

Meeting: Thirsk and Malton Area Constituency Planning Committee

Members: Councillors Joy Andrews, Alyson Baker, Lindsay Burr MBE, Caroline Goodrick (Chair), George Jabbour (Vice-Chair), Nigel Knapton and Malcolm Taylor.

Date: Thursday, 15 June, 2023

Time: 10.00 am

Venue: Ryedale House, Malton

Members of the public are entitled to attend this meeting as observers for all those items taken in open session. Please contact the named democratic services officer supporting this committee, details at the foot of the second page of the Agenda, if you have any queries.

This meeting is being held in person and will be recorded. Please contact the named democratic services officer supporting this committee if you would like to find out more.

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Agenda

1. Apologies for Absence

2. Minutes for the Meeting held on 18 May 2023 (Pages 3 - 4)

3. Declarations of Interests

All Members are invited to declare at this point any interests they have in items appearing on this agenda, including the nature of those interests.

4. Public Questions and Statements

Members of the public may ask questions or make statements at this meeting if they have given notice to Owen Griffiths of Democratic Services (contact details at the foot of page 1) by midday on Monday 12 June. Each speaker should limit themselves to 3 minutes on any item. Members of the public who have given notice will be invited to speak:-

- At this point in the meeting if their questions/statements relate to matter which are not otherwise on the Agenda (subject to an overall time limit of 30 minutes).
- When the relevant Agenda item is being considered.

If you are exercising your right to speak at this meeting, but do not wish to be recorded, please inform the Chairman who will instruct anyone who may be taking a recording to cease while you speak.

5. **22/02862/FUL- DEMOLITION OF EXISTING AGRICULTURAL OUTBUILDINGS AND SINGLE STOREY EXTENSION TO END HOUSE, STAINTHORPE ROW AND PROPOSED RESIDENTIAL DEVELOPMENT COMPRISING 42 NEW DWELLINGS (C3), MEANS OF ACCESS, SITE INFRASTRUCTURE, OPEN SPACE AND ASSOCIATED LANDSCAPING AS AMENDED ON 04 APRIL 2023** (Pages 5 - 28)

Report of the Assistant Director – Planning

[View plans and documents](#)

6. **22/01368/FUL - CHANGE OF USE AND ALTERATION OF THE FORMER DANCE HALL TO FORM 4NO. ONE BEDROOM APARTMENTS WITH ASSOCIATED ACCESS, CAR PARKING, CYCLE STORE AND LANDSCAPING AT 23 COMMERCIAL STREET, NORTON MALTON, NORTH YORKSHIRE, YO17 9HX ON BEHALF OF MS LINDSAY BURR** (Pages 29 - 50)

Report of the Assistant Director Planning – Community Development Services

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7. **Any other items**

Any other items which the Chair agrees should be considered as a matter of urgency because of special circumstances.

8. **Date of Next Meeting**

Thursday, 20 July 2023 at 10.00am – Ryedale House, Malton, YO17 7HH.

Members are reminded that in order to expedite business at the meeting and enable Officers to adapt their presentations to address areas causing difficulty, they are encouraged to contact Officers prior to the meeting with questions on technical issues in reports.

Agenda Contact Officer:

Name: Owen Griffiths

Tel: 07423 663704

Email: democraticservices.rye@northyorks.gov.uk

Wednesday, 7 June 2023

North Yorkshire Council

Thirsk and Malton Area Constituency Planning Committee

Minutes of the meeting held on Thursday, 18 May, 2023 commencing at 10.00 am.

Councillors: Joy Andrews, Alyson Baker, Lindsay Burr MBE, Caroline Goodrick (Chair), George Jabbour, Nigel Knapton, and Malcolm Taylor.

Officers present: Owen Griffiths, Lily Hamilton, Eleanor Hardie, Alpha Love-Koh, Lizzie Phippard and Jill Thompson.

Copies of all documents considered are in the Minute Book

9 Apologies for Absence

There were no apologies received.

10 Minutes for the Meeting held on 20 April 2023

The minutes of the meeting from 20 April 2023 were confirmed and signed as an accurate record.

11 Declarations of Interests

Cllr Burr gave a statement to the committee regarding her declaration of interest at the last meeting. She informed the committee that the legal advice she had privately received ahead of the last meeting, which informed her decision to stay in the meeting despite North Yorkshire Council's legal position, was incorrect. She apologised and informed the committee she would leave the room for future declarations.

Cllr Goodrick declared that she had a personal non-prejudicial, non-pecuniary interest in item 6 as she knew residents due to being the division member for the area affected.

12 Public Questions and Statements

There were no public questions or statements.

13 22/02862/FUL- DEMOLITION OF EXISTING AGRICULTURAL OUTBUILDINGS AND SINGLE STOREY EXTENSION TO END HOUSE, STAINTHORPE ROW AND PROPOSED RESIDENTIAL DEVELOPMENT COMPRISING 42 NEW DWELLINGS (C3), MEANS OF ACCESS, SITE INFRASTRUCTURE, OPEN SPACE AND ASSOCIATED LANDSCAPING AS AMENDED ON 04 APRIL 2023

It was recommended to the committee that this item be deferred to a future meeting. This is because of a third-party ownership claim that had arisen. The applicant will need to take the necessary steps to serve notice and complete certification in the application process before the item can be determined by the Committee.

Cllr Taylor wanted it recorded that he was disappointed, following the site visit on the Monday, but could understand the reasons for deferral.

Decision

That the item be deferred to a future meeting.

Voting Record

Unanimous

14 Supplementary Paper for 22-02862-FUL

This item was a supplementary to item 5. As the item was deferred, the supplementary was not considered.

15 23/00337/TPO - T1 SYCAMORE-CROWN LIFT, DEADWOOD THE CANOPY AND CROWN REDUCE TO BALANCE THE CROWN WITHIN TPO NO. 268/2000 AT LAND ADJ NOS 1 & 2 WOODLANDS WARTHILL ON BEHALF OF NORTH YORKSHIRE COUNCIL

Considered: Report of the Assistant Director for Planning – Community Development Services.

Decision

That permission be granted subject to the conditions listed in the Committee report.

Voting record

Unanimous

16 TERRINGTON NEIGHBOURHOOD AREA DESIGNATION

Considered: Report of the Assistant Director for Planning – Community Development Services.

Decision

That Members of the Committee approve the formal designation of the Neighbourhood Area as submitted by Terrington Parish Council.

Voting record

Unanimous

17 Any other items

There being no further business, the meeting finished at 10:18am.

18 Date of Next Meeting

The next meeting will be on Thursday 15 June 2023 and will be held at Ryedale House, Malton, YO17 7HH.

North Yorkshire Council
Community Development Services
Thirsk and Malton Constituency Area Planning Committee

15TH JUNE 2023

22/02862/FUL- DEMOLITION OF EXISTING AGRICULTURAL OUTBUILDINGS AND SINGLE STOREY EXTENSION TO END HOUSE, STAINTHORPE ROW AND PROPOSED RESIDENTIAL DEVELOPMENT COMPRISING 42 NEW DWELLINGS (C3), MEANS OF ACCESS, SITE INFRASTRUCTURE, OPEN SPACE AND ASSOCIATED LANDSCAPING AS AMENDED ON 04 APRIL 2023

**AT OS FIELD 4234, SOUTH OTTERINGTON, NORTH YORKSHIRE
ON BEHALF OF MR JOHN BEDDOW**

Report of the Assistant Director - Planning

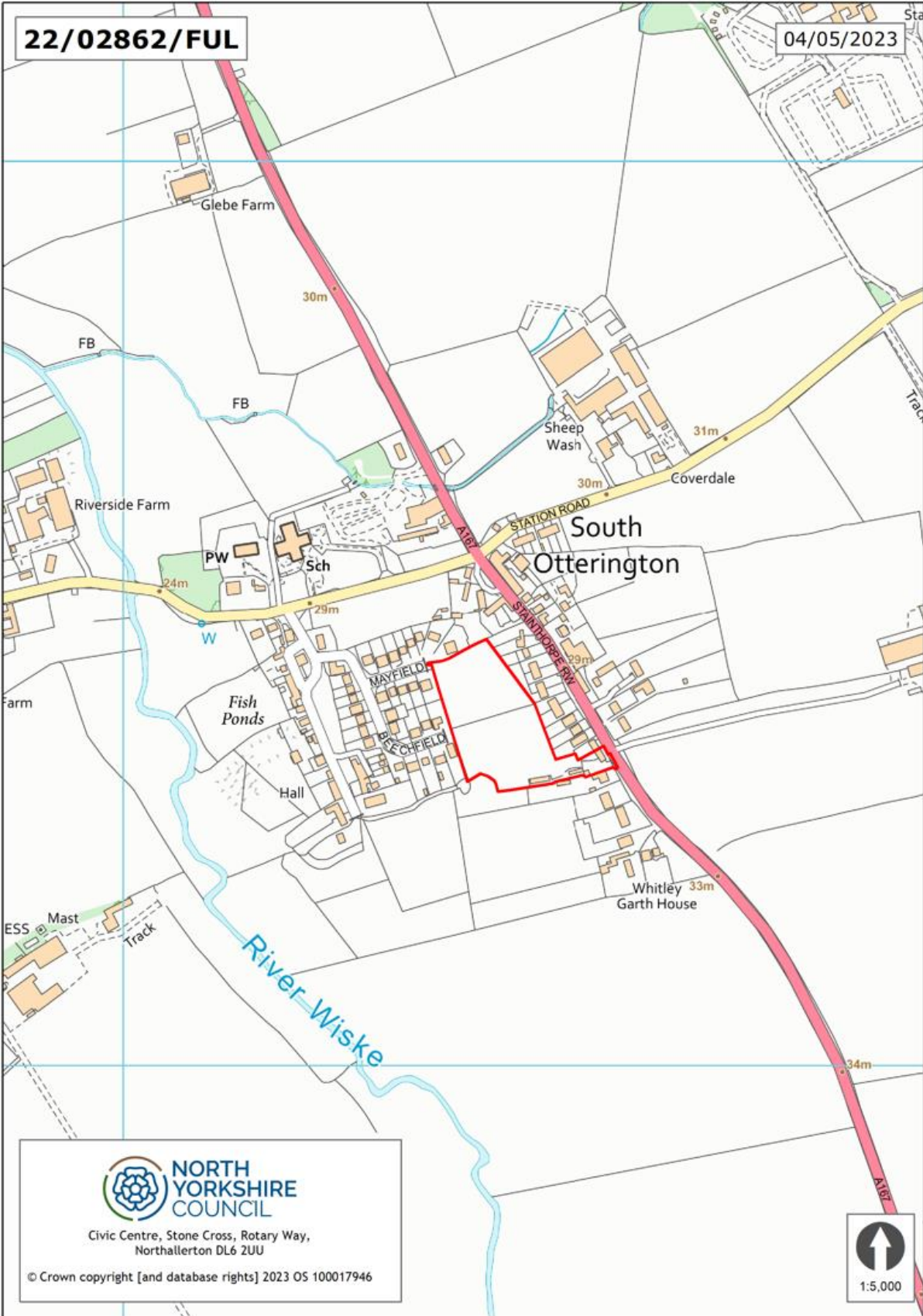
1.0 Purpose of the Report

- 1.1 To determine a planning application for Demolition of existing agricultural outbuildings and single storey extension to End House, Stainthorpe Row and proposed residential development comprising 42 new dwellings (C3), means of access, site infrastructure, open space and associated landscaping as amended on 04 April 2023.
- 1.2 This matter is brought to Planning Committee owing to the level of public comment and through earlier commitments of the Council for the matter to be considered by Planning Committee.

