

**mm**planning

**DESIGN AND ACCESS STATEMENT  
Incorporating Heritage &  
Contamination Assessments**

**Demolition of Existing Social Club and  
erection of a three storey building to  
accommodate 9 flats and change of use of  
ground floor to create 1 flat**

**At**

**98 & 100 Commercial Street, Norton,  
YO17 9EU**



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## **Introduction**

- 1.1 This proposal relates to the demolition of an existing building and erection of a three storey building to accommodate 9 flats and change of use of ground floor to create 1 flat with associated parking facilities ("the Application") at 98 and 100 Commercial Street, Norton, YO17 9EU ("the Site"). The Application is made on behalf of Redfern Developments Ltd ("the Applicant").
- 1.2 The Town and Country Planning (General Development Procedure) Order 2015 requires applications of this type to be accompanied by a Design and Access Statement. The purpose of this part of the Application submission is therefore to provide an assessment and evaluation of the Site and proposal in conjunction with a review of local and national planning policy, giving due consideration to all material planning considerations.

## **Site Description and History**

- 2.1 The Site is located on the southern side of Commercial Street and comprises the former social club and the ground floor of the attached dwelling to the west. The existing social club building is single storey in nature and incorporates a mix of flat and slate pitched roofs. The building has a rendered façade. Vehicular access is located to the eastern end of the site frontage. No.98 was formerly a three storey end terraced house; the ground floor has however been utilised in conjunction with the social club for some considerable time. The upper floors of No.98 are used for residential purposes and they will remain unaffected by this proposal. No.98 is constructed of stone with a slate roof. The existing buildings are position at the back edge of the footway that extends the length of Commercial Street.
- 2.2 The surrounding area contains a mix of domestic, commercial and industrial properties. To the east is a relatively new building with shop units located at ground floor level with flats above. To the west is a domestic property and then a further shop unit with domestic accommodation above. To the south is the Malkins Industrial Estate.

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- 2.3 Having undertaken a search of the local planning authority's ("LPA's") Public Access system, the Site has only been the subject of one previous planning application. That application (ref: 13/00838/FUL) was for the change of use and alteration of the former social club to form 3 no. industrial units (Use Classes B1 and B8) and this permission included provision for the demolition of flat roofed extensions. This application was approved in December 2013. This permission has not been implemented.

## **The Application Proposal**

- 3.1 It is proposed to demolish the existing social club building, change the use of the ground floor accommodation at No.98. The resultant land and remaining building would be redeveloped for residential purposes.
- 3.2 The proposed new building would be a mix of 3 full storeys and 2 ½ storeys in height. The building would be positioned towards the back edge of the footway and would be attached to No.98 Commercial Street. The new building would accommodate 9 two bedroom flats.
- 3.3 The existing office, store and toilets would be converted to create a further two bedroom flat. Relevant notifications would be undertaken in respect of the Party Wall Etc Act 1996.
- 3.4 Vehicular access would remain located at the eastern end of the site frontage and this would lead to a parking area capable of accommodating nine car parking spaces, a cycle store and bin storage. Similar to adjacent existing developments there would be no provision of outside amenity space for future residents.

## **Design Assessment**

- 4.1 USE: The site lies within the development limit boundary identified for the town within the Ryedale Local Plan (2002). The site falls within the definition of previously developed land ("PDL"). Both local and national planning policy supports the re-development of PDL for residential purposes. The location is also identified by the LPA as being highly sustainable. The principle of development is therefore considered to be policy compliant.

4.2 **SCALE:** The Site covers an area of approximately 0.07ha and at present approximately 75% of the site is occupied by the existing buildings. The proposal would result in less than 50% of the site being occupied by built development. The scale of the ground floor flat contained within No.98 is fixed by its existing external dimensions. Surrounding developments are predominantly 3 storeys in height. The scale of the proposed new build element has been designed to reflect the existing adjacent developments. The scale of the proposed development is therefore considered to be policy compliant.

