

**Item Number:** 14  
**Application No:** 18/01366/FUL  
**Parish:** Norton Town Council  
**Appn. Type:** Full Application  
**Applicant:** Mr P Sedman  
**Proposal:** Change of use of former garage site for use as temporary car park (3 years)  
**Location:** 25-27 Ats Euromaster Commercial Street Norton Malton YO17 9HX

**Registration Date:** 8 January 2019  
**8/13 Wk Expiry Date:** 5 March 2019  
**Overall Expiry Date:** 30 January 2019  
**Case Officer:** Alan Hunter **Ext:** 276

#### **CONSULTATIONS:**

**Norton Town Council** No objections  
**Highways North Yorkshire** No objections

**Neighbour responses:** No response received

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#### **SITE**

The application site comprises vacant land accessed directly from Commercial Street, Norton. The site lies within the Norton Conservation Area and the Town Development limit. The site is part of a larger area that was granted planning permission for residential use (apartments) in 2014, that permission was commenced and remains extant. The site is largely hard surfaced and has a fall to the northern side, it approximately measures 51m in depth and 17.5m in width. The site is also located within the Town Centre Commercial limit with shops to either side of the site on Commercial Street. The majority of the application site is located within Flood Zone 2 with a small slither of land to the south eastern side within Flood Zone 3.

#### **PROPOSAL**

Planning permission is sought to use the site as a car park for a temporary period of up to 3 years.

The proposed plan shows 20 no. parking spaces, with 7 no. spaces to the eastern side and 13 no. spaces to the western side with a central access road and turning area to the northern side.

There are proposed to be no physical changes to the site.

#### **HISTORY**

2017: Planning application withdrawn for the erection of 6no. four bedroom dwellings and 4no. three bedroom dwellings with associated garaging, amenity areas and landscaping.

2014: Planning permission granted for the erection of 37no. one bedroom apartments. 20no. two bedroom apartments, 5no. three bedroom dwellings with undercroft parking, private and communal amenity areas, landscaping, alteration to existing vehicular access and erection of street front commercial unit with one bed studio above.

2014 – Consent granted for demolition of 2no. buildings.

1989 - 3/96/391E/AI Display of externally illuminated wall mounted panel sign. Approved 13.11.89.

1988 - 3/96/391D/AI Display of Externally illuminated fascia signs together with the erection of an internally illuminated pole sign. Approved 21.1.88.

1987 - 3/96/391C/FA Erection of an electricity sub-station in yard. Approved 28.4.87.

1986 - 3/96/391B/PA Erection of new store and commercial fitting bay. Approved 02.09. 86.

1985 - 3/96/391A/PA Construction of a store and commercial tyre fitting bay. Approved 02.07.85.

1983 - 3/96/391/PA Construction of an extension to existing tyre depot to form a new office. Approved 02.08.83.

## **POLICY**

### National Policy

National Planning Policy Framework 2018 (NPPF)

National Planning Policy Guidance 2014 (NPPG)

### Local Plan Strategy

SP7 – Town Centres and Retailing

SP12 - Heritage

SP16 - Design

SP17 – Managing Air Quality, Land and Water Resources

SP19 – Presumption in favour of sustainable development

SP20 – Generic Development Management Issues

## **APPRAISAL**

The main considerations in relation to this application are:

1. The principle of the proposal including flood risk locational requirements
2. Highway safety
3. Impact upon residential amenities of surrounding occupiers
4. Drainage
5. Impact upon heritage assets

This application originally sought planning permission for 47 no. car parking spaces. The applicants subsequently reduced the size of the application site area and the number of car parking spaces to 20 no. spaces. The application is referred to Planning Committee as the applicant is a close relative of a Member of the District Council.

### The principle of the proposal, including flood risk locational requirements

The site is currently vacant land located within both the Town's Development Limit and its Conservation Area. The front, southern portion of the application site is located within the Town Centre Commercial Limits.

The majority of the site is located within Flood Zone 2, with a small area to the south east being located within Flood Zone 3. Both NPPF and Policy SP17 of the Local Plan Strategy require new development to be directed towards sites with the lowest risk of flooding. This site proposes a car park use, which is considered to be a use that is appropriate in the Town Centre. Furthermore, it is considered that the flood risk sequential test should be limited to Norton given the retail offer and type of local shops and uses available in Norton. Officers have concluded that there are no other suitable or available sites for this use temporary use within the Norton Town Centre area. Therefore the flood risk sequential test is

considered to be met in this case and the principle of the proposal is considered to be acceptable for a temporary 3 year period. The temporary use is not likely to hinder and medium/longer term redevelopment proposals for the site.

#### Highway safety

The site has the benefit of an existing access from Commercial Street. The local Highway Authority has been consulted on the initial proposal for 47 no. car parking spaces and raised no objections. The revised scheme has also been discussed with officers of the Highway Authority and no objections have been received. Their formal views are however still awaited. Members will appreciate that the site has been granted planning permission for 62 units of residential accommodation. The level of activity proposed for a smaller site for 20 no. car parking spaces is not considered to be prejudicial to highway safety.

#### Impact upon residential amenities of surrounding occupiers

The potential noise and disturbance from vehicle movements to and from the site and associated activity is not considered to be prejudicial to the amenities of surrounding occupiers in this Town Centre location.

#### Drainage

There are no physical changes to the application site, and there are considered to be no surface water drainage changes for the proposed temporary use.

#### Heritage impacts

There are considered to be 2 heritage assets that could be affected by the proposed development, these are:

- Norton Conservation Area
- Manor House, 22 Commercial Street – a Grade 2 listed building on the opposite side of the road

S66 of the Planning & Listed Buildings Act 1990 states:

*'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'*

In terms of the Conservation Area, S72 of the Planning & Listed Buildings Act 1990 states:

*'In the exercise, with respect to any buildings or other land in a conservation area, of any of the provisions mentioned in subsection, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'*

Both NPPF and Policy SP12 of the LPS require the impact of proposals upon heritage assets to be carefully assessed. In this case the proposal will result in no physical changes to the site, other than up to 20 cars being parked. The site was previously used as an ATS tyre garage. The previous use also resulted in numerous cars being parked on the site. Given the separation to the Listed Building on the opposite of Commercial Street there is considered to be no adverse effect upon its setting. The impact upon the Conservation Area is considered to be at the lower end of 'less than substantial harm'. The public benefits of providing greater off street parking to help support the provision of shops and services in the Town Centre are considered to offset this limited amount of harm. The proposal is considered to preserve the character and appearance of the Norton Conservation Area.

Other issues

The Town Council has no objection to the proposal.

In view of the above assessment the recommendation is one approval.

**RECOMMENDATION:                      Approval**

- 1            The use hereby permitted shall be discontinued and the land reinstated to its former condition at or before (3 YEARS); unless an extension of the period shall first have been approved in writing by the Local Planning Authority.

Reason: The development permitted would be unacceptable on a permanent basis because the proposal would be a sub-optimum use of this site and prevent the re-development of the site and wider land to the northern and western sides.