

Item Number: 8
Application No: 18/00417/FUL
Parish: Pickering Town Council
Appn. Type: Full Application
Applicant: Accent Housing (Mr Angus McLeod)
Proposal: Change of use from residential to office (retrospective)
Location: 23A Willow Court Pickering North Yorkshire YO18 7EY

Registration Date: 4 May 2018
8/13 Wk Expiry Date: 29 June 2018
Overall Expiry Date: 8 June 2018
Case Officer: Niamh Bonner **Ext:** 325

CONSULTATIONS:

Parish Council	Object
Highways North Yorkshire	No objections
Environmental Health Officer	No response received

Neighbour responses: Ms Eileen Blakeley, Eileen Beaumont, Mr Anthony Barnes, Barbara Aconley, Sarah Brown,

SITE:

The application site relates to 23a Willow Court, a first floor flat located within Willow Court, which is a development of 26 sheltered accommodation units, approved in the mid-late 1980s. The site lies just south of the A170 (Hungate) and is located within a cul-de sac location, accessed by vehicle from Recreation Road. The site falls within the Pickering Conservation Area and Flood Zone 3.

PROPOSAL:

The application seeks planning permission to for the change of use from residential to office for no. 23A Willow Court only. This description was updated during the determination of the application to note it was retrospective in nature.

HISTORY:

The following planning history is considered the most relevant to the current application:
85/00199/OLD: 3/102/707/PA Outline application for residential development at rear of 26 Hungate (as amended by letter and plan dated 16.8.85). Approved 06.10.85
87/00272/OLD: 3/102/496B/FA Erection of 26 units of sheltered housing at land to rear of 21-27 Hungate (amended by letter and plan dated 10.8.87) Approved 07.09.87
18/00188/FUL: Replacement of windows and doors for 23, 23A, 25 and 25A Willow Court. Approved 26.04.18

POLICY:

Local Plan Strategy -Policy SP1 General Location of Development and Settlement Hierarchy
Local Plan Strategy -Policy SP11 Community Facilities and Services
Local Plan Strategy - Policy SP12 Heritage
Local Plan Strategy - Policy SP16 Design
Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development
Local Plan Strategy - Policy SP20 Generic Development Management Issues
National Planning Policy Framework
National Planning Practice Guidance

APPRAISAL:

The main considerations in the assessment of this application are:

- i) Principle of the Development
- ii) Amenity, including Residential Amenity
- iii) Access and Highway Safety
- iv) Other Matters including Consultation Responses.

i. Principle of the Development

Policy SP1 (General Location of Development and Settlement Hierarchy) of the Ryedale Plan, Local Plan Strategy identifies Pickering as a 'Local Service Centre' where "Housing and Employment Growth" is supported.

Section 3 of the Ryedale Plan, Local Plan Strategy (Aspirations and Strategy) notes the Local Planning Authority will support "the delivery of new homes and to substantially increase the delivery of affordable housing; The Ryedale Plan – Local Plan Strategy encouraging an appropriate mix and type of housing that will meet local housing needs and requirements of all in the community, including those of Ryedale's elderly population."

The proposed unit for conversion currently is classed as domestic sheltered accommodation and is one unit within a development of 26 units in total. Whilst generally sheltered accommodation may incorporate a range of shared facilities or a warden on site or close by, these are not a formal requirement considered necessary to ensure a particular development comprises sheltered housing. Following detailed review of the above referenced planning history, when the application 87/00272/OLD: 3/102/496B/FA was approved, no specific 'managers/warden accommodation' was ever formally identified within any of the submitted documents, application form, Officer's notes or specified in the formal decision notice. Rather it appears that all of the 26 units were categorised as sheltered housing, ie. available for people over the age of 55, which a manager might not necessarily accord with.

A number of letters of objection have been received in relation to this proposal – which are summarised below:

9 Willow Court

- The change would preclude its use as a residence of any future House Manager living on site.
- They have not been consulted on this change as a service charge payer.
- It has been difficult to attract applicants to the temporary house manager role to cover maternity leave and the offer of accommodation would have provided a powerful incentive.
- Accent have advised them that once this is an office, one room could be used for resident's meetings, but the stairs to the flat are steep and difficult to climb.
- 16 Willow Court
- Willow Court is classed as Residential Sheltered Accommodation for people over the age of 55 years.
- When they moved in there was a full time warden/house manager who lived on site and used one room as an office. When she married Accent did not object to her moving out and she is on maternity leave currently. It has been learnt that she will not return and her position should be refilled with someone who does reside and work here full time.
- The flat below the office is for sale and is advertised as being in Residential Sheltered Accommodation, as have recently sold properties.
- The temporary house manager is employed 3.5 days per week.
- Accent do not have the right to change the use to office only and are out of order in using it for the past 2 years without having the authority.