4.3 **LAYOUT:** The existing buildings cover most of the site with only a small pedestrian access adjacent to the southern boundary and a parking and manoeuvring area located to the east of the building remaining undeveloped. The proposed layout will see the whole of the former social club building removed and a new three storey residential block erected in its place. The new building would be positioned at the back edge of the footway fronting Commercial Street in accordance with the adjacent existing buildings. The frontage of this new building will step back into the site adjacent to the vehicular access to ensure that adequate visibility is available for drivers emerging from the site.

Parking for 9 cars is proposed and this will be located adjacent to the southern boundary. Bin storage would be located adjacent to the eastern site boundary for units 1 to 9 and facilities for Unit 10 would be adjacent to the cycle store, which would be located to the west of the car parking area.

4.4 **APPEARANCE:** The public facade of No.98 will remain unchanged, however to the rear what is currently an internal wall will become a new external wall with entrance door and windows. The new building has been designed to incorporate the proportions and fenestration details of other existing buildings within the locality. Whilst the adjoining properties are constructed in stone, it is proposed erect the proposed building in a Terca Topaz Red Multi Bricks. The justification for utilising brick, as opposed to stone, is so that the development does not appear over dominant next to the existing stone buildings. Furthermore the use of brick would complement the recently constructed development to the east. A full materials schedule is set out on Drawing Number 580/02.

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- 4.5 **LANDSCAPING:** The site currently has no soft landscaping. The proposed external spaces are predominantly hard landscaped commensurate with similar neighbouring uses, but a number of shrubbery beds are incorporated and will be planted with species selections that will encourage birds, bees and butterflies for the benefit of all. The proposed landscaping scheme is detailed on Drawing Number 580/02.
- 4.6 **COMBATING CLIMATE CHANGE:** This will be addressed through the construction process and will be covered within the Building Regulations application.

### **Access Assessment**

- 5.1 The Application Site is within walking distance of a variety of local shops and services. Employment opportunities are likewise within walking distance on Commercial Street, Westfield Way and along Church Street. Within cycling distance and within Malton town centre, a wider variety of shops, leisure facilities, educational facilities, health facilities and services are available. The railway station is located approximately ½ mile to the west of the site and this provides services to Scarborough, York and beyond.
- 5.2 A regular bus service operates between Malton, York and Leeds; further services are available from Norton to Bridlington and Scarborough. There is also an hourly service between Norton and Malton. More limited services provide access to Pickering, Whitby and Castle Howard. Future residents need not therefore be dependent upon using private vehicles to access services etc.
- 5.3 Each unit would be constructed to meet modern building regulation requirements in terms of disabled access.

### **Evaluation of the Development Plan and Relevant Policies**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the statutory

development plan consists of the Local Plan Strategy (adopted September 2014) and any saved policies found within the Ryedale District Local Plan. Regard must also be had to the National Planning Policy Framework.

#### **NATIONAL PLANNING POLICY FRAMEWORK ("NPPF")**

- 6.2 The NPPF was published by Government in March 2012, immediately replacing Planning Policy Statements (PPS) and Planning Policy Guidance (PPG). The NPPF delivers the Government's aims of promoting a pro-growth planning system, which has at its core a presumption in favour of sustainable development. The NPPF provides the national planning policy framework of relevance to the determination of this Application.
- 6.3 Section 1 of the NPPF sets out the Government's policy objectives for planning, it is based on the need to integrate and promote the key themes of sustainable development, economic development, social inclusion and environmental protection. The NPPF continues to promote the plan-led system, which means there is a preference for planning applications to be determined against policies within the adopted Development Plan.
- 6.4 Paragraph 14 of the NPPF states that at its heart is **"a presumption in favour of sustainable development"** and in respect of decision-taking this means **"approving development proposals that accord with the development plan without delay"**.
- 6.5 Section 6 deals specifically with the need to provide adequate levels of housing across the country. It stresses the importance of LPAs taking a pragmatic approach to the development of new policies and the handling of residential applications to 'boost significantly' the supply of housing. It goes on to make it clear that residential schemes should be considered in the context of the presumption in favour of sustainable development.
- 6.6 Section 7 sets out the Government's aspirations for the design of new development and states that the Government attaches great importance to the design of the built environment. It places the emphasis back on LPAs to develop policies which advocate good design to ensure the overall quality of an area is upheld.

