

COMMITTEE REPORT

Team: Central Area
Date: 22 June 2006

Ward: Micklegate
Parish: Micklegate Planning Panel

Reference: 06/00793/FUL
Application at: 49A East Mount Road York YO24 1BD
For: Conversion and alterations to storage building to form 5 no. flats and erection of new two storey attached dwelling following demolition of existing lean-to store. Erection of single storey cycle and bin storage.
By: Park Ridge Ltd
Application Type: Full Application
Target Date: 29 June 2006

1.0 PROPOSAL

1.1 The application site is occupied by vacant brick built storage buildings in an established residential area close to the city centre. The site has a frontage to both East Mount Road and Shaws Terrace, and also to a short length of highway which links these two streets to one side of the buildings. The existing buildings on the site consist of a single storey monopitch building directly abutting East Mount Road, with a linked two storey building to the rear incorporating a dormer window facing the rear of existing properties in The Mount. Whilst the single storey monopitch building has little architectural distinction, the two storey building is of a more traditional design and appearance. The site is within the Central Historic Core conservation area.

1.2 The application relates to the demolition of the single storey monopitch building and the erection of a two storey 2 bedroom dwelling on a smaller footprint. The smaller footprint would allow the provision of a small area of outside amenity space together with bin and cycle storage. The two storey building at the rear would be retained and converted to form 5 x one bedroom apartments, two on each floor and one within the roof space. One of the units would be provided with a patio/parking area, and cycle and bin storage would be provided within a separate building.

1.3 The site has been the subject of two previous applications, both of which have been refused. In April 2005, planning permission was refused for the demolition of the single storey building monopitch building and its replacement with a three storey 3 bedroom dwelling, together with conversion of the two storey building at the rear of the site to form 2 x three bedroom dwellings. Planning permission was refused by virtue of the overdominant and intrusive appearance of the proposed three storey dwelling in the streetscene and its detrimental impact on the character and appearance of the conservation area, the detrimental impact of the new dwelling on the living conditions of the occupiers of the adjacent dwelling at 50 East Mount Road by virtue of its dominance and overshadowing effect, and the inadequate living conditions for the future occupiers of the dwellings by virtue of the lack of usable amenity space within the site.

1.4 A revised application was then submitted for the refurbishment and extension of the monopitch building in order to form 2 x one bedroom dwellings, and the conversion of the two storey building to form 2 x three bedroom dwellings. Planning permission was refused on this occasion due to the inappropriate design and discordant appearance of the refurbished monopitch building and the lack of amenity space associated with the proposed three bedroom dwellings at the rear of the site.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

Conservation Area Central Historic Core 0038

Areas of Archaeological Interest City Centre Area 0006

2.2 Policies:

CYH4

Housing devp in existing settlements

CYHE2

Development in historic locations

CYHE3

Conservation Areas

CYGP1

Design

CYL1

Open spaces in new residential devts

3.0 CONSULTATIONS

3.1 INTERNAL

HIGHWAYS - Comments awaited

URBAN DESIGN AND CONSERVATION - The revised scheme has addressed our main concerns by removing the uncharacteristic balconies onto East Mount Road and by introducing a double pitched roof over this more modest building. We feel that the overall massing is not uncharacteristic of the conservation area. We also welcome the reinstatement of the higher boundary wall enclosing the yard.

The round headed window appears pretentious on such a modest property and the doorway is rather informal and lacking in privacy for this edge of street location. Please request amendments to simplify the design detail in line with the rest of the house.

ENVIRONMENTAL PROTECTION UNIT - No objections in principle. A standard working hours condition is recommended together with conditions to deal with any possible contamination as a result of previous uses of the site.

LIFELONG LEARNING AND LEISURE - As there is no on site open space commuted sums should be paid to the Council for

a) amenity open space - which would be used to improve a local site such as Scarcroft Green, Rowntree Park and The Knavesmire.

b) play space - which would be used to improve a local site such as Scarcroft Green or Rowntree Park

c) sports pitches - would be used to improve a facility within the South Zone of the Sport and Active Leisure Strategy.

EDUCATIONAL PLANNING OFFICER - No commuted sum is required as only one of the properties has two bedrooms.

