

Draft Local Plan 2005

CYGP1	Design
CYH4A	Housing Windfalls
CYHE2	Development in historic locations

3.0 CONSULTATIONS

INTERNAL

Public Protection

3.1 No objection but recommend a condition securing a vehicle recharging point

EXTERNAL

Heworth Planning Panel

3.2 No objections

Neighbours and Publicity

3.3 One letter of objection from 69 East Parade. They do not object to the scheme in principle but are concerned that the extension will overhang their boundary. The gutter and roof of the existing building overhangs the airspace of number 69 by approximately 450mm in places. It is noted that as originally submitted the proposal would follow this building line and may prevent number 69 from developing their site in future.

3.4 Revised plans have since been received indicating a box gutter preventing any overhang onto the neighbour's property. The neighbour at number 69 East Parade is currently being reconsulted on the revision and Members will be updated accordingly.

4.0 APPRAISAL

4.1 Key Issues

- Principle of the development
- Impact on neighbouring dwellings
- Impact upon the character of the conservation area
- Highway implications

PLANNING POLICY

4.2 The National Planning Policy Framework (NPPF 2018) indicates a presumption in favour of sustainable development unless specific policies in the NPPF indicate development should be restricted. The purpose of the planning system is to contribute to the achievement of sustainable development. The objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Paragraph 38 advises that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. The presumption in favour of sustainable development does not apply where policies relating to preserving designated heritage assets are not met.

Paragraph 127 states that planning policies and decisions should ensure that developments will achieve a number of aims including:

- function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development
- be visually attractive as a result of good architecture, layout and appropriate and effective landscaping
- are sympathetic to local character and history, including the surrounding built environment and landscape setting
- create places that are safe, inclusive and accessible and promote health and well-being with a high standard of amenity for existing and future users.

4.3 Chapter 16 (Conserving and Enhancing the historic environment) says in paragraph 190 that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal. They should consider the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Paragraph 192 a) says that when determining planning applications, local planning authorities should take account of sustaining and enhancing the significance of any heritage asset. Paragraph 193 states that 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. The more important the asset, the greater the weight should be. Significance can be harmed by or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 195 says that where a proposed development will lead to substantial harm to or the total loss of significance of a designated heritage asset, local

planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

4.4 Paragraph 200 goes on to state that local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. However, not all elements of a Conservation area will necessarily contribute to its significance (Para 201).

EMERGING LOCAL PLAN.

4.5 Paragraph 47 of the NPPF 2018 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

4.6 The Publication Draft Local Plan 2018 was submitted for examination on 25 May 2018. The emerging Draft Local Plan policies can be afforded limited weight at this stage of preparation, and subject to their conformity with the NPPF. The evidence base underpinning the emerging Local Plan is capable of being a material consideration in the determination of planning applications.

4.7 The relevant policies in this document are D11- Extensions and Alterations to Existing Buildings and D4 - Conservation Area.

D11 states that proposals to extend, alter or add to existing buildings will be supported where the design:

- Responds positively to its immediate architectural context and local character and history, in terms of the use of materials and detailing, scale, proportion, landscape design and the space between buildings;
- Sustains the significance of a heritage asset and/or its setting and the character and appearance of conservation areas;
- Positively contributes to the setting, wider townscape, landscape and views;
- Protects the amenity of current and neighbouring occupiers, whether residential or otherwise.
- Contributes to the function of the area and is safe and accessible.
- Protects and incorporates trees that are desirable for retention.

4.8 Policy D4 states that development proposals within or affecting the setting of conservation areas will be supported where they:

- are designed to conserve and enhance the special character and appearance of the conservation area;
- leave qualities intrinsic to the wider context unchanged, and respect important views; and
- are accompanied by an appropriate evidence based assessment of the conservation area's special qualities, proportionate to the size and impact of the development and sufficient to ensure that impacts of the proposals are clearly understood.

4.9 It goes on to state that changes of use will be supported when it has been demonstrated that the primary uses can no longer be sustained, where the proposed new use would not significantly harm the special qualities and significance of the place, and where proposed changes of use will enhance its significance.

DRAFT LOCAL PLAN 2005

4.10 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the content of the NPPF. The relevant policies are GP4a, H4a, and HE2.

RELEVANT HISTORY

4.11 The application seeks permission for the conversion of an existing single storey office unit to the rear of 71 East Parade to a one bedroom residential dwelling. The unit was granted consent in 2002 and appears to have been erected in 2003. It was last used as an office but planning permission was granted in March 2016 for its conversion to a two bedroom residential unit. This permission is still valid and capable of being implemented. The revised scheme differs in that the dwelling would only comprise of one bedroom, a window and door are to be repositioned and a single storey rear extension added.