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6.7 Section 10 of the NPPF provides guidance to LPAs and developers on matters of flood risk. It ensures that flood risk is taken into account at all stages of the planning process, thereby avoiding inappropriate development within areas at risk from flooding and to direct development to areas at the lowest level of risk. It also places the emphasis on LPAs to ensure that flood risk is not increased elsewhere.

6.8 The NPPF contains guidance on how local authorities should consider development proposals which may impact upon heritage assets. Paragraph 128 of the NPPF relates to the information requirements for applications for consent affecting heritage assets and states:-

*"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."*

6.9 Paragraph 129 of the NPPF is also of relevance to this application, and it states:

*"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal."*



- 6.10 In respect of decision taking, the NPPF encourages LPAs to look for solutions rather than problems (paragraph 187). LPAs should work proactively to secure developments that improve the economic, social and environmental conditions of an area.

#### **LOCAL PLANNING POLICY**

- 6.11 The Ryedale Plan – Local Plan Strategy contains a considerable number of policies; those of relevance to this proposal are listed below:-

- SP1: General Location of Development and Settlement Hierarchy
- SP2: Delivery and Distribution of New Housing
- SP3: Affordable Housing
- SP12: Heritage
- SP16: Design
- SP17: Managing Air Quality, Land and Water Resources
- SP19: Presumption in Favour of Sustainable development
- SP20: Generic Development Management Issues

- 6.12 In terms of Policy SP1, this confirms that the twin towns of Malton and Norton are allocated as the District's Principal Town. The redevelopment of PDL will be prioritised. Policy SP2 goes on to confirm that the redevelopment of PDL for housing within the development limit of the principal town will be supported. The site is within the defined development limit and the site is PDL.

- 6.13 In respect of Affordable Housing, Policy SP3 sets out the LPA's requirements. This is a lengthy policy and it is therefore set out in its entirety over the page. The scheme proposed 10 residential units and therefore, applying Policy SP3, three and half units would be expected to 'affordable'. It is known that Housing Associations will not normally agree to take on-site affordable provision within apartment blocks. The main reason for their lack of interest in such properties is that they would have to contribute to the service charge applicable to every unit for the upkeep of public areas both inside and outside the building. Policy SP3 suggests that a financial contribution could be required where it would not be possible for on-site provision to be delivered, unless this would make the scheme unviable. The Applicant is open to discussion in respect of the provision of an

off-site financial contribution and the impact that such a contribution may have on the financial viability of the scheme.

### SP3 Affordable Housing

Where local need exists, the Local Planning Authority will seek the provision of new affordable homes by:

- Negotiating with developers and landowners to secure a proportion of new housing development to be provided as affordable units
- Supporting Registered Social Landlords in bringing forward wholly affordable schemes within Ryedale's towns and villages
- Supporting in principle, the release of 'Rural Exception Sites'

Affordable homes will also be provided in conjunction with landlords through the purchase and repair of existing dwellings, alterations and improvements to the existing affordable housing stock and through the re-use of empty homes.

#### Affordable Housing from Developer Contributions

The Local Planning Authority will seek the provision of:

35% of new dwellings as affordable housing on-site (in settlements outside West and South West Ryedale\*) as part of developments of 5 dwellings or 0.2 ha or more and

35% of new dwellings as affordable housing on-site with a further additional financial contribution equivalent to a further 5% of provision as part of developments of 5 dwellings or 0.2ha or more in West and South West Ryedale\* (including Ampleforth, Helmsley\*\*, Hovingham and Sheriff Hutton)

Where the on-site contribution does not equate precisely to whole numbers of units, equivalent financial contributions will be sought.