2.0 Summary

RECOMMENDATION: That planning permission be **GRANTED** subject to conditions listed below and completion of a S106 agreement with terms as detailed in Table 1.

- 2.1. The application is for the development of 42 homes on a site, allocated in the Hambleton Local Plan for housing. The site is located in the centre of South Otterington on an area of grassed paddock.
- 2.2. The site is surrounded on three sides by existing housing development but is open to the countryside to the south.
- 2.3. The general principle of housing development on this site is established through the housing allocation in the Hambleton Local Plan. The main issues through the course of the application have been the number of units and housing mix, along with the details of the proposed layout. It is considered that these matters have been adequately addressed through amendments to the proposed development.



3.0 Preliminary Matters

3.1. Access to the case file on Public Access can be found here:-

[PublicAccess REF=22/02862/FUL](#)

3.2. Through the course of the application revised details have been sought with regard to access, layout, the position and form of public open space, housing mix and tenure split. The main changes are to the housing mix which now incorporates a mix of dwelling types that responds positively to identified housing need in the Local Plan area. The Public open space has been incorporated to the south of the development, to soften the transition to the open countryside beyond.

3.3. There are no relevant planning applications for this application.

4.0 Site and Surroundings

4.1. The application site is a field within South Otterington surrounded on three sides by existing housing and open to the wider countryside to the south. The site is allocated in the Hambleton Local Plan for Housing under SOT1 allocated for approximately 40 dwellings. The site is 1.53Ha in area.

4.2. The site boundaries are largely formed by the rear and side gardens of existing dwellings, with a fenced boundary to the south effectively forming an existing field boundary.

4.3. The site exhibits evidence of ridge and furrow across the site.

5.0 Description of Proposal

5.1. The application is for full planning permission for 42 dwellings of a mix of sizes and types and includes 30% affordable Housing.

5.2. Access is to be taken from the A167 which runs, north -south, beyond the housing to the east of the site. The access would run through an existing gap in the built frontage into the site, before turning north to provide access to the remainder of the site. Alterations are proposed to a dwelling at the access point. There is a public right of way running across the south of the site, which will be incorporated into the access and the public open space.

5.3. The application initially included provision of 40 units, the majority of which were larger dwellings which failed to meet the identified mix requirements. Through discussion with the developer around the housing mix, the proposals have resulted in a greater percentage of smaller units, but an increase in overall numbers to 42. This is considered generally in-line with the allocation policy which seeks "approximately" 40 units. Through the course of the

adoption of the plan it is understood that the capacity requirements stated in the plan assumed a 5% cushion and as such 42 units is considered generally acceptable.

6.0 Planning Policy and Guidance

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with the Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:
- Hambleton Local Plan – February 2022
 - Joint North Yorkshire Waste and Mineral Plan – February 2022

Guidance - Material Considerations

- 6.3. Relevant guidance for this application is:
- National Planning Policy Framework 2021
 - National Planning Practice Guidance
 - National Design Guide 2021
 - Housing Size, Type and Tenure – July 2022
 - Supplementary Planning Document - Sustainable Development - Adopted 22 September 2009

7.0 Consultation Responses

- 7.1. Parish Council: Object on the following grounds:
- Local people given too short a period to respond
 - The objections previously raised have not been addressed through the amended scheme
 - Community engagement did not occur until well into the design stage
 - 93% of respondents to the consultation stated that the village is not well served by local services and transport
 - Insufficient parking
 - Poor public open space provision
 - Harmful impact from increased traffic
 - Additional houses have already been built in the village and as such this development is no longer needed
 - The other small-scale developments are more in-keeping with the village
 - This development results in a 30% increase in the size of the village
 - There will be no benefits to the village
 - Local transport connections are very poor
 - Proposal is too urban in appearance

- Should include one bed houses and 2 bed bungalows in the mix (Note that this is now included in the mix)
- Number of units should be drastically reduced
- Development will result in a loss of light to existing properties
- Question what will happen to End House
- Concern about road safety and road speeds in the area
- Request that a 40mph zone is included along with traffic calming measures
- Pedestrian crossings should be installed on the A167 across the Avenue to ensure safe access to the pub and the school
- The single access road is inadequate for a development of this size
- Surface water flooding issues. Building 42 homes on this site will lead to flooding in the vicinity.
- The archaeology on this site extends back to 1088 and it is believed that there is a medieval village
- More extensive investigation is necessary before any grant of planning permission
- Any change to the footpath must be of equal amenity value
- The development will harm local ecology
- Greater thought about the design and layout to benefit ecology is necessary

- 7.2. Ministry of Defence - The MoD has no safeguarding objections to the proposed development.
- 7.3. Highways – No objections subject to standard conditions.
- 7.4. Public Rights of Way - No objections but note that there is a PROW within or adjacent the site. The PROW runs across the southern portion of the site running east to west from the site entrance. Sets out the requirement to follow procedure with regard to footpath diversion.
- 7.5. Ramblers – Object owing to the adverse impact on the existing right of way. The existing path is a pleasant route over a grass field and is greatly appreciated by local residents. The amenity will be lost. There is sufficient space to avoid the need for a roadside footpath along the southern boundary. The diverted path should have a minimum width of 3m.
- 7.6. Yorkshire Water - No comments on the revised proposals. No objections, subject to conditions.
- 7.7. Lead Local Flood Authority – The Lead Local Flood Authority has asked a series of questions which have been answered by the applicant. The final comments of the LLFA are awaited and will be reported to Committee.

Local Representations

7.8. 55 local representations have been received all of which are objecting. A summary of the comments is provided below, however, please see Public Access for full comments using the link at the beginning of this report.

7.9. Objections:

- Insufficient facilities to support this development
- Development should be providing starter homes
- Highway safety concerns about the access onto the A167
- Access is directly opposite the access into the site on the east side of the A167
- 30mph limit on the road is largely ignored
- Traffic calming is required in the village already. This site should be serviced by a mini roundabout
- A controlled crossing is needed for the school
- There are no community benefits from this scheme
- Public Open Space too small, lacks equipment and is located in the wrong place
- Gardens too small and too close to existing neighbours
- Existing occupiers will be disturbed by noise
- Visitor parking is insufficient and will lead to on street parking
- Tranquillity of the area will be spoiled
- Harmful impact on ecology, bat survey is poor having been undertaken in late August
- Badgers, Hare and other creatures occupy the field
- Harmful impact on residential amenity
- Limited support for development through public consultation process, which has not responded to concerns raised
- Harmful impact on foul drainage owing to lack of capacity for cumulative development in the locality
- Harmful impact on Broadband Bandwidth
- Lack of local public transport with very limited bus service of three buses each way per day.
- Proposals are too urban in character
- Much of the hedge and trees shown as being retained within the development are actually in the neighbouring property and as such this is misleading
- Surface water drainage issues which will only get worse over time resulting in flooding
- Proposed development is too dense and represents over-development of the site
- Represents a 40% increase in the size of the village or a 50% taken with other recent development
- Proposals do not result in any new amenities for the community
- Impact on Heritage assets in terms of the PROW and the ridge and Furrow and loss of Dew Pit. The field archaeology has not been researched sufficiently to determine whether or not there is harm
- The re-route of the PROW is not acceptable as it fails to recognise the historical importance of the route

- This site is the only publicly accessible greenspace in the village
- Harmful impact on horse in adjacent field
- The proposed foul pumping station is not on the plans, where would it be located? (Officer note: This is added in the amendment)
- Design is not appropriate to this rural location
- In the consultation:
 - Only 4% of residents support the site location (Q1 in the survey). We are with the 70% who disagreed or strongly disagreed with the development being allowed to go ahead as currently proposed.
 - Approx 75% were strongly or simply against the layout (Q2) with just 11% in favour.
 - Approx 56% were not in favour of the proposed mix of housing
 - There was considerable consensus when it came to reading the comments which broadly align with a number of our objections above. The density of development, lack of parking provision, increased traffic levels, the impact on school and healthcare capacity, lack of village amenities and impact on village character being mainstays.
- A compliant housing mix would result in a lower density and more opportunity for open space.
- Open space in the village is limited and the proposals do not provide sufficient children's play space.
- The submission at the time of the allocation demonstrated how the site should be developed.
- Far too many 4 bed units.
- Bungalows should be included.
- Affordable units should be more spread out in groups of two.
- There is no gas supply to the village and yet the energy statement suggests the use of gas.
- Air source heat pumps are noisy and noise mitigation for existing residents may be necessary.
- Vehicle charging will further increase the load in the area which may need reinforcement.
- The energy and carbon reduction statement is flawed. The development will result in increased emissions and failure to meet the Council's climate change commitments
- Ground Source heat should be used and not air source. Quieter and more efficient.
- 0.88% improvement in fabric performance is very poor
- Need more clarity on the developer's energy strategy

Amendments to the proposals were sought and the amended scheme subjected to 10 days further representation period.

29 of the total objections were received following the renotification. Many reiterated issues raised in the earlier objections. It should be noted that none of the earlier objections were withdrawn as a result of the amendments.

8.0 Environment Impact Assessment (EIA)

- 8.1. The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environment Statement is therefore required.

