

Item Number: 10
Application No: 09/01307/FUL
Parish: Malton Town Council
Appn. Type: Full Application
Applicant: Fitzwilliam (Malton) Estate
Proposal: Change of use and alteration of retail premises to form 1no. two-bedroom dwelling, 1no. one-bedroom flat with external metal entrance staircase, 1no. two-bedroom flat, 2no. retail units, 1no. office unit and external bin store
Location: 49 - 51 Wheelgate & 1 Finkle Street Malton North Yorkshire YO17 7HT

Registration Date: 9 December 2009
8/13 Wk Expiry Date: 3 February 2010
Overall Expiry Date: 20 January 2010
Case Officer: David Butt **Ext:** 319

CONSULTATIONS:

| | |
|-------------------------------------|---------------------------|
| Environmental Health Officer | Require further info |
| Parish Council | No views received to date |
| Highways North Yorkshire | Recommend conditions |
| Yorkshire Water Services | No objection |

Neighbour responses: A Walsh, David Medd, Alison Hall, Ian Hall, Gemma Magson, Mr K Monkman,

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SITE:

This site is located at the junction of Wheelgate and Finkle Street. The buildings were in retail use until August 2008 but are currently vacant. The retail use was limited to the ground floor of the premises. At first floor level, the buildings were used for storage purposes in association with the retail use.

The buildings are Grade II listed and located within the Conservation Area and Town Centre Commercial Limits.

The premises were, in August 2008, a single retail unit. Prior to this, it is likely that, historically the building would have been divided into different elements and uses. The building retains these characteristics externally in terms of individual and separate shopfronts. The building on Finkle Street in particular has the appearance of a converted dwelling. These features lend the building physically to the changes of use proposed.

PROPOSAL:

The application proposes to sub-divide the building to provide 1no. two-storey dwelling fronting Finkle Street, 2no. ground floor retail units, 1no. office unit at ground, first and second floor, and 2no. first and second floor residential apartments.

The office unit is located at the southern end of the Wheelgate frontage and abuts the Cross Keys Public House. The office use would have a frontage of 4 metres at ground floor level to Wheelgate. The floorspace comprises 116 sq.m. The majority of the floorspace is located at first and second floor levels. Retail unit one is located to the north and next to the office also fronting Wheelgate. Retail unit two is located immediately to the north of retail unit one and has frontage both to Wheelgate and Finkle Street. Both retail units are limited to ground floor level. To the west and facing Finkle Street is the proposed conversion to a dwelling.

Both of the apartments are located above the retail uses.

The appearance of the building to Wheelgate and Finkle Street will essentially remain as existing. The only exception to this is the additional of a personal doorway to serve the two-bedroomed flat on the Finkle Street frontage.

The rear of the building abuts a communal yard area. At the rear the application proposes the construction of a bin store together with an external steel staircase to provide an entrance to residential apartment unit 3. An application for Listed Building Consent has also been received and has been approved under the scheme of delegation.

HISTORY:

No recent relevant planning history.

POLICY:

National Policy Guidance

PPS1 - Delivery Sustainable Development 2005
PPS4 - Planning for Sustainable Economic Growth
PPG15 - 'Planning and the Historic Environment' 1994
PPG24 - 'Planning and Noise' 1994

Regional Spatial Strategy

Policy E1 - Creating a Successful and Competitive Regional Economy
Policy N2 - Historic and cultural resources
Policy S1 - Applying the Sustainable Development Principles

Ryedale Local Plan

Policy H7 - Residential development within settlements
Policy H8 - Residential development in town centres
Policy R1 - Retail development within town centres
Policy R3 - Use of upper floors within town centres for offices/financial and professional services

APPRAISAL:

The main considerations in relation to this application include:-

- whether the proposals would comply with the relevant National Planning Policies as set out in PPS4 Planning for Sustainable Economic Growth, PPS6 - Planning for Town Centres and PPG15 - 'Planning and the Historic Environment' 1994;
- whether the proposals comply with Policies H7, H8, R1 and R3 of the Ryedale Local Plan;
- whether the reduction in retail floorspace and change of use to a dwelling is acceptable or whether there is a planning reason to resist such a change; and
- whether the proposals adequately incorporate measures to address the issue of noise in the town centre and the amenity of the residential units.

