

COMMITTEE REPORT

Date: 3 September 2015 **Ward:** Clifton
Team: Major and **Parish:** Clifton Planning Panel
Commercial Team

Reference: 15/00143/FUL
Application at: 31A Rosslyn Street York YO30 6LG
For: Erection of 1no. cottage and 2no. flats after demolition of workshop
By: Mr D l'Anson
Application Type: Full Application
Target Date: 14 August 2015
Recommendation: Approve

1.0 PROPOSAL

1.1 The application seeks full planning permission for the erection of 2 no. two-storey buildings following demolition of two existing buildings. The two new buildings would be sited at each end of the site with the area between being utilised for communal space to accommodate two vehicle parking spaces and outside amenity space. The building to the north-western end of the site would accommodate a single two bedroom dwellinghouse. It would have an open plan living and kitchen area with enclosed cloakroom on the ground floor and two bedrooms and a bathroom on the first floor. The building to the south-eastern end of the site would accommodate 2 no. two bedroom flats, each having an open plan living/kitchen area, two bedrooms and a bathroom. Pedestrian access to the dwellinghouse would be from the communal parking area or via a yard accessed from the lane. Access to the flats would be directly from the lane, with enclosed cycle parking and refuse storage being provided within the building adjacent to the flat entrances. The external materials would be brick with slate roofs, aluminium window frames and timber doors. Permeable paving is proposed for the communal area.

1.2 The proposal has been revised since first submission to address officers' concerns. The changes include:

- setting back of built form adjacent to 10a Compton Street;
- amendments to internal layout of dwelling;
- change to layout of flats to incorporate bike and refuse store and provision of Juliet balcony to first floor flat;
- reconfiguration of communal area with reduction from 3 to 2 car parking spaces and provision of amenity areas for dwelling and ground floor flat.

1.3 The application has been called to Sub-Committee by the previous ward councillor, Councillor King, on the grounds of the overbearing and overshadowing impact of a two storey building adjacent to an adjacent property, and the impact on a lane that presently has no traffic.

2.0 POLICY CONTEXT

2.1 2015 Draft Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

2.2 Policies:

CYGP1	Design
CYGP3	Planning Against Crime
CYGP6	Contaminated Land
CYHE2	Development in Historic Locations
CYHE16	Archaeology
CYH4A	Windfall sites
CYE3B	Existing employment sites

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development

Conservation Officer

3.1 - No comments made.

City Archaeologist

3.2 This site is within the Central Area of Archaeological Importance and is in an area particularly known for its Roman archaeological deposits. It is possible that groundworks associated with this proposal may reveal or disturb archaeological features particularly relating to the Roman and later periods. It will be necessary to record any revealed features and deposits through an archaeological watching brief on all groundworks. Please place condition ARCH2 on any consent that is granted for this application.

Highway Network Management

3.3 No objections to the development as parking meets the required standard, vehicular access is via a back lane which is as existing and traffic generation will be similar to existing. Request conditions HWAY18 and HWAY19.

3.4 No objections to the revised scheme from a highways point of view. Two off street parking spaces have been created for the three small properties. The property is located within a sustainable location and ward census data indicates low car ownership within the ward. Cycle parking is provided to CYC Appendix E standards. Conditions requested as before.

Flood Risk Management

3.5 The development is in low risk Flood Zone 1 and should not suffer from river flooding. No objections in principle subject to a drainage condition being imposed.

Public Protection

3.6 No objections as the site is located in an existing residential area and is surrounded by residential properties. Conditions and informatives requested.

3.7 Contaminated Land - A screening assessment was submitted with the application which shows that the derelict building/workshop onsite had been used as a workshop between 1900 and 1970. Given this former use the Council's contaminated land officer has recommended conditions be attached to any approval, if granted.

3.8 Air Quality - In line with paragraph 35 of the National Planning Policy Framework (NPPF) and the Council's Low Emission Strategy, seeks a condition to provide an external electrical socket to allow for vehicle charging to address air quality issues in the City.

EXTERNAL

Yorkshire Water

3.9 State that comments are not required based on the information provided.

Clifton Planning Panel

3.10 Welcomes the proposal to make positive use of rather derelict area for housing, provided that two flats and a cottage are not judged to represent an overdevelopment of the site and that some amenity space can be provided.