9.0 Main Issues

- 9.1. The key considerations in the assessment of this application are:
- the principle of the development in this location
 - affordable housing and housing mix
 - layout and design
 - the implications for heritage assets
 - residential amenity
 - access/highway safety
 - drainage & flood risk
 - Ecology, trees and biodiversity net gain

10.0 Assessment

Principle of Development

- 10.1. The application site is allocated in the Hambleton Local Plan for housing, as SOT1 which sets the parameters for the development of the site. It is considered that the general principle of housing development in this location is supported.
- 10.2. The allocation policy sets out the detailed parameters for the development of the site as set out below. The majority of these matters are picked up in the following sections of this report, but for clarity the policy parameters and principles for the development of the site are set out below:

Access and highways

- Works are required to extend and improve pedestrian links, including the provision of pedestrian and cycle access to Mayfield Road and Beechfield Road and to Stainthorpe Road (A167). Vehicular access is to be on Stainthorpe Road (A167).

Biodiversity and landscaping

- Biodiversity and landscape features should be retained, including hedgerows and mature trees. Boundary features enhanced to screen views of the site from the south.
- A preliminary ecological appraisal and possible ecological impact assessment will be required. Mitigation will be required to deal with any risk of habitat loss. Habitats must be protected from adverse impacts, such as obtrusive light.

Heritage

- A heritage statement will be required to take into consideration historical landscape of the area and include conservation measures as the site contains part of a well preserved ridge and furrow field system.
- The site is considered to have archaeological potential, particularly for later prehistoric and Romano-British settlement, and an archaeological assessment will be required.

Design

- A design statement outlining the proposals will be required to show how the development will successfully integrate with the surrounding area including the neighbouring residential area. The statement will also address the constraints and opportunities of the site, whilst also paying attention to scale, height, massing and density considerations. The brief should guard against impacts of overshadowing and overlooking.

Affordable Housing

- 10.3. The application proposes 30% affordable housing. 30% of 42 units equates to 12.6 units. The affordable units will be provided in accordance with the tenure split contained within the Council's Supplementary Planning Guidance (1/3 social rent, 1/3 affordable rent and 1/3 intermediate product) with the 0.6 of a unit being provided by way of a commuted sum.

Housing Mix

- 10.4. The housing mix on the original submission was 6 x 2 bed, 6 x 3 bed, 23 x 4 bed and 5 x 5 bed. This was considered to fail to meet the requirements for locally identified housing needs and as such an amendment was sought.
- 10.5. The application has been amended and now proposes the following mix, which is considered compliant with the Council's policy. It is noted that all unit types are compliant with the Nationally Described Space Standards.

Overall Mix

Type	Description	Number	Percentage
1 Bed	Apartment	4	9.5 %
2 Bed	Semi	6	14%
2 Bed	Bungalow	10	24%
3 Bed	Semi	8	19%
3 Bed	Detached	10	24%
4 Bed	Detached	4	9.5%
		42	

Affordable Mix

Type	Description	Number
1 Bed	Apartment	4
2 Bed	Semi	6
3 Bed	Semi	2
Total		12

- 10.6. Overall, this demonstrates an overall provision of 90% 1, 2 and 3 bed houses. This is considered to respond well to the identified need for smaller housing and it is particularly noteworthy that the proposal includes 24% bungalows and 9.5% single bed units. It is considered that the proposed mix is in line with the requirements of Local Plan policy and those of the Council's Supplementary Planning Guidance on size, type and tenure.
- 10.7. The matter of the scale of development has been subject of a number of representations. This has included the cumulative impact resulting from other permissions in the village, which it is stated did not form part of the consideration at the time that the Local Plan was adopted. Whilst it is important to understand the issues of cumulative impact, it is not the case that 40 units was set as the overall limit for the village. Both the allocation and windfall policies would apply, without prejudice to one another. The Local Plan having been adopted in 2022 remains up-to-date and should be given full weight in the consideration of the application.
- 10.8. There have been a number of approvals in the village in the recent past, the most pertinent of which is the development of 5 houses, immediately east of the site.
- 10.9. Whilst there is clearly a quotient of change resulting from new development in the village, this is considered to be consistent with the requirements of the Local Plan.

Heritage

- 10.10. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving the Listed Building(s) or its setting or any features of special architectural or historic interest which it possesses.
- 10.11. There are no designated heritage assets within the site, non-designated assets including the ridge and furrow will be dealt with toward the end of this section. The development has the potential to impact on the setting of heritage assets in the vicinity. A Heritage Impact Assessment has been submitted with the application.

- 10.12. Paragraph 197 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Where harm is identified the development should only be approved where Public benefits are identified, sufficient to offset the identified harm.
- 10.13. The Local Plan echoes national policy and requires the protection and enhancement of the historic environment whilst facilitating development in a way that respects and strengthens the distinctive character of the landscape and the form and setting of settlements, policy S1 part e.
- 10.14. Policy S7 requires that heritage assets are conserved in a manner appropriate to their significance. Policy E5 - Development Affecting Heritage Assets, will only support proposals where those features that contribute to the special architectural or historic interest of a listed building or its setting are preserved, those elements that contribute to the archaeological interest and setting of a scheduled monument or other archaeological site of national importance will be conserved.
- 10.15. Designated Heritage Assets (listed buildings) with potential to be impacted by the development comprise St Andrew's Church and the Rectory located to the north west of the site, approximately 200m away from the site boundary and separated from the site by existing housing. There is no direct intervisibility between the application site and the heritage assets in the vicinity.
- 10.16. It is considered that the land, subject of this application, may have had relevance in terms of the significance of the Church but that this is long lost since the wider development in the locality. It is considered that the proposed development results in no harm to the significance of the assets in terms of the setting of the heritage assets.

Non-Designated Heritage Assets

- 10.17. The NPPF requires that harmful impacts on non-designated heritage assets are considered in the planning balance. The main impact resulting from this application is on the ridge and furrow found in the field. North Yorkshire County Council's Archaeologist has been consulted and their comments are awaited.

Design and Layout

- 10.18. Policy S1 states amongst other matters that the Council will seek to ensure that development makes a positive contribution towards the sustainability of communities through the effective use of land, creating healthy, safe and

attractive living environments whilst facilitating development in a way that respects and strengthens the distinctive character of the landscape and the form and setting of settlements. Policy E1 requires that all development should be of a high quality, reinforcing local distinctiveness and helping to create a strong sense of place. The policy then sets out a number of detailed criteria against which the development should be tested.

- 10.19. The layout has been subject to change through the course of the application owing in part to a change in the housing mix but also to facilitate a better landscape buffer and public open space provision to the south of the site.
- 10.20. South Otterington falls into three main character areas. The frontage development along the A167 (Stainthorpe Road) the mainly 20th century housing to the west and the school and church to the north. The frontage development whilst generally linear in character lacks any specific character with a mix of single and two storey development of various ages.
- 10.21. The housing to the west is of an estate form, common throughout the district but lacking in local distinctiveness.
- 10.22. The application proposes a relatively standard housing development approach with a central road layout feeding into discreet housing areas within the site. The layout is considered to make good use of the site without resulting in an overly dense layout providing for sufficient private and public amenity space through the site.
- 10.23. In terms of house design, the application proposes a relatively good mix of well detailed house types incorporating high quality external brick detailing and cottage style fenestration. Walls are finished in brick under a pantile roof. There are a mix of materials in the area, but dwellings are mainly finished in brick under pantile. It is considered that the proposed design is appropriate to the village location and that the requirements of policy are met in terms of design and local distinctiveness.

Residential Amenity

- 10.24. Policy E1 seeks to ensure that new development does not result in harmful impact on residential amenity. A number of concerns have been identified in representations in terms of potential impact on residential amenity. These concerns have centred around the overall change to the site from a field to a residential development and the additional noise and disturbance that this will lead to but also raise issues around loss of light owing to the proximity of development to existing homes.
- 10.25. It is clear that the development will result in a change to the character of the area. However, this change is not considered to result in any significant loss of amenity sufficient to result in a recommendation for refusal.

- 10.26. The development has the potential to impact in terms of overshadowing and privacy owing to the proximity to the gardens and homes that bound the site. Separation distances, face to face between the proposed and existing dwellings are generally of the order of 21m. Where, in one case this is approximately 19m, the proposed new dwelling is a bungalow and the neighbouring structure is a conservatory extension the separation distance and boundary treatment is considered to be acceptable. The applicant in revising the layout was specifically requested to ensure that their survey included all extensions, not always shown on Ordnance Survey plans.
- 10.27. Through the submission and the submitted drawings it is clear that there is no requirement to alter site levels across the development, which could have otherwise impacted on the relationship between properties.
- 10.28. It is considered that the height relationships and separation distances between properties is acceptable and that the development will result in no significant loss of residential amenity and is otherwise in compliance with policy E1.

Ecology and Biodiversity

- 10.29. Policy Requirements are set out in policy E3 and all development is expected to demonstrate the delivery of a net gain for biodiversity.
- 10.30. A tree survey and impact assessment has been submitted with the application. This shows that two hedges are to be removed at the site entrance to facilitate the proposed development. The assessment also highlights a number of off-site trees that could impact on the development and in some cases require maintenance work including Crown Lifting over the site. Otherwise, the assessment sets out the requirements for tree protection measures to be implemented. Should the application be approved, the tree measures should be a conditional requirement of any grant of planning permission.
- 10.31. A bio-diversity net gain assessment has been submitted which sets out the current position with regard to the biodiversity on the site and the methodology and steps to be taken to achieve a net gain.
- 10.32. The proposed development is not within nor close to any designated habitat in terms of a European site or SSSI. Policy E3 seeks to protect the ecological environment and sets an expectation for the delivery of Biodiversity Net Gain from all development. The application includes an assessment of the existing biodiversity of the site along with a plan for net gain.
- 10.33. The applicant's report states; "The baseline habitats on site provide a total of 3.45 Biodiversity Units and 0.03 Hedgerow Units. The habitats on site post-development provide a total of 4.61 Biodiversity Units and 0.4 Hedgerow Units. This leads to a net Biodiversity Unit Change of +1.16 equating to a

33.75% net gain and a Hedgerow Unit change of 0.37 equating to a 1156.32% net gain in hedgerow units.

10.34. The target Net Gain as set out in the Environment Act is 10%, although the Local Plan does not set a specific percentage. It is considered that the net gain envisaged through the development, of 33.75% is more than sufficient to meet the requirements of policy E3 and the NPPF.