Below the threshold of 5 dwellings/0.2 ha, a pro-rated financial contribution will be sought from all new residential development, where this is viable.

In negotiating schemes the Local Planning Authority will look to maximise provision to achieve these targets, having regard to the circumstances of individual sites and scheme viability. Developers will be expected to conduct negotiations on an 'open book' basis.

The size, type and tenure of affordable units will be expected to reflect the affordable housing needs in the locality. Affordable housing contributions should comprise both social and affordable rent tenures as well as intermediate tenure types. Off-site provision in lieu of on-site contributions will only be supported where it is agreed that this is preferable in terms of management arrangements or where there are clear advantages or overriding reasons for contributions in lieu of provision on-site.

Proposals which involve the sub division of a site or that propose the development of a site which does not reflect an efficient use of the site or utilise its full potential as a means of avoiding the thresholds in this policy, will be resisted.

Affordable housing contributions will be secured through the use of legal agreements. These will seek to ensure that the units provided are maintained in perpetuity for households in affordable housing need.

Affordable housing contributions will not be sought from residential schemes which will be subject to the Local Needs Occupancy Condition under Policy SP2 of this Plan.

#### Rural Exception Sites

Proposals for affordable housing schemes outside of the Development Limits of all settlements with a population of 3,000 or less will be supported where

- A scheme will help to meet but not exceed proven local need \*\*\*
- The site is contiguous with the Development Limits of the settlement or is physically and visually well connected with the settlement.
- The affordable homes provided are available to households in local housing need in perpetuity

A limited number of market homes will be allowed as part of Rural Exception Sites where it can be demonstrated that:

- These are essential to enable the delivery of the affordable homes by a Registered Provider and the delivery of an appropriate mix of affordable house types and tenures to reflect need in the locality; and
- The market homes proposed are the minimum number required to achieve viability in the absence of public subsidy or reduced public subsidy

\* Including post-codes YO62 4; YO62 5; YO60 and YO41:

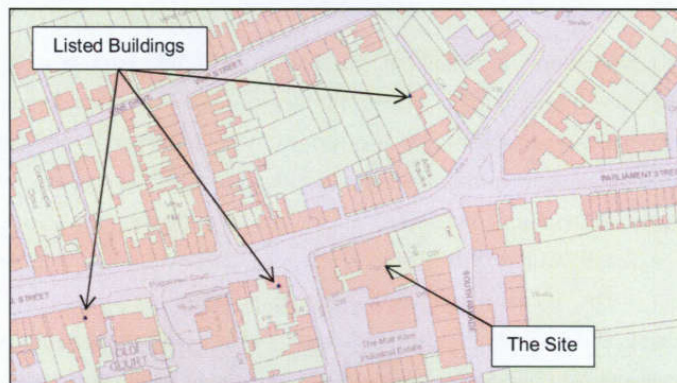
- 6.14 Policy SP12 sets out the LPA's approach to exploiting, protecting and enhancing its heritage assets. Of particular relevance this proposal, the policy advises that proposals for expansion, growth and land use change within and around Norton will be expected to safeguard the historic character and value of the built up area. In this instance part of the site is located within the designated conservation area and the bulk is located outside. The development will be seen in views into and out of the conservation area. The existing part of the building to be retained is located within the conservation area and as it will not be visually affected by the proposal the conservation area will remain unchanged. The replacement of the social club will have a positive impact on views into the conservation area as it will remove an unsightly and inappropriately designed building and replace it with a building that will enhance the character and appearance of the area.
- 6.15 Policy SP16 advises that developments will be expected to create high quality, durable places that are accessible and well integrated with their surroundings in terms of reinforcing local distinctiveness and protecting amenity. This policy goes on to set out a list of criteria that will be considered in respect of all applications. The proposal would have no negative impact upon adjacent residents or commercial uses through loss of privacy, over shadowing, appearing over bearing or noise nuisance or other disturbance. Neither would any adverse highway safety issues arise. The proposal is considered to accord with the requirements of Policy SP16.
- 6.16 Policy SP17 again promotes the redevelopment of PDL in order to effectively reduce the potential for contaminated land. Flood risk will be controlled through the use of sustainable drainage systems. In respect of this proposal the site is located within Flood Zone 1 and the development will result in a net reduction in surface water run-off due to the reduction in built form and the introduction of porous surfaces and soakaway drains. The drainage from the car parking area will be passed through suitable oil interceptors to ensure that the local water environment is not contaminated. Given the sustainable location of the site and the nature of the proposal it is not considered that any significant adverse impact will occur to Air Quality.
- 6.17 Policy SP19 confirms support for sustainable developments as set out in Paragraph 14 of the NPPF. Policy SP20 requires new developments to respect the character of the

