

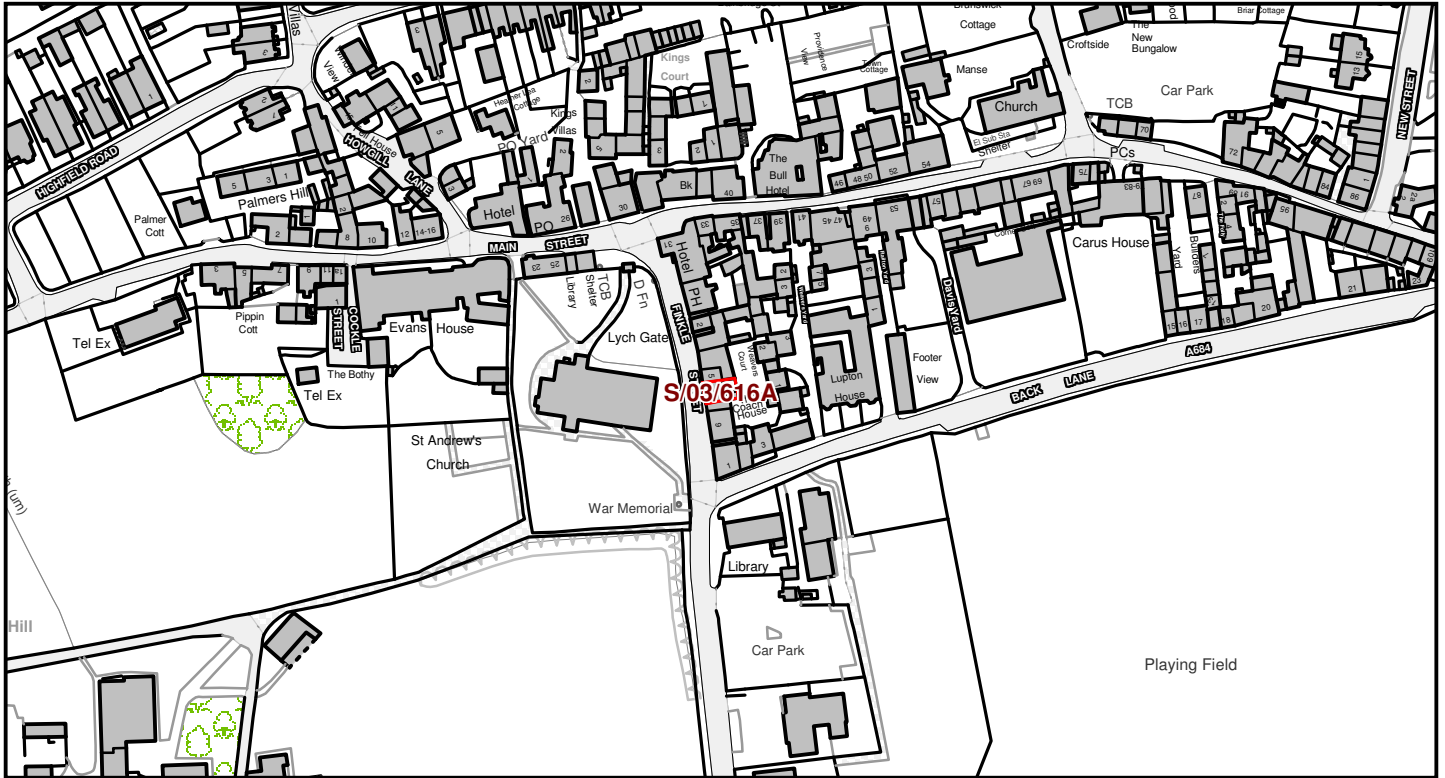
Yorkshire Dales National Park Authority

Application Code: S/03/616A

Committee Date: 13/08/2019

Location: 6 Finkle Street, Sedbergh

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Schedule No:9

Application No:	S/03/616A	
District:	South Lakeland	
Parish:	Sedbergh	
Applicant's Name:	Mrs J Baines,	
Grid Ref:	SD65769207	
Received by YDNP:	24/04/2019	Officer: Martyn Coy

PROPOSAL: full planning permission for change of use of the two upper floors of the premises to a 2 bedroom flat (C3), with new external door on west elevation and ground floor access to flat; change of use of remaining ground floor area and basement from retail/storage to A1 retail

LOCATION: 6 Finkle Street, Sedbergh

CONSULTEES

Sedbergh PC

I can confirm that the matter has been raised at full council and subsequently electronically to Parish Committee Members. For the detailed reasons outlined in my previous email it is our wish that this application be considered by committee. That is to say that we object to the imposition of a local occupancy condition on the reversion of the upper floor of this property to residential use and therefore by default the application.

