

**Item Number:** 7  
**Application No:** 17/00101/FUL  
**Parish:** Kirkbymoorside Town Council  
**Appn. Type:** Full Application  
**Applicant:** Mr Peter Johnson  
**Proposal:** Change of use and alterations to existing two-bedroom apartment, attached outbuilding and rear section of retail units to form a total of 3no. one-bedroom apartments, 2no. two-bedroom apartments and 1no. ground floor retail unit following demolition of existing extension to north-west elevation  
**Location:** 6 Market Place Kirkbymoorside YO62 6DB  
**Registration Date:** 2 February 2017  
**8/13 Wk Expiry Date:** 30 March 2017  
**Overall Expiry Date:** 26 June 2017  
**Case Officer:** Charlotte Cornforth **Ext:** 325

#### CONSULTATIONS:

##### Yorkshire Water Land Use Planning

##### Building Control

##### Housing Services

##### Highways North Yorkshire

No objection

##### Parish Council

Support - concerns about parking

##### Parish Council

Support - Concerns about parking

##### Highways North Yorkshire

No objection

##### Building Conservation Officer

No objection

**Neighbour responses:** Lesley Temple, Mary Low, Mrs Jennifer Robinson,  
 Jennifer & Peter Robinson,

#### SITE:

The application site is located to the western side of Market Place close to the junction with Howe End. The site is located within the town centre commercial limits and it is also within the designated conservation area. The property is not however a listed building.

The property is comprised of two ground floor retail units which front onto Market Place, shown as 6A and 6B on the submitted plans with existing flats set out in the remainder of the accommodation that extends over three floors. To the rear of the property is an annex building which is used for storage purposes.

#### PROPOSAL:

The application was submitted for the change of use of the existing property to form a total of 4 No. one bed apartments and 2 No. two bed apartments with ground floor retail units retained as part of the proposals. During the consideration of the application the application has been revised to reduce the number of 1 bed units from 4 to 3. The application is accompanied by a planning statement and additional information has recently been submitted in respect of means of escape. The applicant has also responded to points raised by third parties in relation to the application. These documents are appended to this report for Members consideration.

## **RELEVANT HISTORY:**

Ref 15/00935/FUL. Change of use of attached outbuilding to two bed dwelling. Refused 4.11.2015

## **POLICY:**

### National Policy

NPPF

NPPG

### Local Development Plan Policy

Policy SP1

Policy SP2 Delivery and Distribution of New Housing

Policy SP4 Type and Mix of New Housing

Policy SP7 Retailing

Policy SP12 Heritage

Policy SP16 Design

Policy SP20 Generic Development Management Issues

## **APPRAISAL:**

The following matters are considered to be relevant to the consideration of this application:

Principle of residential development

Design and relationship with surrounding buildings

Heritage issues

Impact on Town centre

Amenity Considerations

Access/Parking issues

### Principle of development

Kirkbymoorside is identified as a local service centre and a secondary focus for growth in the adopted Local Plan Strategy. The plan identifies the use of town centre upper floors as an opportunity to add to the range and type of accommodation available to meet housing needs in the district. In principle the use of the upper floors of the building and the separate annex to the rear present an opportunity to make a beneficial use of the buildings which are currently not fully used and in part are in a poor state of repair. There is also considered to be a need for smaller units of accommodation as identified in the SHMA. National Policy also encourages this type of proposal with paragraph 51 of the NPPF stating:

*51. Local planning authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty housing strategies and, where appropriate, acquire properties under compulsory purchase powers. They should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate. Accordingly, the principle of its conversion to residential is acceptable.*

The proposal is considered to accord with the general principles in relation to residential development set out in policies SP1, SP2 and SP4 of the Local Plan Strategy

### Design and relationship with surrounding occupiers

The development is accommodated within the envelope of the existing buildings on site and seeks to retain the character and appearance of the existing buildings within the street scene. A section of the existing annex to the rear of the site is proposed to be demolished and a rear doorway opening is proposed to be blocked up. This ensures that there is no rear access towards the adjacent property Number 1A Howe End. It is of note that there are no direct public views of the rear of the premise from Market Place and limited views from Howe End as a result of the presence of very high boundary walls abutting the back edge of the footpath in this part of the town. The lean-to section of building that is proposed to be demolished is of no particular merit and the Councils Building Conservation Specialist has no objection to the proposal on heritage grounds. The proposal is therefore considered to be acceptable in terms of its approach to both heritage and design issues and these aspects of policies SP12 and SP16 of the adopted plan are considered to be satisfied.