National planning guidance relating to development in town centres exists in PPS4, and the Planning for Town Centres Practice Guidance. This guidance does not provide specific advice with regard to these proposals. However the recently published Town Centre Practice Guide states:

“Residential uses and commercial offices can also both perform an important role in maintaining and enhancing the vitality and viability of town centres and should be considered as part of a proactive planning approach for town centres.”

The Guidance qualifies this by stating that this is a matter of balance which Local Planning Authorities need to consider.

It is considered, therefore, in this context that the Ryedale Local Plan contains policies which still reflect national policy guidance and remains relevant to this proposal. Policy H8 of the Ryedale Local Plan supports the provision of residential accommodation, as in this case, by reusing upper floors and the conversion of existing property. Policy R1 supports the creation of both retail units (Use Class A1) and office accommodation (Use Class A2) within the Town Centre Commercial Limits subject to the proposals satisfying detailed criteria.

The proposals will result in a reduction in the ground floor retail floorspace through the change of use to a dwelling on Finkle Street and the office unit on Wheelgate. Six letters of objection has been received expressing concern at the loss of the retail use on the Finkle Street frontage. It is suggested that, to allow residential use would create a precedent and would contribute to Malton’s retail decline. It is argued that the retention of retail floorspace is important to maintain the vitality and viability of what is considered to be a prime retail area. It is argued that the loss of retail space will contribute to a further closures and reduction of retail units in the town centres. Concern is also expressed with regard to the lack of car parking to serve the residential units. There is, however, no specific policy within National Policy Guidance or the Ryedale Local Plan to justify refusing planning permission on this basis.

The proposed converted dwelling on Finkle Street in a two-bedroom property. It has no amenity space associated with it. Policies H7 and H8 of the Ryedale Local Plan are relevant to this part of the scheme. The issue of amenity space is a relevant consideration. In this case, a small dwelling unit would be created. Policy H8 indicates that a flexible approach on normal planning standards within the town centre should be adopted. It is considered therefore, on balance, that this aspect of the scheme is acceptable and that a refusal of planning permission could not be substantiated.

It will be noted that the application proposes an office use next to the public house on Wheelgate. It is considered that this is an appropriate buffer between the proposed residential uses and the public house. This arrangement will minimise noise and disturbance between the residential use and the public house.

The Environmental Health Officer has requested that a Noise Impact Survey is carried out. This is in order to assess the impact of the proposal in relation to road traffic noise. This has been provided and the report has been subject to consultation with the Environmental Health Officer. The report proposes the use of secondary double-glazing to minimise the impact of noise from the street on the occupants of the properties. The report has been discussed with the Environmental Health Officer and it is considered that, in terms of noise impact, the proposal is acceptable in principle subject to the precise specification for the secondary double-glazing being as required by the Environmental Health Officer.

The response of the Environmental Health Officer has not been received and recommends approval subject to conditions. The conditions are included in the recommendation.

The proposed physical changes to the building are limited and will retain the character and appearance of the listed building. In physical terms the proposals will, therefore, preserve the character and appearance of the Conservation Area.

It is considered therefore that the proposals include a range of uses which are appropriate for this town centre location and for these reasons the application is recommended for approval.

Ryedale Local Plan - Policy H7 - Residential development within settlements
Ryedale Local Plan - Policy H8 - Residential development in town centres
Ryedale Local Plan - Policy R1 - Retail development within town centres
Ryedale Local Plan - Policy R3 - Use of upper floors within town centres for offices/financial and professional services
Regional Spatial Strategy - Policy E1 - Creating a Successful and Competitive Regional Economy
National Policy Guidance - PPS1 - 'Delivering Sustainable Development' 2005
National Policy Guidance - PPS6 - 'Planning for Town Centres' 2005
National Policy Guidance - PPG15 - 'Planning and the Historic Environment' 1994
National Policy Guidance - PPG24 - 'Planning and Noise' 1994

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 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 PPG 15 - Planning and the Historic Environment (The Planning Listed Building and Conservation Act 1990).

