

COMMITTEE REPORT

Date: 6 September 2018 **Ward:** Holgate
Team: Major and **Parish:** Holgate Planning Panel
Commercial Team

Reference: 18/00967/FULM
Application at: Resource And Day Care Centre
126 Acomb Road York YO24 4EY
For: Conversion of offices into 9no. apartments (6no. 1 bedroom,
3no. studios) to include replacement of rear two storey
extension with four storey extension and roof conversion with
dormers and erection 1no. two bedroom dwelling to rear with
associated parking and cycle storage (resubmission)
By: Mr Matt Newton
Application Type: Major Full Application (13 weeks)
Target Date: 11 September 2018
Recommendation: Approve

1.0 PROPOSAL

1.1 The proposal is for conversion of the existing offices in to a residential scheme over 5 floors including conversion of the basement and roof space. Two new dormers are proposed to the rear as well as a single dormer on the front. A four storey extension is to be constructed to the rear replacing the existing two storey extension. A new detached two storey dwelling is to be constructed to the rear of the site.

SITE AND SURROUNDINGS

1.2 The property was most recently in use as offices. It is a Victorian end terraced property but is not listed nor within a Conservation Area. The terraces are prominent buildings as a result of their scale and detailing. The side road leads to a cul-de-sac of more modern and modest dwellings from the 1950s. An access lane to the rear leads to the back of the terraces where a variety of ancillary buildings are visible.

PLANNING HISTORY

1.3 17/02872/ORC - Change of use of offices to 8 residential units - Withdrawn
18/00048/FULM - Change of use to 9 flats including 4 storey rear extension, roof conversion and new two storey building to rear containing 2 flats.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

City of York Draft Local Plan Incorporating the 4th Set of Changes Development Control Local Plan (Approved April 2005)

GP1 Design

GP10 Subdivision of gardens and infill devt

T4 Cycle parking standards

H4A Housing Windfalls

Emerging Local Plan

D1 Placemaking

D11 Extensions and alterations to existing buildings

T1 Sustainable access

EC2 Loss of employment land

3.0 CONSULTATIONS

INTERNAL

Public protection

3.1 No objections subject to planning conditions.

Flood risk management

3.2 No response to the current application however no objections were received to the drainage strategy for the previous scheme on the basis that there was no increase in impermeable area. The same is true of the current application and the drainage strategy is the same as previously submitted.

Schools Contracts Officer

3.3 No S106 Education contribution required as development is below the minimum threshold.

Housing Strategy and Development

3.4 No affordable housing requirements. As the application was received prior to the Local Plan being submitted to the Secretary of State, the application is below the 15 unit threshold applicable at that time for urban sites.

Public Realm (Strategy and Contracts)

3.5 No open space contribution required.

Highways Network Management

3.6 No objections raised although lack of parking is noted. The development does not contravene CYC maximum parking standards or minimum parking standards. It is anticipated that parking demand will increase but CYC parking standards do not require a minimum number of off-street parking spaces. There are no parking restrictions beyond junction restrictions and residents will park on a first come first served basis. The NPPF states 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'. Although this scheme has the potential to impact on the existing parking to a certain extent, it is not considered that the impact of this development could be considered severe. Good quality cycle parking is proposed and the site is close to a wide range of facilities within walking distance and so the development has the potential to attract residents who will not require a car. Conditions recommended.

EXTERNAL

Ainsty Internal Drainage Board

3.7 No objection in principle, conditions are suggested.

Holgate Planning Panel

3.8 No objections to the proposal.

Neighbour notification and publicity

3.9 A local resident has made representations objecting to the proposal. The issues raised are:

Parking issues

Disruption during construction

4.0 APPRAISAL

KEY ISSUES:

4.1 Principle of the use

Loss of employment use

Design

Neighbour amenity

Highways considerations

PLANNING POLICY

Development Plan

4.2 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise.

Local Plan

4.3 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF as revised in July 2018, although the weight that can be afforded to them is very limited.

4.4 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF as revised in July 2018, the relevant 2018 Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications.

4.5 The revised National Planning Policy Framework was published on 24 July 2018 (NPPF) and its planning policies are material to the determination of planning applications. It is against the NPPF (as revised) that this proposal should principally be assessed.

APPRAISAL

Principle of the development

4.6 The proposed development is for a change of use from offices to residential with external alterations and extensions and the erection of a new two storey dwelling.

The site is within an area which is predominantly residential in character and which is in close proximity to Acomb town centre.

4.7 The NPPF requires that decisions should apply a presumption in favour of sustainable development unless (where there are no relevant development plan policies) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In this instance, the proposal is considered to represent sustainable development in that it makes use of an existing building returning it to a use appropriate to the character of the area. The site lies in proximity to a good range of services and with good public transport links. For these reasons, it is considered to represent sustainable development.

Loss of employment use

4.8 The most recent use of the site was as offices and consulting rooms for the NHS. It has now been empty for a number of months. Policy EC2 of the emerging Local Plan seeks to prevent loss of land or buildings in current, or last in use, for employment uses. The loss of such use should be justified by demonstrating that the existing buildings are not viable and that the proposal would not lead to the loss of an employment site that is necessary to meet employment needs during the plan period.