### Impact on Town centre

The site is located in the built up area of the town and within the identified town centre limits. The scheme seeks to retain ground floor retail accommodation and there is therefore considered to be no detrimental impact on the vitality and viability of the town centre arising from the application proposals. The creation of an increase in the number of small town centre flats is considered to be a positive move which has the potential to assist town centre trade by enabling additional residents to live within the town centre. The application is therefore considered to comply with the aims of Policy SP7 of the Local Plan Strategy.

### Amenity considerations

The scheme was originally submitted for 4 one bedroom and 2 two bedroom flats. This was amended as described earlier in this report and bin storage provision was also identified on the submitted plans.

The scheme as amended shows accommodation for five flats which are all contained within the envelope of the existing buildings on site. The residential accommodation is located across several floors of the building and in response to access/fire safety concerns the views of the North Yorkshire Building Control Partnership were sought in respect of protected stairway provision and also access to the rear annex. In response the applicant has submitted further information from their own professional advisors on this matter indicating that they have assessed the scheme and that they consider safe access/escape to be obtainable/provided to all of the flats proposed. The final comments of NYBCP officers are awaited and will be reported on the Late Pages or at the meeting.

In other respects the amended scheme provides for a number of much needed small units of accommodation in a town centre location and provides for a beneficial use of an under used historic building within the designated conservation area. In terms of impacts on adjacent residents these are considered to be limited in nature. The applicant has confirmed that the rear doorway of the existing annex store is to be permanently blocked and has expressed the view that no overlooking would be possible from the proposed rear roof light because of its position in the roof space. Officers are seeking confirmation of the height of the roof light above floor level. However any potential for overlooking is capable of being addressed by obscure glazing if it is considered to be necessary.

### Access Parking Issues

The scheme provides for no off road parking. However the site is located in a town centre location where there are both off street and on street parking opportunities. It is of note that NYCC Highways have raised no objection to either the scheme as originally submitted or as subsequently amended on parking or highway safety grounds. The proposal is therefore considered to be acceptable in terms of this aspect of Policy SP20 of the Local Plan Strategy.

### Other Matters

The Town Council have been consulted in respect of both the original and amended plans making the following comments.

Original Plans – Support but concerns over demands on parking

Amended Plans – Comments as originally submitted

The matter of parking has been appraised by NYCC Highways who do not object given the site's location in the town centre and the availability of on and off street parking in the town.

During the consideration of this application response from three third parties were received to the original plans and one of the original responses has made further comments in respect of the amended plans.

Original Plans

Concerns over increased parking pressure, strain on local infrastructure, setting of listed buildings, small units not in character with the town, concerns over potential adverse impact on business, no legal rights of access over other property, concerns over rubbish storage and collection, concerns over means of escape, potential overlooking and possible flooding of the basement areas.

Amended Plans

Comments relating to Plan 'accuracy' and potential for overlooking from annex at the rear from roof light.

Matters relating to legal rights of access are not material to the consideration of the application. Issues relating to the principle of the development, heritage impacts, impacts on the town centre, possible overlooking/privacy issues and parking have been addressed in this report. Full copies of the third party responses received can be viewed on the Council's website.

In summary the application is considered to be acceptable in principle and comprises an acceptable re use of an underused building within the town centre conservation area.

Detailed matters however remain to be confirmed as being acceptable in terms of access and escape from the small units of residential accommodation which are distributed over four floors within the buildings in question.

It is anticipated that the final views of NYBCP will be available prior to the meeting in order that a final recommendation can be made to Members.

**RECOMMENDATION:**                      **Made at the Meeting**