Neighbour Notification/Publicity

3.11 Responses from 7 no. local residents have been received to the original submission raising the following concerns:

- development of land of this size at end of single lane for three dwellings is excessive;
- development would be over-dominant, overbearing and would overshadow the adjacent house and yard;
- associated traffic (including construction vehicles and those related to dwellings) would cause damage to lane and drain/services underneath;
- impact on boundary wall following removal of existing building;
- party wall issues related to building up to or close to boundary;
- too many extra vehicles on a narrow lane that could cause an obstruction;
- noise from proposed flats adjacent to bedroom;
- increased traffic noise from Bootham, amplified due to erection of building creating 'cave-like' arrangement;
- height of building is higher than neighbouring properties would compromise look and appeal of neighbouring property and outlook from yard and first floor windows;
- other two storey extensions to houses in area have been refused and this development would set a precedent;
- the application states that the building has not been used since 1970s but has been used as a paint store until recently;
- development does not create a safe or accessible environment as required by the NPPF for residents and emergency services;
- there are no flats in Rosslyn Street and this will set a precedent;
- inadequate parking with no provision for deliveries or visitors in an area of unrestricted, congested streets;
- noise on alley from residents and vehicles would be detrimental;
- pavements within the alley should be retained as part of York's heritage and should not be replaced by tarmac;
- gaps between built form will collect detritus and attract vermin;

3.12 Responses from 2 residents to the revised submission, raising the following additional issues:

- two parking spaces for three dwellings is inadequate;
- confusion about deliveries to dwellings with disturbance to residents on Rosslyn Street;
- right to light to property and particularly natural daylight to studio that proposing to erect would be compromised by new wall;

3.13 A further response has been received that agrees with the advisory comments made by the planning panel.

4.0 APPRAISAL

KEY ISSUES

4.1 The main considerations relevant to the determination of this application are:

- principle of development;
- affect on character and appearance of the adjoining conservation area;
- design and visual amenity;
- affect on residential amenity;
- access, parking and highway safety;
- flood risk and drainage;
- impact on archaeological features and deposits.

POLICY CONTEXT

4.2 Central Government guidance is contained in the National Planning Policy Framework ("NPPF", March 2012). This places emphasis on achieving sustainable development, by establishing a presumption in favour of development that contributes to building a strong, competitive economy and supports a vibrant and healthy community, whilst contributing to the protection and enhancement of our natural and built environments. Paragraph 7 of the National Planning Policy Framework says planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking. The principles include: seeking high quality design and a good standard of amenity for all existing and future occupants of land and buildings; encouraging the effective use of land by reusing land that has been previously developed (brownfield land); taking full account of flood risk; contributing to conserving and enhancing the natural environment and reducing pollution; encourage the effective use of land by reusing previously developed land that is not of high environmental value; and, actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling.

4.3 Section 4 of the NPPF promotes sustainable transport. Section 6 sets out the Government's policy for the delivery of homes. Section 7 seeks good design as a key aspect of sustainable development. Section 10 offers advice on meeting the challenge of climate change and flooding. Section 11 contains Government policy that aims to conserve and enhance the natural environment including landscapes, ecology and pollution and land instability.

4.4 Although there is no formally adopted local plan, the City of York Draft Local Plan (DCLP), was approved for Development Control purposes in April 2005.

Whilst it does not form part of the statutory development plan for the purposes of S38, its policies are considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are in accordance with the NPPF. The DCLP identifies the site on the proposal map as lying within the main built-up area of the City. Relevant policies are summarised in section 2.2 and of particular relevance are the following policies:

4.5 Policy GP1 'Design' includes the expectation that development proposals will, inter alia; respect or enhance the local environment; ensure residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape and incorporate appropriate landscaping.

4.6 Policy GP4a 'Sustainability' seeks, amongst other things, to ensure that development proposals are accessible by other means than the car and be easily accessible for pedestrians and cyclists.

4.7 Policy H4a 'Housing Windfalls' permits the grant of planning permission for residential development on land not allocated on the Proposals Map, where: a) the site is within the urban area and is vacant, derelict or underused; b) the site has good accessibility to jobs, shops and services by non-car modes; c) it is of an appropriate scale and density to surrounding development; and, d) it would not have a detrimental impact on existing landscape features.

THE SITE

4.8 The application relates to a former commercial site (approximately 200 sq.m.) at the rear of the terraced houses on Rosslyn Street, nos 11-23. The site is accessed via the rear lane serving the yards of the terraced houses. The lane serves two other residential properties that sit either side of the application site in converted buildings. The dwelling to the north-west, 10a Crompton Street, is a one bedroom house over two floors with a small external area to the front behind the boundary wall with the access lane. The dwelling to the south-east, 31a Rosslyn Street, is also a one-bedroom house over two floors that has a yard and parking space. The area is predominantly residential with some commercial properties on Compton Street at the end of the access lane. The site is outside, although immediately adjacent to, the Clifton Conservation Area. The site lies within the Central Area of Archaeological Importance and is within flood zone 1 (low risk).