locality and to be acceptable in terms of amenity and safety. It has been established above that this will be the case.

- 6.18 In terms of the out of Ryedale Local Plan 2002, this document is considerably out of date. It does however continue to provide the adopted proposals map. The site is located within the defined development limit. It is not considered that this document contains any further saved policies of relevance to this proposal.

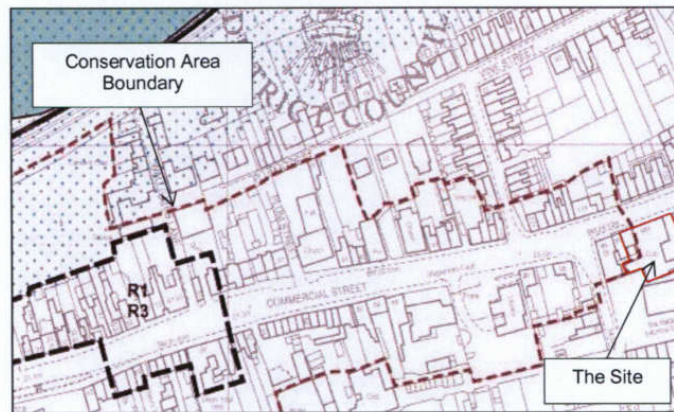
## Heritage Assessment

- 7.1 The proposal will not result in the loss of any listed buildings or buildings of local heritage importance. The nearest listed building is 90 Commercial Street which is located a considerable distance to the west of the Application Site. It is not considered that the setting of this building will be affected by the proposal. An extract from the Historic England website, set out below, shows the position of the nearest listed buildings in relation to the application site.



- 7.2 The site straddles the designated Conservation Area boundary as can be seen from the Local Plan extract below. The site is currently occupied by an original end terrace three storey property which is to be retained and a single storey rendered commercial building that has been the subject of a number of flat roofed extensions. It is considered that the removal of the commercial building and its replacement with a three storey building of

traditional fenestration detailing would enhance the appearance of the conservation area and views into and out of it.



- 7.3 The Site is developed. It is not considered that the Site is likely to hold any significant archaeological interest and as such there is no justification for an archaeological desk top study. Furthermore a Geophysical Survey of the Site could not be undertaken as the site is covered by building and hard surfacing.
- 7.4 Historic Maps of the area are included within Appendix A. The earliest of these dates from 1854 and the others date from 1928 and 1969/70. They show that the development on this site has changed over the period that they cover. The continued change to development on this site is therefore considered to be appropriate.

## **Other Material Considerations**

### **8.1 ECOLOGY**

- 8.1.1 The building and site the subject of this application do not lend themselves to providing suitable habitat for any protected species. A search of information available on Natural England's website confirms that there are no recorded protected species on or near the site.