SCHEME

4.12 The alterations proposed are to provide suitable adaptive living accommodation for a wheelchair user. The property is attached to the back of 71 East Parade and comprises of a single storey long narrow building with openings to the north east elevation. Access to the site is off Eastern Court to the rear. As part of the conversion a 2.5m long single storey extension to the end, north facing elevation is proposed. This would run along the shared boundary with number 69 East Parade with a box gutter being provided in order to prevent any overhang. It would be constructed of matching brick, running through at ridge and eaves height, with a predominantly glazed gable end elevation overlooking the proposed garden area. Roof lights are proposed to the side roof slopes.

PRINCIPLE OF THE DEVELOPMENT

4.13 The proposed change of use would result in the loss of an office unit, although the principle of this loss and the buildings conversion into a dwelling has previously been established. The existing shop which fronts onto East Parade would be retained. The area to the rear of the parade of shops has altered significantly since first built and there are now a number of residential properties and accesses to first floor residential accommodation at neighbouring sites and thus the prevailing character to the rear of East Parade has become more residential, with the more commercial uses to the front. Separate access to the dwelling would be provided from the rear via Eastern Court and as such it would not have any detrimental impact upon the running of the existing retail commercial unit.

IMPACT UPON NEIGHBOURS AMENITY

4.14 No windows are currently located to the elevation facing number 69 East Parade and only a single rooflight is proposed within the extension. Six windows and a door are present to the side elevation facing onto the post office at 73 East Parade. This will not alter under the current scheme, although a door and window positioned are swapped around compared to existing. To the rear of number 73 a large gravel area is present which may be used as amenity space by the occupiers of the first floor residential accommodation. A relatively high boundary wall is present which would protect the amenity of these neighbours to a certain degree. There may be a minor loss of privacy to these neighbours if they were using this rear amenity space but it is considered that this would be very limited and it would not be any greater than the existing loss of privacy that arises from the previous office use or from the planning permission granted in 2016, the main fenestration change being to the end elevation.

4.15 The extension would also have limited impact upon neighbours' amenity. There are no side windows proposed and as such no loss of privacy would arise. The elevation adjacent to number 69 East Parade sides onto an existing hard surfaces parking area and as such has limited impact. The design of the extension, incorporating box gutters, prevent any overhang onto neighbours land.

4.16 It is also considered that noise disturbance as a result of the proposed change of use would not substantially increase over what could be generated from an office use on site. The Co-Op operates from number 75 East Parade but no noise associated with extraction systems or air conditioning units were audible at the site visit and as such it is considered that there would be no loss of amenity for the future occupiers of the dwelling from existing nearby uses.

IMPACT UPON THE CHARACTER OF THE CONSERVATION AREA

4.17 In the exercise of its planning functions with regards to development in Conservation areas, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the local planning authority shall pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. The extension to the end elevation is modest in scale and follows the line of the existing building. The rear of the parade has been significantly altered over the years and it is considered that this rear elevation does not contribute positively to the character and appearance of the conservation area. The glazed end elevation would not be readily prominent from outside of the site due to the existing landscaping and the distance to the rear boundary. It is therefore considered that proposed works would have no impact upon the significance of the designated heritage asset and would preserve the character and appearance of the Conservation area.

HIGHWAY IMPLICATIONS

4.18 Direct access to the rear of the site can be gained via Eastern Court. The rear of the site is currently laid out with a gravel surface which is capable of accommodating a number of vehicles. No alterations are proposed to this area. An area for secure cycle parking and refuse storage facilities have been identified within this area but the plans indicate it as being open sided. Whilst this is acceptable for refuse, the cycle store area needs to be covered and secure. This can be secured by condition however.

5.0 CONCLUSION

5.1 It is considered that the application accords with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, national planning guidance in the NPPF, policies D4 and D11 of the City of York Publication Draft Local Plan 2018 and policies GP4a, H4a and HE2 of the Draft Local Plan 2005.

6.0 RECOMMENDATION: Delegated Authority to Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans and other submitted details:-

Drawing number 1 dated 15th May 2018; Drawing no. 2 dated 25th July 2018 and drawing number 3 dated 15th May indicating Bin and Cycle Store only.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

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- 3 VISQ1 Matching materials
- 4 EPU1 Electricity socket for vehicles

5 Prior to occupation details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

- 6 PD1A Permitted development rights removed

7.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

Revised plans requested to prevent the gutter overhanging onto neighbours land

2. THE PARTY WALL ETC ACT 1996

The proposed development may involve works that are covered by the Party Wall etc Act 1996. An explanatory booklet about the Act is available at:

<https://www.gov.uk/party-wall-etc-act-1996-guidance>

Furthermore the grant of planning permission does not override the need to comply with any other statutory provisions (for example the Building Regulations) neither does it override other private property rights (for example building on, under or over, or accessing land which is not within your ownership).

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