10.35. Concern has been raised in representations over the loss of habitat that results from the development of this field within the village on which it is understood a variety of wildlife is regularly witnessed. Clearly, the development will result in a significant change to the habitat, but it is recognised that private gardens and well-designed public amenity areas can result in a net gain for wildlife through the provision of a better mix of habitat.

Drainage and Flood Risk

10.36. The application site is located in Flood Zone 1, the area at the lowest risk of flooding. Owing to the scale of development and policy requirements a Flood Risk Assessment has been submitted with the application. Through the course of the allocation process, through the adoption of the Local plan, it was identified that a portion of the site suffers from surface water flooding. The allocation policy requires that any application address this surface water issue. The application includes surface water attenuation and the application has been subject to consultation with the Lead Local Flood Authority.

10.37. A Flood Risk Assessment and Drainage Strategy has been submitted with the application. The development is entirely within Flood Zone 1, the area at lowest risk from flooding. The river Wiske is located approximately 290m to the west of the site. The Environment Agency Flood risk maps also look at surface water flooding and it has been previously identified that a small portion of the site suffers from surface water flooding. The EA maps suggest that part of the site is at medium risk of surface water flooding as a result of the 1in100 year rainfall event.

10.38. The Flood Risk Assessment quantifies the flood risk and concludes that the risks can be adequately mitigated through on-site attenuation and drainage design measures.

10.39. The proposed drainage strategy for surface water is to attenuate surface water and pump to the combined sewer in the road, discharging. Discussions with Yorkshire Water have sought to limit discharge to 2.5l/s due to the capacity of the foul sewer. This limitation has been incorporated into the design.

10.40. Finished floor levels, it is stated, will be set at 28.3m across the site approximately 0.3m above the average site level of 28m. This is sufficient to protect new homes from flooding up to the 1 in 1000 year flooding event.

- 10.41. The nearest foul water pipe is understood to be an adopted sewer located along the A167. Owing to the level change between the site and the sewer a pumping station is required to discharge the foul water from the site into the adopted sewer network.
- 10.42. Additional information has been requested by and submitted to the Lead Local Flood Authority, dealing with issues including micro-drainage calculations and drainage maintenance.
- 10.43. The Drainage management plan sets out the maintenance schedule and responsibilities for on-site drainage management. The non-adopted elements of the proposals are to be maintained by a Management Company. The final confirmation of the acceptance of the drainage details is awaited from the LLFA at the time of writing.

Access and Highways

- 10.44. The application proposes that the access is taken from the A167 to the north of the site, through a significant gap in the built form, in a location where the public right of way runs across the site. The access then leads into the site and forms a central spine road running south to north through the site.
- 10.45. The allocations policy sets out that works are required to extend and improve pedestrian links, including the provision of pedestrian and cycle access to Mayfield Road and Beechfield Road and to Stainthorpe Road (A167). Vehicular access is to be on Stainthorpe Road (A167).
- 10.46. Concern has been expressed in representations that the development of the site is heavily dependent upon the private car. It is noted that there are limited bus services through the village with a south bound service to Thirsk at 11.43, 13.33 and 14.58 and North bound service to Northallerton at 10.55, 12.45 and 14.15, but that it is accepted that there would remain a dependence on the private car.
- 10.47. In terms of pedestrian access, footpaths are provided onto Stainthorpe Road in tandem with the vehicular access to the site. A pedestrian / cycle route is provided to the north west corner of the site via Mayfield, which provides access beyond to the school. There is no proposal to connect via Beechfield owing to land ownership issues. It is accepted that the provision of a single point of connection to the north west is sufficient to provide an adequate level of connectivity although not strictly meeting the requirements of the allocation policy.
- 10.48. The application takes into account the existing public right of way which runs east to west through the southern portion of the site. Currently the public right of way runs across the open field. The proposals result in the right of way

being run, in part, along the footpath adjacent the access road. Clearly, an individual using the right of way would have a different experience owing to the proposed development as the route will now run next to a housing estate rather than the open field.

- 10.49. Following amendment to the layout the footpath is now incorporated through the public open space which is a significant improvement over the original submission and provides for a more commodious route for walkers. A footpath diversion will be necessary to allow for the alteration of the route.
- 10.50. Representations have raised concerns about the amount of parking including visitor parking on the site, stating that the proposals will lead to an influx of on-street parking through the development and in the wider vicinity.
- 10.51. Parking space requirements are in-line with Council Policy and the application has been considered by the Highway Authority who have raised no concerns about the proposed development. It is considered that matters pertaining to access and road layout are acceptable and in compliance with Policy IC2.
- 10.52. During the course of the application a third party has identified ownership of land at the head of Mayfield where the footway connection is to be made in compliance with the Local Plan. There was an associated error in the submitted certification and relevant land owner notification which has now been rectified.
- 10.53. In discussion with the Highway Authority it has been established that the extent of the adoption includes the land adjoining the application site and as such there is no impediment to the formation of the proposed access. This has been put to the correspondent and their position awaited.
- 10.54. In order to understand the implications, should the access not be formed, officers have walked the site and the routes through to the school and the village church and public house. Even without the proposed footpath link, the alternative routes around the village give access within approximately 10 minutes, on foot. This is considered a reasonable timeframe and as such even should it be established that the route through Mayfield can not be achieved, this should not be an impediment to development.
- 10.55. It is considered that the proposed development has a satisfactory form of access and that the development will not result in a harmful impact on road safety or the use of the Public Right of Way across the site.

S106 Legal Agreement

- 10.56. The following Heads of Terms have been agreed with the applicant for this application.

Category/Type	Contribution	Amount & Trigger
Affordable Housing	30% 12 Units to be delivered on site with remainder by commuted sum.	
POS Bond	To be confirmed	Commencement

10.57. It is considered that the above S106 Heads of Terms are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development and as such complies with the Community Infrastructure Levy (CIL) Regulations 2010.

Equalities

10.58. Under Section 149 of The Equality Act 2010 Local Planning Authorities must have due regard to the following when making decisions: (i) eliminating discrimination, harassment and victimisation; (ii) advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (iii) fostering good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are: age (normally young or older people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

10.59. It is considered that the design and layout of the site is in compliance with other relevant legislation, which has otherwise been subject to assessment under the Equalities Act. As such matters such as access widths and gradients are appropriate for all access users. No specific equalities matters have been raised through representations which are not otherwise addressed through other sections of this report.

11.0 Planning Balance and Conclusion

11.1. The site is an allocated housing site in the adopted Local Plan. It is considered that other recent development in the village is not prejudicial to the implementation of this allocated site in terms of the cumulative impact of development in the village and as such the principle of development remains acceptable.

11.2. Technical matters pertaining to drainage and highways have been addressed and are considered to be in-line with relevant Local Plan Policy.

11.3. The impact of the development on residential amenity has been addressed and is considered to be acceptable both in terms of the residents of the proposed development as well as the occupiers of neighbouring development in the vicinity of the site.

- 11.4. Both surface and foul water disposal has been assessed and has been found to be acceptable subject to final confirmation by the LLFA.
- 11.5. Given the general character and form of the settlement the proposed layout and design is considered to be reflective of local character and is considered to be acceptable.
- 11.6. Clearly, the proposed development results in change to the character of the site and owing to the scale of the development, to the character of the village. Representations have set out the nature of the concerns. However, it is considered that the development is in accordance with the Development Plan and that material considerations raised against the proposed development are insufficient to warrant a recommendation for refusal.

12.0 Recommendation

- 12.1 That planning permission be **GRANTED** subject to conditions listed below and completion of a S106 agreement with terms as detailed in Table 1.
- 12.2 Recommend that the footpath diversion be put in place in accordance with the approved layout plan.

Recommended Conditions and Reasons for Conditions.

- 1 The development hereby permitted shall be begun within three years of the date of this permission.

Reason To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) set out below, unless otherwise approved in writing by the Local Planning Authority.

Site Location Plan	RES964-BHA-ST-XX-DR-A-0500-S4-P04
Proposed Site Layout	RES964-BHA-ST-XX-DR-A-1202-S4-P10
Coloured Site Layout	RES964-BHA-ST-XX-DR-A-1220-S4 P05-
Proposed Site Sections	RES964-BHA-ST-XX-DR-A-1300-S4-P01
External materials Plan	RES964-BHA-ST-XX-DR-A-1400-S4 P02
Boundary Treatment Plan	RES964-BHA-ST-XX-DR-A-1410-S4 P07
Arncliffe Boundary detail	RES964-BHA-ST-XX-DR-A-1415-S4-P02
Parking Strategy Plan	RES964-BHA-ST-XX-DR-A-1420-S4 P03
Refuse Collection and Storage Plan	RES964-BHA-ST-XX-DR-A-1430-S4 P03
Drainage Plans	Provided in Appendix B of Flood Risk Assessment and Drainage Strategy, prepared by Fairhurst
Topographical Survey	Provided in Appendix A of Flood Risk Assessment and Drainage Strategy, prepared by Fairhurst

Access Plans	Provided in Appendix B of the Transport Statement, prepared by S.A.J. Consultants
Landscaping Plan	L950-ONE-ZZ-XX-DR-L-0201-P05
764 - Proposed Floor Plans	RES964-BHA-V1-ZZ-DR-A-1501-S4P02
764 - Proposed Elevations	RES964-BHA-V1-ZZ-DR-A-1601-S4 P03
932 - Proposed Floor Plans	RES964-BHA-V2-ZZ-DR-A-1502-S4 P03
932 - Proposed Elevations	RES964-BHA-V2-ZZ-DR-A-1602-S4 P03
Ravensworth - Floor Plans	RES964-BHA-V3-ZZ-DR-A-1503-S4 P02-
Ravensworth - Elevations	RES964-BHA-V3-ZZ-DR-A-1603-S4 P03-
Redbourne - Floor Plans	RES964-BHA-V4-ZZ-DR-A-1504-S4 P02-
Redbourne - Elevations	RES964-BHA-V4-ZZ-DR-A-1604-S4 P05-
Southwold - Floor Plans	RES964-BHA-V5-ZZ-DR-A-1505-S4 P02-
Proposed Elevations	RES964-BHA-V5-ZZ-DR-A-1605-S4 P03
Stockwood - Floor Plans	RES964-BHA-V6-ZZ-DR-A-1506-S4 P02-
Stockwood - Floor Plans	RES964-BHA-V6-ZZ-DR-A-1506-S4 P02-
Tattenhoe - Floor Plans	RES964-BHA-V7-ZZ-DR-A-1507-S4 P02-
Tattenhoe - Elevations	RES964-BHA-V7-ZZ-DR-A-1607-S4 P03-
Wollaton - Floor Plans	RES964-BHA-V8-ZZ-DR-A-1508-S4 P02-
Wollaton - Elevations	RES964-BHA-V8-ZZ-DR-A-1608-S4 P03-
Roseberry II - Floor Plans	RES964-BHA-V9-ZZ-DR-A-1509-S4-P02-
Roseberry II - Elevations	RES964-BHA-V9-ZZ-DR-A-1609-S4 P03
Roseberry II - Elevations	RES964-BHA-V9-ZZ-DR-A-1609-S4 P03-

Reason In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1 and E1.