24 Willow Court

- 23A Willow Court is the designated accommodation for the resident warden and have always been used as such until the resident warden went on maternity leave in May 2016 and vacated the flat.
- At that time, accent informed the residents the flat would be used as an office and the residents could use this for meetings/coffee mornings etc.
- Due to being in vulnerable at risk category and due to ages, we would be unable to access the steep stairs and this would be a fire risk. This suggested use never took place.
- Many residents do not have family locally and all chose to move to Willow Court as it had a full time resident warden, providing security particularly with significant footfall within development. On occasions property and cars have been damaged and railings stolen. Without a resident warden, they have had to deal with this themselves or call police.
- Removal of residential warden is contrary to Ryedale Plan and would mean we would never have a resident warden again, causing permanent stress and devaluing house prices.

17 Willow Court

- Objection as when they moved here 12 years ago, it was advertised with a residential warden on site. It was good to see a friendly face outside working hours and having someone living here was a deterrent to vandalism.
- If permission is given, there will be no possibility of return to having a residential warden, which is ideal living accommodation and not suitable as an office mainly because of the steep stairs which makes it impossible for many elderly residents to climb.
- West View Gillamoor (owner of unspecified property in Willow Court) Objection
- This application is retrospective in nature. Reports to Ryedale District Council were made and action followed after a prolonged time. The Planning Application has a number of errors which can be backed up by outside documentation.
- Item 3 indicates that the change of use has not started. The accommodation has been reported as an office to residents and Ryedale District Council for over 2 years. The use of the office as a meeting room to some residents also negates the accuracy.
- Item 5 indicates no preapplication advice has been sought but reports at meetings of residents with Accent representatives disabuse this claim.
- Item 10 Parking; There is no allocated parking for any of the residents since Domus removed the garages in a different parking area so the notation of 1 is again incorrect and reference should be made to earlier drawings
- Item 12 The application suggests that flat is not in the flood area but personal experience and the EA website designates this as zones 2 and 3.
- The planning application does not identify the actual layout of the property; the application makes no reference to the current accommodation or layout and the installations already made to change the use.
- Historically the property has been used as a warden live work unit providing housing and employment for a local family, a medically retired army veteran, a single parent family returning to the area for her elderly mother and finally a young lady in her first home all providing support to vulnerable individuals where the approximate average age is over 80.
- Since 2017 the flat has been an office and residents have been offered the use as a meeting room. The access to the room is by a staircase without solid double bannisters and there is no emergency equipment (or youthful assistance) to provide emergency evacuation. Should one of the frailer resident fall on the stairs the access would be compromised and no pull cord exists at the stair top or bottom, thus the use would be contrary to Health and Safety guidelines.
- The use of the property as an office is discriminatory within DDA and employment guidelines as it restricts both the accessibility of the residents to the office for the meeting of residents (as currently offered) and also restricts the employment of physically disabled to provide house manager services which makes the change of use questionable.
- The Ryedale Plan allows for an increase in sheltered accommodation for which the flat could be still used. The change of use also removes a family home from the housing stock in an area where

- more properties are still being built. There is a number of empty office areas in the area.
- The change of use also reduces the requirement for assisting the local economy in providing local employment for local residents encouraging an out of town visiting warden or call service contributing to environmental damage, traffic congestion and negative local employment statistics at the same time putting at risk local residents.
 - The long term impact of the dilution of housing stock on a site of this nature would be inappropriate and not supportive to encouraging independent living in the elderly and disabled population
 - The removal of the live/work unit also reduces the security of the complex which, has in the past suffered from car fires and vandalism by individuals using the public right of way
 - The properties are on covenanted land which restricts all manner of activities and additions to the flats and houses including trading from the development.

Pickering Town Council Response noted *“The Councils’ planning committee raised concerns about this planning application as they have been informed that the property has been used as an office for some time and questioned whether this should be a retrospective application. Information has also been received about whether changes to the building are compliant with health and safety regulations and whether there might be an impact on other residents of Willow Court. For these reasons the Council objects to this application.”*

Following review of the received letters of objection, contact was made with the agent for the application to clarify a number of the issues raised.

The agent confirmed that the description of the application should be amended to include ‘retrospective’ and they noted that the previous warden also used it as an office, due to their role as a residential warden.

Procedurally, as Members will be aware it is possible to retrospectively apply for permission and as in the determination of any retrospective application, this will be assessed in the same manner as other proposals in terms of material planning considerations and in relation to adopted planning policy.

The agent confirmed that “the office would solely be used by Accent but if we need to consult with residents again in the event of obtaining a new warden, they may want a residential warden like they had before. We don’t use the office for resident meetings due to the stairs. We have them off site, but some residents do go into the office to see the warden.” It is noted therefore that whilst previously offers may have been made to undertake resident’s meetings at 23A Willow Court, now they are undertaken off site at appropriately accessible locations, however residents who wish may visit the office. This is not considered to be significantly different than when former live in wardens would have utilised the application site.

Any approval is proposed to be ‘tied’ to ensure the office is solely occupied solely by persons associated with the sheltered accommodation management, rather than creating additional office accommodation for a wide use that is not associated with the sheltered housing.

Consequently, it is not considered that this change of use of the individual unit no 23A Willow Court would have any wider bearing on the other 25 units within Willow Court in relation to their designated ‘residential sheltered accommodation’ status. It is not considered that the loss of this flat by virtue of a change of use, would materially dilute the housing stock of residential sheltered accommodation, given that it has not in recent times been occupied by a person requiring sheltered accommodation privately, but rather by staff associated with Willow Court only.