4.9 The Local Plan seeks to focus main town centre uses on the city centre. The existing mixed office/ clinic use of the site is considered to be a main town centre use however the site is outside the city centre and also outside the Acomb district centre. The building was clearly converted from a dwelling to its current use and as such is considered less likely to meet current requirements for office space. The accommodation is spread over 4 floors with level access only available to the ground floor. The size of the building further restricts the level of employment such that the employment loss would be minimal and is unlikely to impact on employment needs in the district.

4.10 A change of use from office to residential use can often be implemented under Class O of the GPDO. Although an application was submitted for this site seeking approval for such a change it was not possible because of the mixed use of the building. The change of use to housing is supported by the NPPF which requires that the supply of homes is significantly boosted(para.59). Taking this into account, and the restrictions on market attractiveness as a result of the size, layout and location of the building, it is considered that the proposal meets policy EC2 and the loss of the employment site is acceptable.

Design

4.11 The proposed four storey rear extension replaces an existing two storey extension. The projection of this proposed extension is approximately 5.5m which is

approximately 0.5m more than the existing extension. The roof of the existing building will extend down over the extension tying it to the host building. The design of this extension is similar to that on No.128 Acomb Road to the other side of Braeside Gardens.

4.12 The proposed dormer windows echo those on other properties on Acomb Road. They are small with pitched roofs and a set back from the eaves. As such the front dormer is unlikely to be prominent in the streetscene and does not over-dominate the existing roof form.

4.13 The new dwelling to the rear is in the form of an ancillary building. It is a two storey building but with the first floor sitting partly within the roof and a dormer window facing Braeside Gardens. An attractive gable faces towards the junction with Acomb Road. The scale of this gable end is relatively modest and will not dominate views down Braeside Gardens. The scale of the proposed dwelling also compares favourably with that of the property on the opposite side of Braeside Gardens. This unit faces up Braeside Garden with a gable facing the highway and is a more imposing building which sits across the full width of the garden.

4.14 The replacement of the high boundary wall helps to ensure that the proposed dwelling retains the character of an ancillary mews-type building. The lack of a street presence for the property and minimal windows facing on to Braeside Gardens helps to reinforce this character. Larger windows are situated in the gable ends of the building and will be less prominent in the streetscene.

4.14 The existing wall boundary treatment will be retained and extended further along Braeside Gardens giving additional screening to the new dwelling which is set back approximately 1.2m behind the boundary wall. While the new dwelling is relatively long, the feeling of space to the rear of the frontage dwellings will be retained and views across the rear gardens will not be significantly harmed. It is considered that the proposed new dwelling does therefore fit with the grain of development in this area and will not harm the visual amenity of the area.

4.15 Policy D11 of the emerging Local Plan relates to extension and alterations to existing buildings. This requires that proposals respond positively to immediate architectural context and local character and contribute positively to the setting and wider townscape. The proposal has been assessed against this and is considered to result in a positive addition to the streetscene which picks up on local character while introducing new and appropriate additions to the locality.

Neighbour amenity

4.16 Para.127 of the NPPF requires that development should create places which promote a high standard of amenity for existing and futures users. The proposal converts the existing four storey building in to 9 apartments (Six one bedroom flats

and 3 studios) with new accommodation within the roof space. The single flat within the roofspace is served by the proposed dormer windows while other floors are converted in to two flats each with windows predominantly to a single aspect. The flats within the lower ground floor are served by windows within large lightwells. The garden will be stepped back at the front to further expose the basement windows while to the rear basement windows look on to a small yard area. Windows are large and internal ceiling heights are good, as is typical with a Victorian property, and this adds to the feeling of space and light within the building.

4.17 The flats are relatively modest in size. The one bedroom flats vary between 42m² and 48m² in floor area while the studio flats are between 30m² and 34m². While these floor areas are not large, the internal spaces are functional and will receive good levels of natural light helping to improve amenity for future residents. The Government has produced a National Space Standard indicating recommended floor areas but a Ministerial Statement (25th March 2015) states that decision takers should only require compliance with these national technical standards where there is a relevant current Local Plan policy. City of York Council has not proposed any locally determined standards in the emerging Local Plan.

4.18 An area of usable external space has been provided to improve amenity for residents. While the lower ground floor flats have private external space within the light wells, residents will also have access to a landscaped area to the rear of the property thereby improving amenity for all residents.

4.19 No significant overlooking is anticipated to neighbouring residents as a result of the proposed extension and dormer windows. The extension has windows looking to the rear and across Braeside Gardens. Distances from the windows looking on to Braeside Garden to the site boundary of No.128 are approximately 10m. This mimics the situation from No.128 towards the site. Distances are such that there is not considered to be any significant loss of amenity to neighbours through overlooking.

4.20 The new dwelling has windows in both gable ends and facing on to the highway. Windows in the South elevation of the new dwelling are between 11m and 13m from the windows in the North elevation of the host property. The ground floor patio windows will be screened by boundary treatments while other windows serve bedrooms and distances are considered to be acceptable.

