

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.

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