- 3 Prior to the commencement of development except for initial site clearance and the formation of the access, full site levels shall be submitted to and approved by the Local Planning Authority. Levels shall include existing and proposed site levels along with finished floor, eaves and ridge heights.

Reason In order to protect the character and amenity of the area and to comply with policy E1 and E2.

- 4 The site shall be development with separate systems of drainage for foul and surface water or and off site. The separate systems should extend to the points of discharge to be agreed. The peak pumped foul water discharge from the site must not exceed three litres per second.

Reason In the interest of satisfactory and sustainable drainage.

- 5 There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage work, details of which will have been first submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:
- i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
 - ii) the means of discharging to the public sewer network at a rate to be agreed by the Local Planning Authority.

Reason To ensure that no surface water discharges take place until proper provision have been made for its disposal.

- 6 No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

Reason In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1 and E1.

- 7 Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus, which will lie beneath the road shall take place on any phase of the road construction works until full detailed engineering drawings of all aspects of road and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in compliance with the approved engineering drawings.

Reasons for Condition: To ensure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users.

Informative for the Condition: It is recommended that in order to avoid abortive work, discussions are held between the applicant, the Local Planning Authority and the Local Highway Authority before a draft layout is produced and any detailed planning submission is made. To assist the Local Highway Authority can provide a full list of information required to discharge this condition. It should be noted that approval to discharge the condition does not automatically confer approval for the purposes of entering any Agreement with the Local Highway Authority. The drawings will still need to be approved in writing by the Local Planning Authority for the purpose of discharging this condition.

Reason To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users.

- 8 No part of the development to which this permission relates shall be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation. The completion of all road works, including any phasing, shall be in accordance with a programme submitted to and approved in writing with the Local Authority before any part of the development is brought into use.

Reason for the condition: To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.

Reason To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.

- 9 No dwelling must be occupied until a tactile paved crossing point has been constructed at the junction of Stainthorpe Row and the estate road in accordance with the approved drawing number JN2568-Dwg-0001A.

Reason To provide for adequate and satisfactory pedestrian facilities in the interest of safety and the general amenity of the development.

- 10 No dwelling must be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

Reason for the condition: In accordance with policy number and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity of the development ****

Reason To ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.

- 12 No development shall commence until a Construction Management Plan has been submitted to, and approved in writing, by the Local Planning Authority. Construction of the permitted development shall be undertaken in accordance with the approved plan. The plan shall include, but not be limited to, arrangements for the following in respect of (where applicable each phase of the works):
- a) details of any temporary construction access to the site, including measures for removal following completion of the construction works
 - b) restriction on the use of access for construction purposes
 - c) wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway
 - d) the parking of contractors' site operatives and visitor vehicles

- e) areas for storage of plant and materials used in constructing the development clear of the highway
- f) details of site working hours
- g) details of the measures to be taken for the protection of trees and;
- h) contact details for the responsible person (site manager/office) who can be contacted in the event of any issues

Reason for the condition: In the interest of public safety and amenity in accordance with Hambleton Local Plan Policy S1, E1 and E2.

- 13 The development hereby approved shall be implemented in accordance with Biodiversity Net Gain plan set out in the submitted Biodiversity Net Gain Assessment prepared by Biodiverse and received on 13 December 2022.

Reason In order to ensure that the requisite biodiversity net gain is achieved in accordance with Policy E3.

- 14 Prior to other works commencing on site the 1.7m high close boarded fence, shown on drawing 1410 Rev P07, on the south side of the entrance to the site and conterminous with the adjacent dwelling, shall be installed.

Reason In order to protect the amenity of the neighbouring occupier.

Target Determination Date: 14.03.2023

Case Officer: Peter Jones, peter.jones@northyorks.gov.uk

Appendix A – Proposed Layout Plan

Appendix A.



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North Yorkshire Council

Community Development Services

Malton and Thirsk Area Constituency Committee

15 JUNE 2023

22/01368/FUL - CHANGE OF USE AND ALTERATION OF THE FORMER DANCE HALL TO FORM 4NO. ONE BEDROOM APARTMENTS WITH ASSOCIATED ACCESS, CAR PARKING, CYCLE STORE AND LANDSCAPING AT 23 COMMERCIAL STREET, NORTON

MALTON, NORTH YORKSHIRE, YO17 9HX ON BEHALF OF MS LINDSAY BURR

Report of the Assistant Director Planning – Community Development Services

1.0 Purpose of the Report

- 1.1 To determine a planning application for the change of use and alteration of the former dance hall to form 4no. one bedroom apartments with associated access, car parking, cycle store and landscaping on land at 23 Commercial Street, Norton, Malton, North Yorkshire, YO17 9HX.
- 1.2 The application has been referred to the Committee for determination because the applicant is a member of the Council.

2.0 EXECUTIVE SUMMARY

RECOMMENDATION: That planning permission be GRANTED subject to conditions listed below.

- 2.1. The proposal seeks planning permission for the change of use and alteration of the former dance hall to form 4no. one bedroom apartments with associated access, car parking, cycle store and landscaping on land at 23 Commercial Street, Norton.

The building is located within Norton Conservation Area and has most recently been in use as additional educational space utilised by the Hair and Beauty Academy, which operates from no. 17 Commercial Street.

The site is located on Commercial Street, which is characterised by a mix of surrounding residential and commercial properties. The land within the red line also includes land to the west, north and east of the building.

This application has been recommended for approval, as the proposed scheme is considered to align with relevant policies relating to new housing and relates to the sensitive residential conversion of the former dance hall building and will secure its future retention and reuse within the Town Conservation Area.

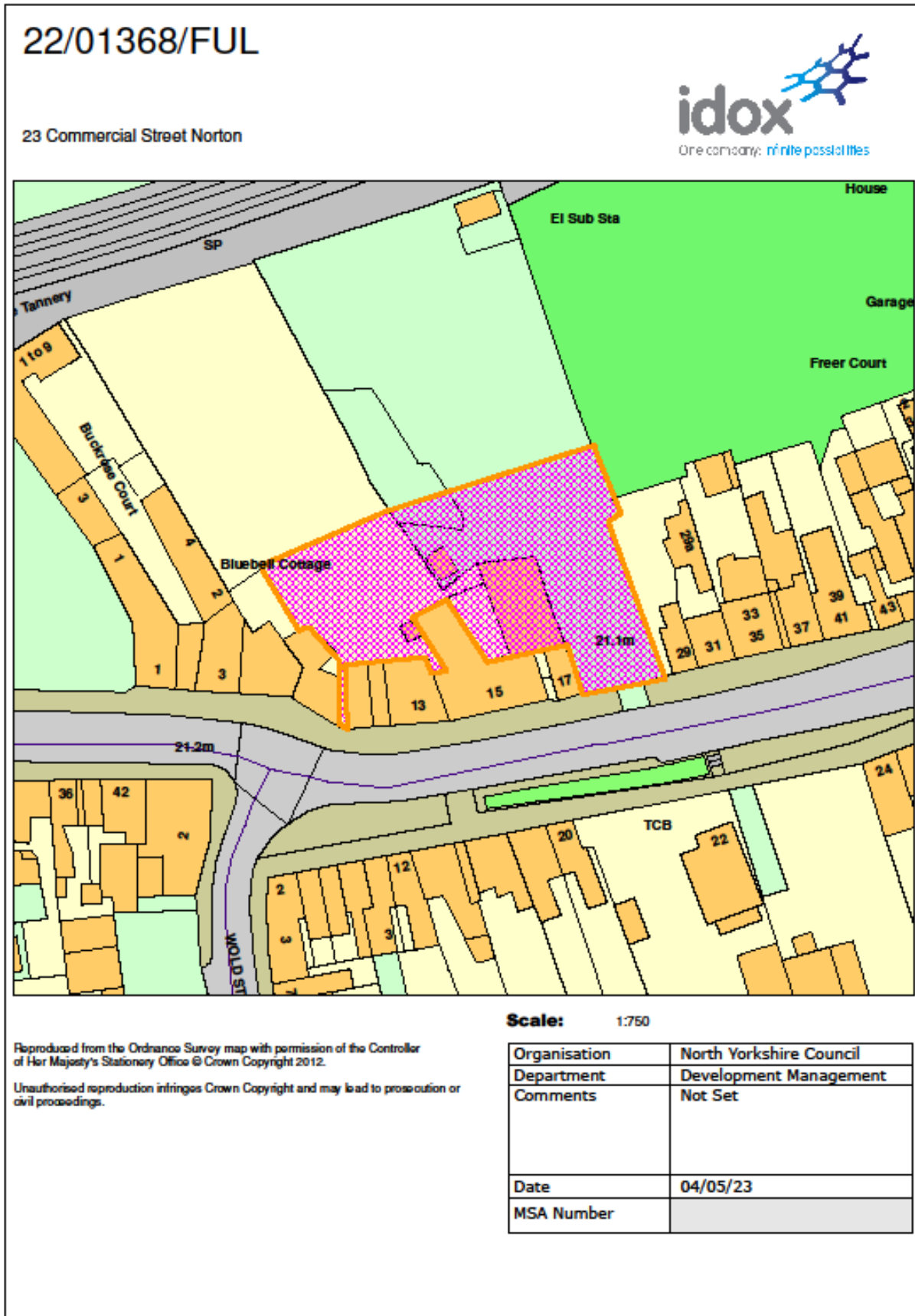
The wider proposed works including the access, car parking and indicative hard and soft landscaping throughout the application site are considered to create a high quality environment for future residents that will significantly benefit existing residents of the adjoining flats within the blue line land. The provision of secure cycle parking

and off street car parking for existing and future residents on what is a busy town centre street is considered beneficial by the Case Officer and the Highways Officer.

