

Item Number: 10
Application No: 17/01099/FUL
Parish: Norton Town Council
Appn. Type: Full Application
Applicant: Thomas Crown Associates Ltd
Proposal: Refurbishment and recladding of existing agricultural contractors buildings
Location: Agricultural Contractors Welham Road Norton Malton North Yorkshire

Registration Date: 30 October 2017
8/13 Wk Expiry Date: 25 December 2017
Overall Expiry Date: 7 December 2017
Case Officer: Niamh Bonner **Ext:** Ext 325

CONSULTATIONS:

Parish Council Deferred decision request further information
Public Rights Of Way Recommend informative

Neighbour responses: Mr Paul Gallon, Mrs P Jones, Mr Frank Greatorex, Mr and Mrs Stuart

POLICIES:

Local Plan Strategy - Policy SP16 Design
Local Plan Strategy - Policy SP20 Generic Development Management Issues
National Planning Policy Framework
National Planning Practice Guidance

SITE:

The application site has a total area of 0.54 hectares and is located within the development limits of Norton, approximately 100 metres to the east of Welham Road and directly to the north of the Lakeside Way development. The site is almost triangular in shape and to the northern boundary, the site abuts the rear gardens of dwellings in Spring Field Garth. St Peter's Street lies further to the east. A footpath runs along the southern boundary of the site and is part of a network of pedestrian links which run between Welham Road, Lakeside Way, St Peter's Street, Springfield Garth and St Nicholas Street.

PROPOSAL:

This application seeks approval for the refurbishment and recladding of existing agricultural contractors buildings

HISTORY:

The following previous applications are considered relevant to the current proposal:

80/00129/OLD (3/96/270/PA) - Erection of steel framed implement shed - Approved 31.03.1980
83/00128/OLD (3/96/270A/PA) - Toilet block - Approved 19.08.1983
14/00096/MOUT - Residential development of 18No. dwellings following demolition of existing

agricultural type buildings (site 0.54ha) - Refused 09.06.2014

15/00627/MOUT - Residential development of 23 No. dwellings following demolition of existing agricultural type buildings (site 0.54ha) - Refused 21.08.2015

17/00118/OUT - Outline application for residential development of 8no dwellings following demolition of existing agricultural type buildings (site area 0.54ha) - approval sought for access and layout – Refused 21.04.2017

APPRAISAL:

The main considerations within the determination of this application are:

- i. Character and Form
- ii. Impact upon neighbouring amenity
- iii. Other matters, including consultation responses.

i. Character and Form

The application site is a long established agricultural contractor's site, which as noted is surrounded by residential dwellings. The most recent planning history however dates from the early 1980s – highlighted above.

Policy SP16 Design, of the Ryedale Plan, Local Plan Strategy, which notes *“Extensions and alterations to existing buildings will be appropriate and sympathetic to the character and appearance of the host dwelling in terms of scale, form and use of materials.”*

SP20 Generic Development Management Issues highlights that *“Extensions or alterations to existing buildings will be appropriate and sympathetic to the character of the existing building in terms of scale, form and use of materials.”*

The Design and Access Statement notes that *“the buildings on the site are in need of refurbishment and recladding in order to maintain their current use to the client.”* It was noted that during an Officer's site visit, the external cladding of the main building is currently in a poor state of repair and the site appears to be mainly used for storage and cutting of logs.

The proposal relates to the recladding of the south west and north west elevations. The proposal would also see the cladding of the currently open north eastern and south eastern elevation. The south eastern elevation would also incorporate a roller shutter door. The proposed materials would include corrugated steel roof panels and corrugated steel wall cladding to match existing, with steel roller shutter doors.

It is considered that the proposed recladding works would enhance the appearance of the application site, which as noted is currently in poor repair. Whilst this type of building may appear somewhat at odds with the residential nature of the surrounding area, it is indicative of how this area has developed over time and notwithstanding the concerns raised which will be explored in section 2, it maintains its legal agricultural contractors use and there has been no other intervening use.

It is noted that no colour specifications have been indicated or provided and therefore to ensure the materials appear visually acceptable in this location, a precommencement condition will be required to ensure details of the colour of the claddings is submitted and approved.

Therefore (given that this proposal relates solely to cladding of an existing building and it would not increase the floor space of the structure) it is considered to have a beneficial impact in terms of the character of the area, in accordance with Policy SP16 (Design) and SP20 (Generic Development Management Issues)

ii. Impact upon neighbouring amenity

Three letters of objection have been received in relation to this application, together with a further letter highlighting concerns and seeking additional information.

The three letters of objection noted the following summarised concerns:

- The road is a dead end and more traffic would be problematic
- There is severe flooding on this land, so why would anyone want to live here, they wouldn't get insurance.
- Objection because no details have been made public as to the reason behind the refurbishment of the buildings or for their future use. If the use is to be commercial what is the nature of that business and what impact would it have on traffic and the background ambient noise levels in that area.
- Naturally any improvements of the building is welcomed however I am against it due to lack of details. If this means more units and more traffic, I would be against it.
- Historically this agriculture/industrial site has virtually destroyed the access road, due to heavy and plant machinery.
- This is a public right of way and this state of affairs is causing much distress to children travelling to and from school.
- Would welcome the relaying of the road and more information on the amount of units intended on the site.