3 Precise details, at a scale of 1:5 shall be submitted and approved in writing by the Local Planning Authority of all joinery works.

Reason:- In the interests of maintaining the character of the Conservation Area and to satisfy the requirements of PPG15 - 'Planning and the Historic Environment' 1994.

4 Notwithstanding the provisions of Schedule 2, Part 1 of the Town & Country Planning (General Permitted development) Order 1995 (or any Order revoking, re-enacting or amending that Order), development of the following classes shall not be undertaken other than as may be approved in writing by the Local Planning Authority following a specific application in that respect:

- Class A: Enlargement, improvement or alteration of a dwellinghouse
- Class B: Roof alteration to enlarge a dwellinghouse
- Class C: Any other alteration to the roof of a dwellinghouse
- Class D: Erection or construction of a domestic external porch
- Class E: Provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of a dwellinghouse or the maintenance, improvement or other alteration of such a building or enclosure.

Reason:- To ensure that the appearance of the area is not prejudiced by the introduction of unacceptable materials and/or structure(s) and to satisfy Policy H7A criteria (i) and (ii) of the Ryedale Local Plan

- 5 No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition (delete as necessary):
- (i) have been constructed in accordance with the submitted drawing (Reference G2933-404)
- Once created, these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
- Reason:- In accordance with Policy T3 of the Ryedale Local Plan, and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
- 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.
- (NB Pursuant to this condition the applicant is asked to complete and return the attached proforma before the development commences so that materials can be agreed and the requirements of the condition discharged)
- Reason:- In the interests of maintaining the appearance of the listed building, and in order to satisfy the requirements of PPG15 - 'Planning and the Historic Environment' 1994.
- 7 Prior to the commencement of the development hereby permitted, the developer shall construct on site for the written approval of the Local Planning Authority, a one metre square free standing panel of the external walling to be used in the construction of building. The panel so constructed shall be retained only until the development has been completed.
- Reason:- In the interests of maintaining the appearance of the listed building, and in order to satisfy the requirements of PPG15 - 'Planning and the Historic Environment' 1994.
- 8 Notwithstanding the submitted application, a schedule and specification of proposals relating to sound insulation shall be submitted and agreed in writing with the Local Planning Authority, prior to the commencement of the development hereby permitted.
- Reason:- In the interests of maintaining the appearance of the listed building, and in order to satisfy the requirements of PPG15 - 'Planning and the Historic Environment' 1994.
- 9 No development shall take place until further details of the proposed external staircase, bin store and enclosure including materials have been submitted and approved in writing with the Local Planning Authority, prior to the commencement of the development hereby approved.
- Reason:- In the interests of maintaining the appearance of the listed building, and in order to satisfy the requirements of PPG15 - 'Planning and the Historic Environment' 1994.
- 10 Before the development commences, a report detailing the measures to protect the development from traffic noise and traffic fume shall be submitted to and approved in writing by the Local planning Authority. It shall detail the design necessary to protect the amenity of occupants of the new dwellings to the requirements of BS8233.
- Reason:- In the interests of residential amenity, and in order to comply with the requirements of PPG24 - 'Planning and Noise' 1994.

- 11 Before the development commences, a scheme to show how habitable rooms to the residential units shall be ventilated without the need to open windows shall be submitted to and approved in writing by the Local Planning Authority.

Reason:- In the interests of residential amenity, and in order to comply with the requirements of PPG24 - 'Planning and Noise' 1994.

INFORMATIVE:

- 1 The developer may wish to consider the acoustic effects on the office accommodation (being a quiet working environment) and carry out similar remediation measures.

Background Papers:

Adopted Ryedale Local Plan 2002
Regional Spatial Strategy
PPS1 - Delivery Sustainable Development 2005
PPS6 - Planning for Town Centres
PPG15 - 'Planning and the Historic Environment' 1994
Responses from consultees and interested parties