With the provision of the agreed Mechanical Heat Ventilation Recovery System, a suitable level of internal noise can be achieved for future residents and this can be secured by condition.

There are no objections from statutory consultees although concerns have been raised by the Council's Environmental Health Team which will be reviewed below. No responses have been received from any third parties or neighbouring properties. The development is considered sustainable and approval is recommended subject to conditions.

2.2.



3.0 Preliminary Matters

3.1. Access to the case file on Public Access can be found here:-
[22/01368/FUL | Change of use and alteration of the former dance hall to form 4no. one bedroom apartments with associated access, car parking, cycle store and landscaping | 23 Commercial Street Norton Malton North Yorkshire YO17 9HX \(ryedale.gov.uk\)](#)

3.2. There are 3 relevant planning applications and 1 relevant discharge of condition application for this site which are detailed below.

04/01091/FUL : Change of use of meeting hall to form training academy. Approved 21.04.2004

14/00947/MFUL: 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. Approved 28.08.2015

18/00327/COND : Discharge of Conditions 02, 03, 04, 05, 10, 12, 13, 14, 16, 20, 22, 23, 24, 28 and 29 of approval 14/00947/MFUL dated 28.08.2015. Determined. A letter dated 24th August 2018 was issued by the LPA confirming a lawful start was considered to have commenced.

18/01366/FUL: Change of use of former garage site for use as temporary car park (3 years). Approved 21.02.2019. This use has now ceased.

4.0 Site and Surroundings

4.1. The application site relates to no. 23 Commercial Street Norton, a two storey, brick building completed with a pitched roof under slate roof tiles. This is identified as a former dance hall, which has most recently been in use as additional educational space utilised by the Hair and Beauty Academy, which operates from no. 17 Commercial Street. The land within the red line extends to a total of c0.17 hectares and also includes land to the west, north and east of the building.

4.2. Presently this building is connected internally with the Hair and Beauty Academy, which directly fronts the highway and consequently the application building is set back from the main building line of properties fronting Commercial Street.

4.3. To the west/south west of the application site adjoining terraced buildings are present (between and inclusive of no's 3 and 17 Commercial Street fronting the highway) including a mix of commercial and residential properties, all under the ownership of the Applicant and within the blue line land. The land within the red line to the west of the site is currently informally utilised as amenity space for the residential properties within the blue line land along Commercial Street and also provides access to the rear of the pet shop business Norton Aquaria, located in close proximity to the building proposed for conversion.

- 4.4. The land to the east of the site within the red line has recently been used as a commercial car park which was permitted under a temporary planning permission. It is noted that this use has now ceased with charging facilities removed. It is noted that this appears to be used informally for non-fee paying parking.
- 4.5. This area to the east used for car parking, together with the wider blue line land directly to the north of the application site forms a site where permission is extant under 14/00947/MFUL for a housing scheme totalling 64 homes, with parking, amenity areas, landscaping, alteration to existing vehicular access and erection of street front commercial unit with a one bed studio above. This is included in the Malton/Norton Policies Map as committed housing site. This was in the location of the former ATS Euromaster site which has since been demolished.
- 4.6. The application site can be accessed via two accesses, both contained within the red line. The most westerly access is a secure gated pedestrian access to the west of no. 9 Commercial Street that runs along the rear of existing residential properties, or via the vehicular access to the east of no. 17 Commercial Street.
- 4.7. The site is located on Commercial Street, which is characterised by a mix of surrounding residential and commercial properties. The site also falls within the Town Centre Commercial Limits, as well as the Town Development Limits. Consequently the site is located in very close proximity to services and facilities, including (but not limited to) a gym/swimming pool, pharmacy, convenience store, bus stop and public house within a 1 minute walk. A supermarket is a 5 minute walk and Malton Train Station is a 10 minute walk.
- 4.8. The building proposed for conversion falls within Flood Zone 1, as designated by the Environment Agency, with some of the wider land within the application site falling within Flood Zone 2. The site also falls within Norton Conservation Area and is designated as an Archaeologically Sensitive Area.

5.0 Description of Proposal

- 5.1. This application seeks full Planning Permission for the change of use and alteration of the former dance hall to form 4no. one bedroom apartments with associated access, car parking, cycle store and landscaping.
- 5.2. The proposed change of use of the building would result in the internal separation from the linked property, the Hair and Beauty Academy and the alteration of the building to form 4no. one bedroom apartments. The scheme would result in no alteration to the existing footprint, or building fabric with the exception of the removal of a small single storey store and porch to the western elevation of the building and the insertion of additional fenestration. This would include two new windows to the eastern elevation, where it is apparent that openings have been altered over time and the amendments to the position of windows along the western elevation. The installation of a feature large glazed entrance door to a communal porch is also proposed to the west, at this point there are limited public views due to the orientation of the surrounding buildings.

- 5.3. The wider works within the red line include alterations and enhancements within the existing external space, to form communal amenity space for the 4no. 1 bedroom apartments directly adjoining the building, a grassed area to the north and a paved courtyard area to the west.
- 5.4. The existing flats fronting Commercial Street in the blue line land at present have access to an informal communal amenity space to the rear. This scheme proposed the formalisation of this space, with a now clearly defined pedestrian/cyclist path and areas of grass, patio and new planting. This would be a slightly smaller area than available previously but would remain commensurate and sufficient space for the existing flats. The appearance of this area would be notably improved in quality. This reconfiguration would also facilitate the provision of 10no. parking spaces within the site for future occupants of the proposed 1 bedroom apartments, but also to serve existing residents that at present have no off street parking associated with their properties. Seven of these spaces would be to the north of the site, accessed via an electronic barrier and three to the eastern part of the site.
- 5.5. The existing car parking area to the east of the site, which is at present entirely completed with hardstanding and is in a relatively poor state of repair would be altered to form a new access road to the site, providing a means of access to these parking spaces. This would be complimented by a new adjacent footpath and the introduction of a strip of landscaping running from Commercial Street 25.3m to the north. It is noted that a small section of new walling would be located to the frontage of the site, adjoining no. 17 Commercial Street. The height was confirmed by the Agent as spanning to 0.6m and it would be likely to be constructed of brick. However this would be ultimately controlled via the attachment of a materials condition.
- 5.6. The aforementioned pedestrian/cyclist path would link all of the existing/proposed properties with Commercial St via the secure gated access adjacent to no. 9 Commercial Street. This has historically been the arrangement within the site however the current proposals define this more clearly through hard and soft landscaping.
- 5.7. The scheme also involves the retention of the existing substation, the provision of a new bin store (the bin stores for the existing residents would be retained in situ) and the provision of a new secure cycle store. This cycle store would offer 12 spaces in total, 1 space per unit, with additional spaces for existing tenants. The cycle and bin store would be of a contemporary design incorporating flat roofs, which the Agent has confirmed would likely be completed with grey composite cladding. These are grouped with the existing substation building.
- 5.8. A new 2 metre high close boarded fence would be located to the northern boundary of the site, no other wider site boundary treatments are proposed as part of the new cohesive hard/soft landscaping scheme. There are however strategic areas of fencing within the site, including 0.6m high timber knee rail fencing to define grassed areas and a limited section of 1.5m high fencing to separate the 3no. parking spaces from the adjoining shared amenity space.

6.0 Planning Policy and Guidance

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:
The Ryedale Plan – Local Plan Strategy, adopted 2013

Guidance - Material Considerations

- 6.3. Relevant guidance for this application is:
- National Planning Policy Framework 2021
 - National Planning Practice Guidance
 - The Planning (Listed Buildings and Conservation Areas) Act 1990 .

7.0 Consultation Responses

- 7.1. The following consultation responses have been received and have been summarised below. Full comments are available to view on the Council's website.
- 7.2. **Parish Council:** Recommend approval
- 7.3. **Ward Member(s):** No response received
- 7.4. **Local Highway Authority:** Recommend conditions, adherence to proposed parking plan and requirement for construction management plan
- 7.5. **Building Conservation Officer:** No Objection
- 7.6. **Ecology:** No ecological concerns
- 7.7. **Environment Agency:** No response received
- 7.8. **Environmental Health:** Satisfied suitable indoor noise levels could be achieved but concerns remain
- 7.9. **Archaeology:** Recommend condition for scheme of archaeological mitigation
- 7.10. **Lead Local Flood Authority:** No comments
- 7.11. **Police Architectural Liaison Officer:** Recommendation made, will form informative.
- 7.12. **Yorkshire Water.** No response received.
- Local Representations
- 7.13. No local representations have been received.

8.0 Environment Impact Assessment (EIA)

- 8.1. The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environment Statement is therefore required.

9.0 Main Issues

- 9.1. The key considerations in the assessment of this application are:

- Principle of development
- Impact upon the Conservation Area, Design and Landscaping
- Access, Highway Safety and Parking
- Noise and Amenity
- Other Matters

10.0 ASSESSMENT

Principle of Development

- 10.1. Policy SP1 (General Location of Development and Settlement Hierarchy) of the Ryedale Plan, Local Plan Strategy identifies Malton and Norton as the 'Principle Town' where "*Housing and Employment Growth*" is supported. Policy SP2 (Delivery and Distribution of New Housing) notes support for "Conversion and redevelopment of Previously Developed Land and buildings within Development Limits"
- 10.2. 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.*"
- 10.3. Policy SP4 (Type and Mix of New Housing) notes support for "*The reuse of empty properties.*" It also noted that "*Communal amenity space will be required as part of flatted development, where this is feasible and practicable*" and "*to ensure a range of dwelling types and sizes are provided in order to retain a balanced housing stock and provide choice in the housing market.*"
- 10.4. At Paragraph 69 the National Planning Policy Framework (NPPF) notes "*Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly.*"
- 10.5. It is therefore considered that this scheme, which would see the reuse of a disused building, within the Conservation Area, for 4no. 1 bedroom apartments will make a positive addition to the housing mix particularly for people entering the housing/rental market within this sustainable town centre location. It is considered to be acceptable in principle and in accordance with the Ryedale Plan, Local Plan Strategy and NPPF.