4.21 The proposed extension has the potential to result in some loss of amenity to No.124 Acomb Road. This property is currently in office use. The extension projects approximately 5.5m at lower ground and ground floor levels but is cut back to approximately 4.0m at first and second floor. No.124 has a small projection of approximately 1.0m behind the main rear elevations of the properties further reducing the impact of the proposed extension. Within the rear elevation of the adjoining property are windows serving a bathroom and storage area and it is not

considered that the proposed extension will impact on amenity within these rooms. The orientation of the properties means that there will be some increase in overshadowing later in the day however rear gardens will already be overshadowed by the existing buildings and rear projection on the building.

4.22 The scale of the new detached dwelling is relatively modest. The rear elevation backing on to the neighbouring site is approximately 4.5m in height to the eaves with a ridge height of 8.5m. The rear of the neighbouring site is used as a parking area and it is not considered the new building will reduce amenity to the neighbouring site as a result of any over-bearing impact. Again, there will be some increase in overshadowing but this will be across the rear of the adjoining site which comprises of a parking area and outside space serving the office use within the building and is not considered to significantly impact on neighbouring amenity. Policy D1 of the emerging Local Plan requires that design considers residential amenity so that residents are not unduly affected by noise, overlooking or overshadowing. The proposal is considered to meet this policy.

Highways considerations

4.23 The proposal provides one off-road parking space for the new two bedroom dwelling. No parking is proposed for the 1 bed flats and studios within the main building. This provision is in line with that for the conversion of No.128 Acomb Road (16/00680/FULM). This provided 4no. 2 bed flats (each with a parking space) and 6no. 1 bed flats (with no parking provision). To achieve this parking provision the boundary wall along Braeside Gardens has been partially removed which has had an impact on the streetscene.

4.24 Unlike the application at No.128 Acomb Road there has not been significant local concern raised about parking on Braeside Gardens. Officers note that the site is in a sustainable location close to the district centre and with good public transport links to the city centre. The width of the carriageway on Braeside Gardens is approximately 4m which can result in cars parking on the footway. Double yellow lines at the junction with Acomb Road restrict parking to improve visibility at the junction while parking on Acomb Road is largely unrestricted. It is considered that the restricted width of Braeside Gardens and need to leave access to the parking area for No.128 will restrict on-street parking in this location. No issues are raised about additional on-street parking on Acomb Road where parking is not controlled.

4.25 It is noted that additional parking could be provided in exchange for the loss of the external amenity space. This would however result in the loss of the boundary wall, which is considered important for visual amenity, and the external space which has been provided to improve residents' amenity.

4.26 Cycle parking is to be provided within a secure lockable shelter in the yard where one space will be provided for each flat. Cycle parking is also provided for the

new dwelling along with adequate bin storage for all properties. The proposal is considered to meet the requirements of policy T1 in terms of cycle storage provision.

5.0 CONCLUSION

5.1 The proposal is recommended for approval as it represents sustainable development for which the NPPF (para.11) recommends that there should be a presumption in favour of approval unless adverse impacts would outweigh the benefits. While some harm has been identified as a result of a small loss of amenity to neighbouring properties through over-dominance and overshadowing; and the impact on residential amenity from the slightly restricted floorspace available; these issues are not considered sufficient to outweigh the policy presumption in favour of this application to provide additional housing within a sustainable location. The proposal complies with policies D1, D11, T1 and EC2 of the emerging Local Plan.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 Approved plans and other submitted details
- 3 VISQ7 Sample panel ext materials to be approv
- 4 Prior to occupation, each dedicated off street parking space shall incorporate a suitably rated electrical socket to allow 'Mode 2' charging of an electric vehicle using a standard 13A 3 pin socket and a 3m length cable.

Reason: To provide facilities for charging electric vehicles in line with the NPPF and CYC's Low Emission Strategy.

Notes: Optionally, a suitable 'IEC 62196' electrical socket (minimum² rated output of 3.7kw /16A) can be provided in addition to the standard 13A 3 pin socket to allow 'Mode 3' charging of an electric vehicle. Mode 3 charging, using a suitable cable and charging point, allows faster charging of electric vehicles. Further advice can be provided by City of York Council's Public Protection team on request.

All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015).

- 5 LC4 Land contamination - unexpected contam

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6 All construction and demolition works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

Reason: To protect the amenity of local residents

7 Prior to the commencement of construction, 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.

8 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), development of the type described in Classes A, B and E of Schedule 2 Part 1 of that Order shall not be erected or constructed on the dwelling house hereby approved to the rear of 126 Acomb Road.

Reason: In the interests of the amenities of the adjoining residents the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 2015.

9 VISQ4 - Boundary details to be supplied

10 HWAY17 - Removal of redundant crossing

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 (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to

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achieve a positive outcome:

Requested revisions to address concerns about residential amenity and design.

2. 1. The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228-1:2009 + A1:2014 and BS 5228-2:2009 + A1:2014, a code of practice for "Noise and Vibration Control on Construction and Open Sites".

2. Best practicable means shall be employed at all times in order to minimise noise, vibration, dust, odour and light emissions.

3. All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

4. There shall be no bonfires on the site.

Contact details:

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