is acceptable. Policy SP1 (General Location of Development and Settlement Hierarchy) of the Ryedale Plan - Local Plan Strategy indicates that Malton and Norton should be seen as the primary focus for growth within Ryedale District. Policy SP6 (Delivery and Distribution of Employment/Industrial Land and Premises) supports the conversion of existing buildings for employment purposes in Malton. Policy SP2 (Delivery and Distribution of new housing) states that proposals which result in the loss of existing residential accommodation will only be permitted where the need for the use is considered to outweigh use of the building for residential purposes.

The business use of the building includes part of the ground floor and a detached store. The rest of the building remains in residential use by the applicant. The location of the development within Malton and within walking distance of the town centre is considered to be sustainable. The rest of the building remains in residential use and as such a residential unit has not been lost. The principle of the change of use is therefore considered to be in accordance with Policies SP1, SP6 and SP12 of the Ryedale Plan - Local Plan Strategy.

- ii. Impact on neighbour amenity

In accordance with Policy SP20 (Generic Development Management Issues) of the Ryedale Plan - Local Plan Strategy, new development is required not have a material adverse impact on the amenity of present and future occupants, the users or 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, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence.

The key issues to consider in terms of amenity are the possible impacts of the office use on neighbours and the impact on future occupants of the residential element of Barton Cottage if there is a change in ownership. While in a primarily residential area, the site is located on one of the main roads into Malton town centre and is detached with considerable domestic curtilage (gardens). As such, the conversion of part of the ground floor to office use is not considered to result in an unacceptable impact on the amenity of the present or future occupiers of neighbouring buildings.

It is acknowledged that the principle of residential occupation above office accommodation is relatively common place, particularly within town centres. However, the development does retain significant residential space at ground floor level and the office space is located at the rear of the building.

Therefore to protect the amenity of future occupiers of the residential element of the building a condition is recommended requiring the office space to remain under the same ownership as the residential space. Imposing this condition will allow the local planning authority a significant measure of control to consider the impact of possible future development.

Office use falls within Class B1(a) of the Town and Country Planning (Use Classes) Order 1987 (as amended). Under current permitted development rights there are a number of uses that offices can be changed to without planning permission including storage & distribution, retail, restaurants and cafes. Given the location of the site within an existing domestic curtilage and within a dwellinghouse, it is recommended that these 'permitted development right's are also restricted by planning condition.

The Council's Environmental Health Officer has not responded at the time of writing this report. Any comments received will be reported on the Late Pages or at the meeting.

iii. Highway Safety

The application site is located on the northern side of York Road, Malton. North Yorkshire County Council as the local highway authority have been consulted and have stated that the site meets the required visibility splay of 2.4 metres by 90 metres. There is no highways objection raised subject to the imposition of a condition requiring parking spaces to be retained for non-residential use.

iv. Impact on the Listed Building and the Malton (Town Centre) conservation area

Under the Planning (Listed Buildings and Conservation Area) Act 1990 states that the Local Planning Authority has a duty to pay special regard to the preservation and enhancement of the special interest of the Listed Building. Policy SP12 (Heritage) of the Ryedale Plan - Local Plan Strategy states that designated historic assets will be conserved and where appropriate, enhanced. Development proposals which would result in substantial harm to a designated historic asset will be resisted unless wholly exceptional circumstances can be demonstrated

The development does not involve any operational development that would have an impact on the historic fabric of the listed building or that would have an adverse impact on the conservation area. Listed Building Consent is not required for the change of use.

v. Other Matters

One of the representations to the planning application indicated concern regarding possible advertisements for the business. The applicant has stated that the offices are not open to the public, which will reduce the need for any significant advertisement. If a future advertisement is proposed then this may well require advertisement consent from the local planning authority who can then consider the proposal on grounds of amenity and highway safety.

One of the objectors refers to the loss of a green area for parking and also flood risk. It is not entirely clear what area the objector is referring to but it is noted that the development is retrospective and it is also sited outside of flood risk zones 2 and 3.

There were no further responses to the public consultation.

In conclusion, the planning application is considered to be acceptable on its planning merits when considered against national and local planning policies. Approval is recommended subject to the following 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 Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on Drawing Number Plan 3 for parking spaces, turning areas (cross-hatched area) and access shall be kept available for their intended purposes 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.
- 3 The development of the office space hereby permitted shall be used in connection with the dwelling currently known as 'Barton Cottage' and it shall not be sold or let off separately from the main dwellinghouse.

Reason: For the avoidance of doubt and in order to satisfy policy SP20 of the Ryedale Plan - Local Plan Strategy.
- 4 The development hereby approved shall be used only for a purpose included in Use Class B1 a) Offices; of the schedule to the Town & Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument re-enacting that Order.

Reason:- To protect the amenity of the existing residential accommodation at the site, in accordance with Policy SP20 (Generic Management Issues) of the Ryedale Plan - Local Plan Strategy.
- 5 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

Plan 1 - Site Location Plan validated by the local planning authority 01 Feb 2016
Plan 2 - Floor Plans validated by the local planning authority 01 Feb 2016
Plan 3 - Block Plan validated by the local planning authority 01 Feb 2016

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