Impact upon the Conservation Area, Design, Landscaping

- 10.6. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving and enhancing the character and appearance of a Conservation Area.
- 10.7. The proposed scheme as outlined above includes a broad range of aspects. These include the conversion of the existing building to form 4no. 1 bedroom apartments, significant wider amendments to the external areas of the site, including the reorientation and landscaping of outdoor spaces to provide defined amenity spaces for both existing and future tenants, the creation of 1no. car parking spaces, together with provision of secure cycle storage and bin storage.
- 10.8. The proposed amendments to the building to facilitate the conversion as noted are relatively limited and it is considered that this presents a very sensitive conversion.

The scale of the proposed new fenestration is considered appropriate and a condition to secure full details of new windows and doors is recommended given the position of this building within a Conservation Area. It is considered that this scheme will secure the future of this currently disused building which is considered beneficial in terms of retaining the character of the Conservation Area.

- 10.9. The wider amended layout and landscaping of the site, which includes newly introduced car parking spaces, the access road and defined amenity spaces for both existing and proposed residents is considered to relate to a cohesive, high quality scheme and this is welcomed. It is considered that a formal condition to secure full details of the proposed soft landscaping will be necessary. No details on the proposed materials for the hard surfaced areas have been provided. For the avoidance of doubt and in order to secure high quality hard landscaping, a condition to seek details of surfacing materials throughout the site will be recommended.
- 10.10. A small section of walling is proposed to the southern boundary of the application site, to adjoin no. 17 Commercial Street. This would span to 1.2m and the Agent has confirmed this would likely be completed with brick. A sample of this brickwork would be sought via the materials condition.
- 10.11. The proposed bin store is considered minimal in scale and full details of this will not be required, however, samples of the proposed material to serve the cycle store will be sought by condition. In principle, the scale and positioning of the cycle store is considered acceptable and will provide a useful amenity for existing and future residents. The limited use of composite UPVc/timber for this structure is considered acceptable.

- 10.12. It is considered that subject to the relevant conditions, the proposed conversion of the building and provision of new cycle/bin storage will preserve the character of the Conservation Area. It is furthermore considered that the provision of high quality hard and soft landscaping throughout the remainder of the red lined area will enhance the character of the Conservation Area. The Council's Building Conservation Officer was consulted on this scheme and confirmed no objection.
- 10.13. The Police Architectural Liaison Officer was consulted on this scheme and made recommendations, these will be highlighted to the Applicant/Developer via an informative.
- 10.14. It is furthermore considered that this scheme is in full accordance with the requirements of the Policies SP12 (Heritage) SP16 (Design) SP20 (General Development Management Issues) contained within the Adopted Local Plan, the Ryedale Plan Local Plan Strategy (2013). It is also considered that the scheme is in compliance with the requirements of the National Planning Policy Framework.

Access, Highway Safety and Parking

- 10.15. As noted, the scheme would introduce a new formalised vehicular access route and 10no. car parking spaces for the use of existing and future residents. This is well in excess of the 4no. parking spaces that would have been required to meet the minimum standards applied by the Highways Team when assessing new development of this type.
- 10.16. The Highways Officer noted "*In principle the Local Highway Authority offer no objections to the proposals as outlined in the associated planning documents. The plans show parking for the proposed and existing apartments which is very much welcomed and this will go some way in helping to alleviate on-street parking pressures along Commercial Street.*" Conditions were recommended including a construction management plan and a condition to secure the delivery of the access, turning and parking areas prior to the site being brought into use. The wording of this condition was reviewed within the Highways Officer as it originally noted "*No part of the development must be brought into use until...*" However it is noted that the red line site includes existing amenity spaces for existing properties and these cannot reasonably be taken out of use. It is considered appropriate to reword this to the following "The 4no. 1 bedroom apartments hereby approved shall not be occupied until..." This will ensure that the works are undertaken in a timely manner and has been agreed with the Planning Agent and Highways Officers.
- 10.17. The Highways Officer has confirmed in an email dated 9th March 2023 that the continued approach of bins being located on the highway for collection is considered acceptable.
- 10.18. Subject to the recommended conditions, in terms of transport, parking and highway safety this scheme is considered to meet the requirements contained within Policies SP16 (Design) and SP20 (General Development Management Issues) contained within the Adopted Local Plan, the Ryedale Plan Local Plan Strategy (2013). It is also considered that the scheme is in compliance with the requirements of the National Planning Policy Framework.

Noise and Amenity

- 10.19. The application has been supported by a Noise Impact Assessment (NIA) (February 2023 Dragonfly Consulting) which included a Noise Survey. It was concluded that noise levels if based on partially opened windows would not be sufficient to meet the relevant British Standard. Therefore, the NIA notes that an alternative Glazing and Ventilation Strategy will be required.
- 10.20. Consequently, if this were to be recommended for approval, a condition would be sought for the submission of a full strategy/specification of the proposed glazing and Mechanical Ventilation Heat Recovery (MVHR) system, together with any external associated plant/machinery to secure specific internal noise levels and appropriate ventilation required. This would be reviewed with the Council's Environmental Health Team as part of a future discharge of conditions application. However it is noted that the general proposals will include a Mechanical Heat Ventilation Recovery System to allow suitable airflow with windows closed. It was noted that this would meet with the requirements for Building Regulations and would allow the internal noise levels to accord with the British Standards.
- 10.21. It is noted that Policy SP20 of the Ryedale Plan, Local Plan Strategy requires that for new housing *developments* "*Developers will be expected to apply the highest standards outlined in the World Health Organisation, British Standards and wider international and national standards relating to noise.*" It is acknowledged that the approach outlined above would not accord precisely with the World Health Organisation standards which are based on partially open windows, however it is noted that this relates to the change of use of a building within an established town centre position, in close proximity to existing residential properties and which in all other respects is an extremely sustainable location. The approach of allowing mechanical ventilation in other conversions/brownfield sites in Norton has been taken by the LPA previously in certain circumstances. The MHVR system would allow for suitable ventilation whilst windows are closed, but future occupants could choose to open these should they wish.
- 10.22. Further requests were sought by the Council's Environmental Health Officer and detailed negotiations undertaken. The final conclusions from the EHO noted that suitable internal noise levels could be achieved with mechanical ventilation. The EHO also noted that tonal noise, which was identified within the noise data sought by the EHO, would not affect internal spaces harmfully.
- 10.23. The final consultation response from the EHO reiterated concerns with regards to road traffic noise, the close location of the proposed apartments with the commercial premises (which could affect residential properties by deliveries/privacy impacts etc) and that the design of the units has not been informed by the noise results. They also note that in their view the external amenity spaces would be affected by noise. Concern is also raised that an approval would discord with the Local Plan Policy which under Policy requires new housing to have the highest levels of amenity. The EHO does acknowledge that these are all matters to be made within the planning balance.

- 10.24. It is noted that this is an area characterised by the close co-location of commercial and residential properties, which has been part of the historic pattern of development of this part of Commercial Street. The only closely located commercial premises that could potentially affect future occupiers are the Hair and Beauty Academy (no. 17 Commercial Street) and Norton Aquaria (no. 15 Commercial Street.) The proposed application site will be formally subdivided from the Hair and Beauty Academy, with openings along the southern elevation to be blocked up. It is not anticipated that this business (which would be accessed only from the frontage on Commercial Street) would result in any harm to the amenity of future residents. Norton Aquaria fronts onto Commercial St and includes a projecting rear element that would be located in close proximity to the western elevation of the proposed apartments. However, it is very clear from the proposed site layout that whilst there is a rear doorway, no external deliveries would be possible to the rear of this business in the future, due to the gated parking spaces, secured by electronic barrier and limited pedestrian access from the east. Deliveries could only be made via the front door, which would not adversely impact the business operationally.
- 10.25. Critically, the internal noise levels at the 4no. proposed apartments can be mitigated to suitable levels to provide an acceptable level of amenity for future residents. This is of key importance and whilst this is not to the highest levels as outlined by the World Health Organisation with partially opened windows, this can be achieved with mechanical ventilation, in a manner that is permissible under the Building regulation process. Any future resident would also have the option to open their windows should they so choose.
- 10.26. The point raised by the EHO in terms of the perceived discordance with Policy SP20 is noted and each planning application is considered on a case by case assessment, based on the site specific circumstances. This would not set a formal precedent for future applications in planning terms, however it is acknowledged that this is a site located within an established urban area, which would help to secure the retention of a disused building within the Conservation Area for one bedroom apartments that would add to the existing housing mix. In this situation, such a divergence from adopted policy can be weighed up in the 'planning balance.'
- 10.27. The EHO's concern in relation to noise affecting outdoor amenity space is noted. However, the scheme for 4no. 1 bedroom apartments would be potentially acceptable in this urban town centre location if proposed without any outdoor amenity space (with the exception of a bin storage area). Consequently, it is not considered that the strongly welcomed communal outdoor space should be held to the same stringent amenity requirements as private garden spaces. Officers view this as 'bonus' amenity space and note the wider improvements proposed to the similar shared amenity spaces for the existing properties.
- 10.28. The potential redesign of the units based on information within the NIA was discussed with the Agent and he noted in a response dated 21st April: (The EHO) *"is requesting that the positioning of rooms and /or window position/sizes be reviewed to achieve an optimum solution in terms of the acoustic climate. However, this is only one factor in the consideration of this proposal. The internal arrangement has sought to work with the constraints of the existing building / site in terms of window positions and the*

entrance / circulation space. The impact on the conservation area will be a positive one. The proposed flats are modest units and will appeal to entry-level homeowners. They are within a highly sustainable location and the proposal will also lead to a series of external amenity benefits including the provision of communal car parking, improvement to existing amenity spaces and pedestrian access routes. In order to deliver these benefits, which are significant, the scheme must be attractive to incoming occupiers. The proposed flats are small units where the majority of floorspace is taken up by habitable rooms with windows for light, views, general amenity. The internal layout has been a challenge and to rework it around the sole factor of the acoustic environment would lead to compromises in the quality of the accommodation and could simply lead to passing on the perceived problem. In our view, the internal noise climate is acceptable in an urban location such as this, which is demonstrated by the Dragonfly report. The standard of amenity will exceed that of neighbouring properties, which do not benefit from a MVHR system to facilitate the option of closing all windows. There is a balanced judgement to be applied here and the fact that the proposal is making efficient use of an existing building, with an established set of parameters, is a significant factor. Taken in the round, we consider the development to be an entirely positive intervention for the local area, including existing tenants along Commercial Street.” Officers conclude that given a suitable level of indoor noise amenity can be achieved that requiring a wholesale redesign would not be appropriate.