Further information was sought to identify if Accent Housing did try to recruit a live in warden and found this role unable to be filled, or whether it was for operational reasons that there is no longer a warden available on site. The Case Officer noted in their correspondence to the agent that whilst this may not be strictly a planning matter, the strength of feeling about the loss of a full time warden was apparent within the consultation responses and if there are specific reasons which justify or are behind this live in role being lost, this would be helpful to understand.

The following response was received from Accent Housing: *“The new Warden for the scheme is only part time approx. 20 hours /week. This was originally to cover maternity leave for the previous warden who has since left the company. Although we feel the role only requires a part time warden we have had residents question whether it should be a full time role to cover their needs and therefore we will be consulting them on this in the future and perhaps expand this role to a full time position depending on the outcome of the consultation.”*

It is also noted that there has been no residential warden for approximately two years and to refuse this change of use application, thereby formally maintaining the application site as a residential unit would not mean that automatically mean a residential warden would be forthcoming. The response from Accent Housing in relation to the perceived requirement for a part time worker is noted. It is not considered that this current change of use would preclude a future Accent staff member residing here and a further application would be required to formalise any future change of use.

In terms of security, the residents’ concerns are noted. The site is in a town centre location likely to experience significant footfall. It is however in close proximity (approximately 300 metres) from the nearest Police Station and in addition to Accent Housing, there are a number of bodies who can aid individuals/groups in relation to concerns about crime and antisocial behaviour, including Ryedale Council’s area specific Community Officers.

Any agreements are signed by tenants/owners on the basis of the accommodation offering a residential warden are a civil matter and cannot be controlled through the planning system. This would also be the case for any perceived lack of consultation between occupiers of dwellings at Willow Court and the agent in relation to the loss of a residential warden. Covenants are not a material planning consideration in the determination of a planning application.

The agent has also confirmed that there will be no structural changes required to facilitate this conversion.

On balance, it is considered that there was no specific planning requirement in terms of policy to maintain a residential warden at this site in perpetuity. Rather it appears that all units were originally designed to facilitate residential sheltered accommodation and the operator at some point has introduced a residential warden on site. On this basis, whilst Officers can understand the concerns of the residents who have made representations, it appears that there is no legal requirement in terms of the approved scheme or planning policy to maintain an on-site staff presence or a specific office space for the residents.

ii. Amenity, including Residential Amenity

It is not considered that the change of use to office space would have any significant impact in terms of the residential amenity of neighbouring properties. The scale of the 2 bedroom flat would be such that it would be self-limiting in terms of occupancy and its intensity of use.

As noted, a condition will be required to ensure that any approval would be tied to ensure the office is occupied solely by persons associated with the sheltered accommodation management, rather than market office accommodation. Whilst the submitted information notes that the office will be used solely between 09:00 and 17:00, it is not considered appropriate to add a condition to this effect, due the potential requirement for out of hours attendance. It is not considered that any potential infrequent out of hours attendance would result in any significant harm to amenity, given the original domestic use.

iii. Access and Highway Safety

The agent has confirmed that the properties do not come with allocated parking spaces. Everyone has use of the communal car parking area. It is not considered that this change of use application would result in any overall alterations to the existing parking situation on site.

The Local Highway Authority were consulted in relation to this proposal and subject to confirmation that the proposed office would be occupied solely by persons associated with the management of the sheltered accommodation, they have raised no objection to the proposal.

iv. Other Matters including Consultation Responses.

Willow Court is located within the Pickering Conservation area and as such, Ryedale District Council has a statutory duty to have special regard for the preservation or enhancement of the conservation area. It is not considered that this application for a change of use (with no physical alterations proposed or required) would result in any harm to the designated Conservation Area.

The site falls within Flood Zone 3, however this is not considered relevant in relation to this change of use application of a first floor flat.

It is not considered that a floor plan is necessary in this instance, given that the applicant has confirmed that the change of use would incorporate no physical alterations to the flat.

The Council's Environmental Health Specialist raised no objection to the proposal.

Therefore subject to condition, the proposed change of use is considered to be acceptable with regards to both Local and National Planning Policies, including Policies SP1 (General Location of Development and Settlement Hierarchy) SP11 (Community Facilities and Services) SP12 Heritage, SP16 (Design) SP19 (Presumption in Favour of Sustainable Development) and SP20 (Generic Development Management Issues) of the Ryedale Plan, Local Plan Strategy. The recommendation is therefore one of approval.

RECOMMENDATION: Approval

- 1 The development hereby permitted shall be carried out in accordance with the following approved documents/plan(s):

Site Location Plan

Reason: For the avoidance of doubt and in the interests of proper planning.

- 2 Unless otherwise agreed in writing with the Local Planning Authority, the office accommodation hereby approved shall be limited to persons solely involved in the management of the Sheltered Accommodation at Willow Court.

Reason: In the interests of neighbouring amenity and retaining an appropriate level of parking provision in accordance with SP20 (Generic Development Management Issues).