4.9 There is no relevant planning history for the application site. Planning permission was granted in 1986 for the conversion of the builders workshop and yard to a dwellinghouse at 31a Rosslyn Street, being the adjacent dwelling to the south-east.

PRINCIPLE OF DEVELOPMENT

4.10 The application site is located in a predominantly residential area within the main built-up area of the City. It is in a sustainable and accessible location, within walking distance of local facilities and public transport routes. It constitutes previously developed land, the re-use of which is encouraged by the NPPF through the effective use of such land providing it is not of high environmental value. The redevelopment of this unused site with an infill development for a use that is compatible with the surrounding area is considered to be acceptable in principle.

ARCHAEOLOGY

4.11 The site is within the Central Area of Archaeological Importance and an area known for its Roman archaeological deposits. Paragraph 139 of the NPPF states that non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments should be considered subject to policies for designated heritage assets. As the groundworks involved with the proposal may reveal or disturb archaeological features and deposits, a condition requiring an archaeological watching brief is requested by the City Archaeologist.

CONSERVATION AREA

4.12 The site lies adjacent to the Clifton Conservation Area with the wall enclosing it to the north-east being the boundary of the designated heritage asset. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, places a duty on Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Section 12 of the NPPF advises that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Paragraph 131, in particular, states that local planning authorities should take account of the desirability of sustaining and enhancing an asset's significance, the positive contribution it can make to sustainable communities and the positive contribution new development can make to local character and distinctiveness. Paragraph 132 establishes the great weight that should be given to an asset's conservation.

4.13 The buildings adjacent to the site that lie within the conservation area on the eastern side of the boundary wall are modern additions. The proposal would be viewed in the context of these buildings. As such, it is considered that the proposal would preserve the character and appearance of the conservation area.

DESIGN AND VISUAL AMENITY

4.14 Chapter 7 of the NPPF gives advice on design, placing great importance on the design of the built environment.

The NPPF, at paragraph 64, advises against poor quality design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

4.15 The proposal would provide three dwellings in an area of densely built residential properties, predominantly in terraced rows. The proposed buildings are similar in size and scale to surrounding properties, albeit higher than those either side of the site. The roof slopes would run perpendicular to the adjacent properties with gable ends facing the lane, which would provide some visual relief and variety in the views along the lane. The buildings would be of a traditional construction with facing bricks for the walls and slate roofs and, as such, would be in keeping with the predominant materials in the surrounding area. The external appearance of the buildings is considered to be acceptable in the context of buildings of traditional form dating from different periods. There would be limited space on site for soft landscaping, with only a planting bed provided at the end of the parking bays. There would be space for pots to be provided around the seating areas either side of the parking bays. This is not uncharacteristic of other properties in the area, including those dwellings either side of the application site. As such, the proposal is considered to be in keeping with the character and appearance of local environment. The development would add to natural surveillance along the lane and, subject to suitable enclosures, would not give rise to opportunities for crime.

RESIDENTIAL AMENITY

4.16 One of the core principles of planning outlined in the NPPF is to seek a good standard of amenity for all existing and future occupants. Objections have been received to the application from local residents on the basis of the adverse impact on their amenity, in terms of over-dominance and overshadowing. The proposal has been revised to address concerns of officers with regard to an increased sense of enclosure and overshadowing to the dwelling and yard of the property to the north-west of the application site, 10a Compton Street. The scheme now includes a yard of comparable size and set back of the building to maintain the openness and outlook from the adjacent property. The dwelling to the south-east, 31a Rosslyn Street faces away from the application site, with its amenity space to the south of a single storey projection that sits against the boundary with the application site. Whilst the first floor elevation of the proposed flats would be visible above the single storey projection, it would not reduce daylight or sunlight (it would be located to the north-west), would not adversely affect the level of outlook (the occupants would still have unobstructed views over their private yard) or be unduly dominant (the height of the wall to eaves above the single storey projection would be approximately 1.6m). There would be limited adverse impacts on the residential properties on Skelton Court due to the distance and position of the proposed properties in relation to them.

4.17 The original scheme had limited communal space to cater for the parking and amenity needs of three dwellings. The revised scheme designates an area adjacent to the house and ground floor flat as private amenity space with direct access from the living areas of the dwellings. This has been at the expense of the first floor flat, which now has no outdoor amenity space, but does have a Juliet balcony providing light and air to the living space. There is provision within the development for refuse and recycling storage to serve the three dwellings. Parking provision would be available for two of the dwellings - the house and ground floor flat - although cycle parking space is included to provide for all three dwellings.