- 10.29. The remaining concerns of the Environmental Health Officer are acknowledged and have been considered in detail above, similarly the requirements of Policy SP20 of the Ryedale Plan, Local Plan Strategy (Generic Development Management Issues) are appreciated. Following careful review and for the reasons outlined above, subject to the recommended condition to secure a specification of the proposed glazing and Mechanical Ventilation Heat Recovery (MVHR) system, together with any external associated plant/machinery which will in turn deliver suitable internal noise levels and ventilation for future occupants, it is considered that Officers can support this proposed development in terms of noise. This is an ‘on balance’ decision, weighing the material planning issues in the planning balance and would not give weight to any future application in terms of setting a precedence.
- 10.30. It is furthermore considered that a suitable level of privacy will be experienced by future occupants of the proposed 4no. 1 bedroom apartments in accordance with the requirements of Policy SP20 of the Ryedale Plan, Local Plan Strategy (Generic Development Management Issues.)
- 10.31. It is also considered that this scheme would align with the requirements of the NPPF which in paragraph 130 (f) seeks to ensure new development “*create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*”

Other Matters

- 10.32. As noted, the Lead Local Flood Authority confirmed they had no comments to make and no response was received from the Environment Agency, nor Yorkshire Water. It is noted that the proposed apartments would themselves be located in Flood Zone 1 and consequently, the proposed conversion scheme and wider site works are considered to be acceptable in terms of flood risk. The existing building already incorporates existing foul water connections and this scheme would increase areas of permeable paving. Usually a condition would be included to ensure Foul Water and Surface Water connections are made to the satisfaction of an approved Building Control Inspector, however this is not considered necessary in these site specific circumstances. Full adherence to separate Building Control Regulations will however remain the responsibility of the Developer.
- 10.33. North Yorkshire Archaeology have been consulted as part of this scheme and have noted that significant remains were identified through trial trenching within the ATS Euromaster site to the north (which falls under the blue line.) It was also noted that a foundation trench on the frontage of an adjacent trench revealed archaeological features below the tarmac surface. Consequently a scheme of archaeological mitigation will be sought via the imposition of a condition. Following the Agent's request, on the 7th June 2023 the NYCC Archaeologist confirmed a minor amendment to the condition was permissible so that this would be triggered by external ground disturbing works, rather than any internal works associated with the proposed conversion.
- 10.34. North Yorkshire Ecology have confirmed no ecological concerns in relation to the proposal.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1. This application has been recommended for approval as it is considered to meet with the requirements of the Ryedale Plan, Local Plan Strategy and the National Planning Policy Framework.
- 11.2. This proposed conversion scheme, which would see the reuse of a disused building within the Town's Conservation Area is considered to be acceptable in principle within the 'Principle Town' of Norton. It aligns with the requirements of the following policies within the Ryedale Plan, Local Plan Strategy: Policy SP1 (General Location of Development and Settlement Hierarchy) Policy SP2 (Delivery and Distribution of New Housing) and Policy SP4 (Type and Mix of New Housing) and the National Planning Policy Framework (NPPF.) It is also considered to relate to the sensitive residential conversion of the former dance hall building and will secure its future retention and reuse within the Town Conservation Area in accordance with Policy SP12 (Heritage) of the Ryedale Plan, Local Plan Strategy and Section 72 of the Planning Listed Buildings and Conservation Areas) Act 1990 .

- 11.3. The wider proposed works including the access, car parking and indicative hard and soft landscaping throughout the application site are considered to create a high quality environment for future residents that will significantly benefit existing residents of the adjoining flats within the blue line land. The provision of secure cycle parking and off street car parking for existing and future residents on what is a busy town centre street is considered beneficial by the Case Officer and the Highways Officer.
- 11.4. The application is also considered to be suitable in terms of ecology, drainage and flood risk. With the provision of the agreed Mechanical Heat Ventilation Recovery System, a suitable level of internal noise can be achieved for future residents and this can be secured by condition.
- 11.5. The scheme as noted will provide 4no. 1 bedroom apartments in a very sustainable town centre location, which will add to the housing mix of the area.
- 11.6. It is noted that the scheme does not align precisely with the very high level parameters set by Policy SP20 (Generic Development Management Issues)-in that it requires new development to adhere to the highest level of the World Health's Organisations Noise levels, which are measured with partially open windows. However, it is noted that this is historically a mixed residential and commercial area and with the provision of the agreed Mechanical Heat Ventilation Recovery System, a suitable level of internal noise can be achieved for future residents which can be secured by condition. Therefore, it is considered that in terms of the planning balance, Officers recommend support for this scheme due to the significant benefits outlined above and given that a suitable level of amenity will also be secured.

12.0 **RECOMMENDATION**

- 12.1 That planning permission be GRANTED subject to conditions listed below

Recommended conditions:

Condition 1 Time Limit

The development hereby permitted shall be begun on or before *Inset*

Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

Condition 2 Approved Plans

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

Site Location Plan (Drawing.no CSN-B-30-2)

Proposed Site Plan (Drawing.no CSN-B-26-3 REV A)

Proposed Elevations (Drawing.no CSN-B-28-3)

Proposed Plan General Arrangement (Drawing.no CSN-B-29-3 REV A)

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

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

Condition 3: Archaeology:

A) No commencement of any external ground disturbing works associated with this development hereby approved shall commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation

assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: This condition is imposed in accordance with Section 16 of the NPPF (paragraph 205) as the site is of archaeological significance in accordance with Policy SP12 of the Ryedale Plan, Local Plan Strategy.

Condition 4: Construction Management Plan

No development for any phase of the development must commence until a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved Construction Management Plan.

The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

1. wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
2. the parking of contractors' site operatives and visitor's vehicles;
3. areas for storage of plant and materials used in constructing the development clear of the highway;
4. measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
5. protection of contractors working adjacent to the highway;
6. details of site working hours;
7. measures to control and monitor construction noise;
8. an undertaking that there must be no burning of materials on site at any time during construction;

9. removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
10. details of external lighting equipment;
11. a detailed method statement and programme for the building works; and
12. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: In the interest of public safety and amenity in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

Condition 5: Noise – Glazing and Ventilation Strategy

Prior to the commencement of the above ground works associated with the development hereby approved, a comprehensive Noise Mitigation and Ventilation Scheme, to include full details and specifications of the proposed Mechanical Ventilation Heat Recovery (MVHR) system and with any associated external plant/machinery to be installed, together with full glazing specifications for all windows (including roof lights) shall be submitted to and approved in writing by the Local Planning Authority to secure appropriate noise mitigation and ventilation within the 4no. 1 bedroom apartments hereby approved

The scheme shall detail the means to achieve resistance to both, airborne and impact sound with a view to achieving noise levels in all habitable rooms as recommended with BS8233:2014 Guidance on sound insulation and noise reduction for buildings. The scheme shall provide details of noise levels that are to be achieved in all habitable rooms.

Thereafter the development shall be undertaken in accordance with the approved scheme and thereafter maintained.

Reason: To ensure a satisfactory level of residential amenity to satisfy the requirements of Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

Informative: Mechanical ventilation may not be required on every window serving the new development (ie. the stairwell window.)

Informative: To ensure good air quality from nearby traffic pollution it is recommended that air intake is from the 'cleanest' façade of the development, or shall include suitable means of means of filtration.

Informative: The scheme shall be designed to meet current building regulations with respect to the provision of background ventilation and purge ventilation.

Condition 6: Hard landscaping

Prior to the above ground construction of the development hereby approved, unless otherwise agreed in writing with the Local Planning Authority, plans showing details of the proposed hard surfacing treatment for the new access road, pavement and parking areas hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policies SP12, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

Condition 7: Soft landscaping

Prior to the above ground construction of the development hereby approved, unless otherwise agreed in writing with the Local Planning Authority, plans showing details of a landscaping and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the planting of any trees/shrubs and show any areas to be grass seeded or turfed. The submitted plans and/or accompanying schedules shall indicate numbers, species, heights on planting, and positions of all trees and shrubs. All planting seeding and/or turfing comprised in the above scheme shall be carried out during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development hereby approved Policy in accordance with Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy

Condition 8: Materials

Prior to the commencement of the above ground works relating to the cycle store or the approved front boundary wall, 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 cycle store and the approved front boundary wall shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policies SP12, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

Condition 9: Windows

Notwithstanding the submitted details, prior to their installation, details of all new 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. These shall be shown on a 1:10 scale drawing.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policies SP12, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

Condition 10: Provision of Access, Parking, Turning Areas

The 4no. 1 bedroom apartments hereby approved shall not be occupied until the access, parking, manoeuvring and turning areas for all users at 23 Commercial Street have been constructed in accordance with the details approved on drawing no. PROPOSED SITE PLAN. CSN-B-26-3 Rev A in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

Condition 11: Unexpected contamination

In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported immediately to the local planning authority, and work must cease until an appropriate investigation and risk assessment must be undertaken. Where remediation is necessary, a remediation scheme must be prepared by competent persons and submitted to the local planning authority for approval. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

Informatives

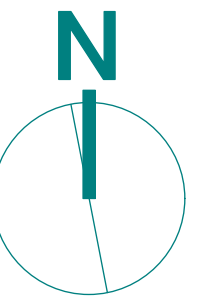
Informative 1: The Developer's attention is drawn to the guidance within the consultation response from the Police Architectural Liaison Officer dated 24th January 2023.

Informative 2: It is noted that apartments do not benefit from permitted development rights contained within Schedule 2, Part 1 of the Town & Country Planning (General Permitted Development) Order 2015

Target Determination Date: 08.03.2023

Case Officer: Niamh Bonner, niamhbonner@northyorks.gov.uk

Appendix A – Proposed Layout Plan



Rev	Date	Details	By
A	05/06/23	Notes added	KL

mbo architects

Castlegate House,
26 Castlegate, York,
YO1 9RP
Tel: 01904 690500
Email: mail@mboarchitect.co.uk

Client:
The Academy

Project Title:
**R/O 17 Commercial Street,
Norton**

Drawing Title:
Proposed Site Plan

Scale @ A1:	Date:	Drawn:
1:200	12-08-2022	KAL

Project Ref:	Drawing No:	Stage:	Rev:
CSN-B	26	3	A

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