### **8.2 CONTAMINATION ASSESSMENT**

- 8.2.1 The Site has not been used to store oils or other fuels. The existing commercial building will be removed from site and potential for contamination will be removed with the debris.
- 8.2.2 The Environment Agency's website does not identify any issues that would affect the development of Site. There are no abstraction licences or landfill sites within 500 m away of the Site.
- 8.2.3 Given the historic use of the Site and neighbouring land uses the probability of the Site being contaminated or affected by contamination is considered to be low. A cautionary approach to the development would however be taken. There would however be no objection to the imposition of a condition requiring a Phase 1 Contamination survey to be undertaken if the proposal is ultimately approved.

### **8.3 FLOOD RISK**

- 8.3.1 The Site lies within flood zone 1 according to the Environment Agency's flood zones and the Site is less than 1 ha in area. As such there is no requirement for a site specific flood risk assessment to be undertaken.

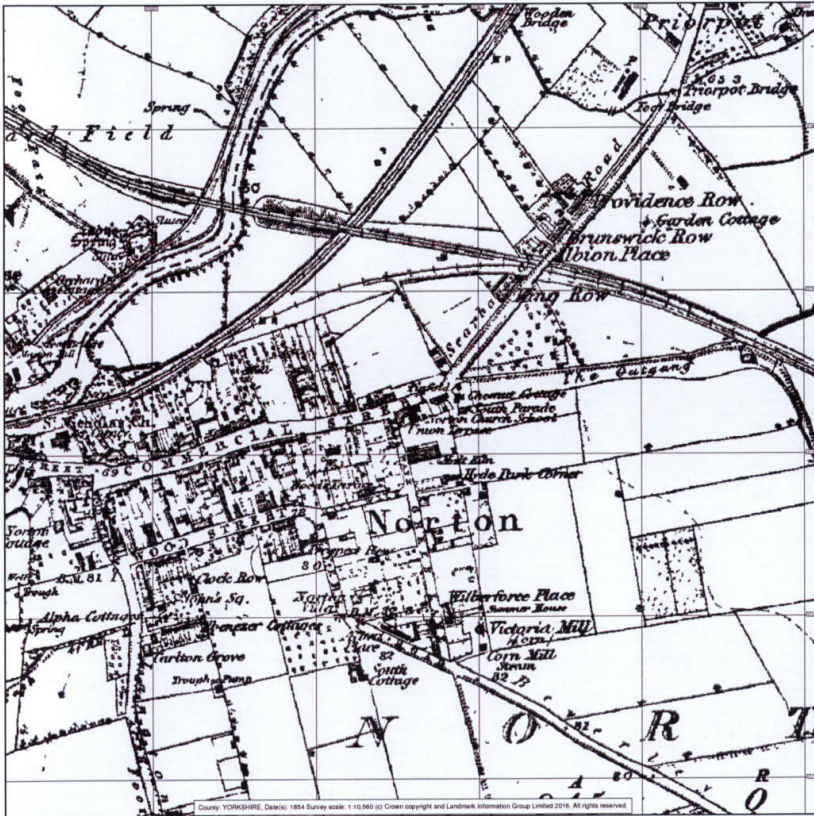
## **Conclusion**


- 9.1 The proposal is considered to be policy compliant. The proposal would make a significant and positive contribution towards the visual enhancement of the site in close proximity of the designated conservation area. The proposal achieves the aims set out in the NPPF as it would deliver sustainable development, a positive contribution to the local economy, the provision of private rental accommodation will benefit social inclusion and a positive enhancement of the local environment will be provided.
- 9.2 In accordance with the provisions of the NPPF this application should therefore be approved without delay.

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**APPENDIX A:  
Historic Maps**





 **Landmark**  
Information Group

Landmark Historical Map  
County: YORKSHIRE  
Published Date(s): 1854  
Originally plotted at: 1:10,560



**Landmark**  
Information Group

Landmark Historical Map  
County: YORKSHIRE  
Published Date(s): 1928  
Originally plotted at: 1:2,500



Landmark Historical Map  
Mapping: Epoch 5  
Published Date(s): 1969-1970  
Originally plotted at: 1:2,500