We believe policy in this instance is being incorrectly and unnecessarily applied. Furthermore a local occupancy condition in this particular case is not in the interest of Sedbergh as a town from a housing or business perspective.

We understand that our views are in parallel with those of the applicant and that they are aware and happy for us to object and insist that this matter be brought to Committee.

Highways, Cumbria County Council

Plans amended to overcome concerns.

CEHO - South Lakeland District Council

Environmental Health Officer recommends the provision of additional passive and/or active fire safety protection measures to benefit escape from the bedrooms in case of fire. For example fitting fire alarms and fire doors.

United Utilities Water Ltd

No response

Firefighter in Fire Protection No response

PUBLIC RESPONSES

No objection from one neighbour

RELEVANT PLANNING POLICIES

C1(15) - Land for new build housing

L1(15) - Heritage assets

SP4(15) - Development Quality

OFFICER OBSERVATIONS

REASON FOR COMMITTEE CONSIDERATION

This application is reported to Committee as the Parish Council's recommendation is contrary to the decision which the Head of Development Management proposes to take.

APPLICATION SITE

The three storey terraced property is located within the Sedbergh settlement boundary area and the Sedbergh Conservation Area. The ground floor and first floors were until recently used as a retail shop on the ground floor and a part retail shop/part café on the first floor. A small rear yard was used by customers of the café. These uses have now ceased.

THE PROPOSAL

The proposal seeks to change the use of the first and second floors to form a two bedroom flat whilst retaining the retail shop on the ground floor. A new door will be created to the front of the property to allow separate access to the upper floor flat. The small yard to the rear will be amenity space for the occupiers of the flat only.

RELEVANT PLANNING HISTORY

S/03/616 – full planning permission for change of use of part of the first floor retail space to use as a café, and use of rear courtyard for al fresco dining in the summer months (part retrospective) approved on 23rd September 2016.

KEY ISSUES

- principle of development
- impact on conservation area
- impact on residential amenity
- highway safety

PRINCIPLE OF DEVELOPMENT

The proposal will create a new two bedroomed residential flat on the first and second floors. The Applicant states that originally these upper floors were used as a flat and that the proposal will revert back the use of these floors to their former use. As such, the Applicant considers that the flat should not be subject to a local occupancy restriction and be for open market only.

Policy C1 is the most relevant policy and requires that new housing within settlement boundaries on sites of up to 5 dwellings will be restricted to local occupancy. The criteria for local occupancy are clearly set out in Appendix 5 of the Local Plan.

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The policy is a key priority of the Local Plan which aims to promote affordable housing for local people that live and work in the National Park to ensure the long term future of local communities.

Policy C1 and the Authority's housing policy approach was supported in the Inspector's final report 'Report on the Examination of the Yorkshire Dales National Park Local Plan 2015 – 2030'. In the report, the Inspector agreed with the Authority's evidence, that there was a shortfall of affordable homes across the Plan area and stated that therefore 'the overarching policy objective here is to provide housing for those with a social or economic need to live in the National Park who could not otherwise afford to do so. Although not within the definition of affordable housing, the market ensures that occupancy restricted housing is less expensive than open market housing as a result of the restrictions.....To my mind, there is a clear justification for occupancy restricted homes in this Plan area. Of the existing housing stock, around 22% comprises second/holiday homes and is therefore not permanently occupied. The NPA says that the demand for second/holiday homes and retirement homes in turn inflates house prices in the Park. In addition, the low level of affordable housing – at present and that will be delivered – compounds matters. As the NPA puts it, local occupancy restricted housing will "fill some of the large gap between open market prices and affordable housing". In the circumstances, I agree that this is an appropriate and necessary approach' (Paras. 81-82). The Inspector's report clearly identifies that there is a need to provide local occupancy housing in the National Park and the proposed two bedroomed flat will serve this purpose.