4.18 Residents have raised concern about the impact on party walls and existing flues and vents. These matters are not material to the consideration of the application as they are covered by separate legislation. The effect on property values is, again, not a material consideration.

HIGHWAY MATTERS

4.19 The NPPF encourages sustainable travel and the location of development in sustainable and accessible locations. The scheme is in such a location and provision is made within the scheme for secure and enclosed cycle parking to serve the three dwellings. The site has an existing lawful use for employment purposes with access via the back lane; local residents in their responses have confirmed that the buildings have been used for storage of paint until recently, evidence of which was noted on site by officers. As such, the removal of this use and replacement with three dwellings is considered, in highway terms, to be acceptable in principle.

4.20 The scheme has been revised to address concerns about the lack of private amenity space to serve the dwellings. The impact of this has been a reduction in the number of vehicle parking spaces from three to two. The spaces would provide one parking space for the house and ground floor flat adjacent to them. No car parking provision is made for the first floor flat or is available for visitors. Residents have raised concern about the impact of this on parking provision and congestion within the surrounding streets. It is noted that there is limited off-street parking, including to the adjacent 10a Compton Street and the majority of properties on Compton Street and Rosslyn Street. However, the Highway Network Management Team has been consulted and do not raise objections to the parking ratio on the basis of the site's sustainable location (close to public transport and cycling routes), cycle parking provision in line with Council standards and the ward census data which indicates low car ownership within the ward. As such, it is considered that it would be difficult to substantiate refusal of the application on the grounds of highway safety or reduced parking provision.

FLOOD RISK

4.21 Paragraph 103 of the NPPF states that development should be directed to the areas of low flood risk and that development should not result in an increase of flood risk within the site or elsewhere. The majority of the site falls within flood zone 1, which is at lowest risk from flooding. At the present time the site is covered by buildings and hard surfacing, which will also be the case with the proposed scheme, other than a modest planting bed. Foul and surface water drainage is proposed to be discharged to the main sewer. Yorkshire Water have raised no objection to this. The Council's Flood Risk Engineer has not objected subject to a condition being imposed on any approval requiring further details of drainage to ensure that surface water can be disposed of adequately to avoid increased flood risk.

5.0 CONCLUSION

5.1 In light of the above, the application is recommended for approval as it accords with national and local planning policies, subject to the imposition of conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing no. 14:53:100 rev.D 'Plans and Elevations' dated 23.7.15 and received 27.7.15;

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

3 ARCH2 Watching brief required

4 DRAIN1 Drainage details to be agreed

5 The dwellings shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles and cycles have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

INFORMATIVE: A Sheffield style stand shall be provided within the cycle parking area serving the flats and a covered enclosure for one bike shall be provided within the yard serving the dwelling house.

Reason: In the interests of highway safety and to promote use of cycles thereby reducing congestion on the adjacent roads.

6 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the building works. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

7 No construction work shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall provide details of hard and soft landscaping within the site and means of enclosure to the private amenity spaces. It shall illustrate the number, species, height and position of any trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

8 Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved in writing by the Local Planning Authority prior to the start of any building works. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

- adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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 offsite receptors.

9 Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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 offsite receptors.

10 Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and shall 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.

11 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 in writing immediately to the Local Planning Authority.

An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of 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 offsite receptors.

12 Prior to occupation, a three pin 13 amp external electrical socket that is suitable for outdoor use shall be provided for each parking space. The socket shall be located in a suitable position to enable the charging of an electric vehicle on the driveway using a 3m length cable.

Note: Any socket provided must comply with BS1363, or an equivalent standard, Building Regulations and be suitable for charging electric vehicles. It should also have a weatherproof cover and an internal switch should be also provided in the property to enable the socket to be turned off.

Reason: To promote sustainable transport through the provision of recharging facilities for electric vehicles. To promote the use of low emission vehicles on the site in accordance with paragraph 35 of the National Planning Policy Framework.

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 achieve a positive outcome:

- revisions to the layout to address residential amenity issues and secure amenity space, cycle and bin storage for the proposed dwellings;
- use of conditions to mitigate any identified harm.

2. INFORMATIVE:

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974.

In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) All demolition and construction works and ancillary operations, including deliveries to and despatch 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.

(b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(c) 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.

(d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(e) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(f) There shall be no bonfires on the site

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