The letter of concern noted the following summarised points:

- While this is a small application it is a diversion whilst their other unsuitable application to build 8 homes goes through appeal with the planning inspectorate. In that application they proposed to demolish the building that is now suddenly requiring a refit. We believe that they merely want to get planning permission of any kind for that land to try and set some kind of precedent.
- We are aware that there is little grounds for refusal but the current application lacks any information about how the newly clad building may be used in the future and what business/activities could be carried out. They do a large amount of wood and log sawing currently which is rather noisy and interrupts any peace we have in our garden.
- We would be grateful if you could request more detail of future activities at the building as you do not hold enough information currently to make a reasoned decision on whether this application should be granted.

Norton Town Council have also raised concerns with regards to the perceived lack of information about the application and sought further information.

The agent was contacted on the 5th December to seek further information in relation to the concerns received. This sought clarification on how the site was intended to be used should permission be granted for the refurbishment works and noted that significant concerns have been raised in relation to the harm which certain uses could have upon residential amenity, in terms of noise, additional traffic and the impacts that the parcel of land has had in terms of access roads within the received representations. It was noted that the lack of information within the submitted documentation had caused further concern.

A response was received from the agent Mr Dykes on the 7th December noting the following:

"I have visited the site myself and the buildings are largely open sided and dilapidated, some elements unsafe, which is part of the problem and reason for the application to refurbish and re-clad and make some areas more secure from vandalism and anti-social behaviour. We note the usual observations on the application but there is no change of use proposed, or any change in activity intended other than making the buildings secure, cleaning them up and making them safe from collapse."

Following a site visit, a further email was sent to the agent on the 14th December to seek information on the potential proposed use of the site and its current use. A response was received on the 3rd January 2018 from the agent noting the following:

"You will recall that I emailed you on the 7th December 2017 with the details as I understand them regarding the application when we discussed safe access to the site for you. We had a subsequent phone conversation where I said I would speak to the applicants and update you of any other intentions regarding the site, which there are none. This is an application whose purpose is essentially for repair & security and therefore we are not sure what further information can be supplied. Any change of use would of course be applied for and there is no proposal for other businesses or activity there now, that I can inform you of as part of this application."

We note the objection comments & various queries regarding further information required & road repairs & noise & worrying about additional units which are all entirely understandable. This business operated here for many years on a much larger scale than it does now. As we discussed there is no change of use applied for, from the Agricultural Contractors/Sui Generis use. The site has fallen into disrepair following several years of unsuccessful attempts to gain a residential permission on the site and its current use is intended to continue unaltered. As we have discussed, and you have seen on your site visit first hand, the buildings are largely open sided and dilapidated, some elements unsafe, which is part of the problem and reason for the application to refurbish and re-clad and make some areas more secure from vandalism and anti-social behaviour."

If you require any further information I will do my best to help, but I suggest as this is a simple re-cladding & refurbishment exercise, there is no reason to refuse it. If you wish to safeguard intensification of use, noise & working hours or change of use, then please safeguard it by condition."

Having resolved the relevant planning history relating to this site, Officers are satisfied that there was an active Agricultural Contractors business at this site. It is acknowledged that the agent within their original Design and Access Statement had noted *"the buildings on the site are in need of refurbishment and recladding in order to maintain their current use to the client."* In this respect, whilst further confirmation has been received, the original information was not misleading.

Whilst the highlighted concerns are acknowledged, in this instance no weight can be given to how a potential future change of use could impact the site or nearby residents in terms of amenity, given that this is not being applied for. Furthermore, the Local Planning Authority cannot require upgrades to the nearby road network given that this is an application solely for re-cladding. This application would have no impact in terms of flooding and recladding of an existing building would not set a precedent for other types of development.

If in the future, a different planning use is proposed at the site, which requires planning permission this would be fully assessed against a range of material planning considerations.

However, in light of the above considerations, the proposal is considered to satisfy the relevant policy criteria outlined within Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy and the National Planning Policy Framework and this application is recommended for 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 The development hereby permitted shall be carried out in accordance with the following approved documents/plan(s):
Site Location Plan, Proposed Block Plans and Existing and Proposed Elevations (Drawing no. TCA/288/02/011)
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Before the development hereby permitted is commenced, or such longer period as may be agreed in writing with the Local Planning Authority, details of all materials to be used on the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of good design and in compliance with Policy SP12, Sp16 and SP20 of the Ryedale Plan- Local Plan Strategy and the NPPF

INFORMATIVE(S)

- 1 No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development.
Applicants are advised to contact the County Council's Access and Public Rights of team at County Hall, Northallerton via paths@northyorks.gov.uk to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route