Policy SP1 is also relevant and specifies that development will be deemed to be unsustainable if it would reduce the supply of housing to meet local needs.

As such, it is considered that the proposal would not accord with Policy C1 and SP1 of the Local Plan, as the proposal will not be subject to a section 106 agreement restricting the new dwelling to local occupancy, thereby reducing the supply of housing to meet local needs.

IMPACT ON CONSERVATION AREA

The site lies within the Sedbergh Conservation Area. Section 72 of the Town & Country Planning (Listed Building & Conservation Areas) Act 1990 requires that the Local Planning Authority pays special attention to the desirability of preserving or enhancing the character or appearance of that area. Whereas, Policy L1 of the Local Plan requires developments affecting designated heritage assets (including Conservation Areas) to conserve or enhance the asset's significance.

The proposal seeks an alteration to the ground floor shopfront to create a new doorway to allow access to the upper floor flat directly from the street. It is understood that a doorway would have been located in this position when the building was first built. The new doorway consists of timber and glass to match the existing shop doorway; however, it is considered appropriate to include a planning condition in order that the door detail can be agreed and approved by the Local Planning Authority prior to installation to ensure it is appropriately designed.

It is considered that the relatively minor alteration to the front ground floor elevation will not harm the external appearance of the property or the character and appearance of the conservation area, in accordance with Policy L1 of the Local Plan.

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IMPACT ON RESIDENTIAL AMENITY

Policy SP4 requires new development to respect the amenity of neighbours. The planning application(S/03/616) approved in 2016 enabled the rear yard of the property to be used by customers of the café. The hours of use of the yard were from between 8am to 6pm to limit the noise and potential disturbance to nearby residents.

The Applicant has confirmed that the rear yard will only be used by occupants of the flat (including bin storage). As such, it is considered that use of the relatively small rear yard by the occupants of the flat will not adversely impact on the amenity of nearby residents and accords with Policy SP4.

IMPACT ON HIGHWAY SAFETY

The plans have been amended to overcome concerns from the Highway Authority in relation to the proposed external door step slightly impeding the footpath. As the step will now be flush with the front elevation, there will be no impact on highway safety from the proposal and it accords with Policy SP4 of the Local Plan.

PARISH COUNCIL COMMENTS

The Parish Council initially had no objection to the proposal as they considered that property would be returned to its previous use. However, as the new flat will be subject to a section 106 agreement restricting its use to local occupancy, in accordance with Local Plan policy, they now object to the local occupancy restriction. They state that the local occupancy is not appropriate as they consider the proposal a reversion and not a conversion of use. Furthermore, they consider that the local occupancy restriction may deter entrepreneurial activity in Sedbergh as such a restriction may devalue the capital asset should an enterprise fail and the owner seek to convert or sell the property.

In response, it is considered that the Parish Council's concerns would not justify a departure from Policy C1 which requires a local occupancy restriction. Failure to impose a local occupancy restriction would not accord with Local Plan Policy and may set a harmful precedent which could undermine one of the Authority's key objectives of seeking to provide residential accommodation for local people at an affordable price.

ANALYSIS OF MATERIAL CONSIDERATIONS

Although, it is considered that the proposed external alterations will not harm the character or appearance of the conservation area and there are no neighbour amenity or highway safety concerns; the proposal to change the use of the first and second floors to a residential flat without a local occupancy restriction is considered unacceptable as it would not accord with policy C1 of the Yorkshire Dales National Park Local Plan (2015). Furthermore, the proposal would not amount to sustainable development as it would reduce the supply of housing to meet local needs and is therefore contrary to criterion m of policy SP1 of the adopted Yorkshire Dales Local Plan (2015 - 2030).

RECOMMENDATION

That planning permission be refused for reasons based on the following:

In the opinion of the local planning authority, the proposal to convert the upper floors of the premises to a two bedroomed flat without a local occupancy restriction would conflict with the requirements of policy C1 of the Yorkshire Dales Local Plan (2015) by failing to provide a new local occupancy dwelling. Furthermore, the proposal does not amount to

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sustainable development as it would reduce the supply of housing to meet local needs and is therefore contrary to the housing strategy and policy SP1 of the Yorkshire Dales National Park Local Plan (2015) and the guidance contained in the National Planning Policy Framework (2019).