STRUCTURES AND DRAINAGE - Insufficient information has been provided to determine the potential impact the proposal may have on existing drainage systems

3.2 EXTERNAL

MICKLEGATE PLANNING PANEL - Comments awaited

SAFER YORK PARTNERSHIP - No comments

LOCAL RESIDENTS - eleven letters have been received which make the following points:

- the scale of the development is too large and provides too many dwellings
- the development of the site requires more imagination and is more suited to two individual properties
- not enough provision has been made for off-street parking
- the existing parking permit scheme is already at or beyond its capacity
- strict conditions should be attached regarding the duration of the development in order to minimise disruption
- the existing group of buildings is an important part of the streetscape
- the new two storey house is intrusive and out of character with the forecourted Victorian street and would not preserve or enhance the conservation area
- the visual punctuation provided by the existing single storey monopitch building would be lost
- the monopitch building could be retained and used to enhance whatever accommodation is created within the larger building at the rear
- the front door of the new dwelling opens onto the footpath with cars directly in front which is aesthetically unacceptable. It will obstruct the use of the pavement
- the development is out of character and will create a tunnel effect at the end of the street
 - the position of one of the existing windows is incorrectly shown
- the development seeks to make a quick profit at the expense of this Victorian Street
- the proposed increase in height of the monopitch building to create a dwelling would take away natural light from an adjacent garden
- the new dwelling would be too close to the building on the opposite side of the street
- it is likely that the flats will be sold as low income housing resulting in additional noise pollution, rubbish in the street and indiscriminate parking of cars
- the proposal will result in loss of privacy
- the proposal will add to the existing problems of takeaway food and bottles being discarded in people's gardens
- the street is under an Article 4 Direction preventing alterations to the properties
- most of the houses in the street have been returned as family houses after previously being converted to flats and the proposed development will thus be detrimental to the area.

4.0 APPRAISAL

4.1 Key Issues

- principle of the proposal
- design issues, impact on character of conservation area

- impact on amenity of neighbours
- highway and parking issues

4.2 The application relates to a residential development on a site occupied by a range of redundant buildings. The proposal consists of the conversion of the existing two storey building at the rear of the site to form 5 one bedroom apartments, and the replacement of the single storey monopitch building on East Mount Road with a single new dwelling. The site is within the urban area and occupies a sustainable location within walking distance of the city centre. The principle of the proposal is supported by Policy H9 of the Approved North Yorkshire Structure Plan which states that provision will be made for the maintenance and, where appropriate, the extension of residential use of property in and around town centres and particularly around the historic core of the City of York, through permitting suitable new development and through the conversion of suitable existing property and vacant upper floorspace.

4.3 Policy H4a of the City of York Draft Local Plan relates to housing windfalls, and states that proposals for residential development on land not already allocated on the Proposals Map will be granted planning permission where the site is within the urban area and is vacant, derelict or underused, or it involves infilling, redevelopment or conversion of existing buildings, and where the site has good accessibility to jobs, shops and services by non-car modes. Policy H4a also requires development to be of an appropriate scale and density to surrounding development, and not to have a detrimental impact on existing landscape features.

4.4 The site is also within a designated conservation area (Central Historic Core), wherein the City Council, when determining planning applications, has a statutory duty to consider the desirability of preserving or enhancing the character and appearance of the area. Policy E4 of the Approved North Yorkshire Structure Plan states that buildings and areas of special townscape, architectural or historic interest will be afforded the strictest protection. Policy HE2 of the Draft Local Plan states that within conservation areas, development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials. Proposals will be required to maintain or enhance existing urban spaces, views, landmarks and other townscape elements which contribute to the character or appearance of the area. Policy HE3 states that within conservation areas, proposals involving the demolition of a building (whether listed or not), or external alterations, will only be permitted where there is no adverse effect on the character and appearance of the area.

4.5 Policy GP1 is a general policy which states that development proposals will be expected to respect or enhance the local environment, be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, using appropriate building materials, and avoid the loss of open spaces, important gaps within development and other features that contribute to the quality of the local environment. Policy GP1 also seeks to ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures. Policy T4 requires all new developments to provide cycle parking to a standard set out in Appendix "E" of the Local Plan (one covered and secure space per residential unit).

4.6 The relevant Central Government advice is contained within Planning Policy Guidance Note 3: "Housing" (PPG3). This states that local planning authorities should give priority to re-using previously developed land within urban areas, bringing empty homes back into use, and converting existing buildings, in preference to the development of greenfield sites. PPG3 states that conversions of housing and buildings formerly in other uses can provide an important source of additional housing, particularly in town centres. It encourages local planning authorities to promote such conversions by taking a more flexible approach to

development plan standards with regard to densities, car parking, amenity space and overlooking. It also advocates that local planning authorities seek greater intensity of development at places with good transport accessibility such as city, town, district and local centres or around major nodes along good quality transport corridors.

4.7 The application seeks to address the previous reasons for refusing the previous application for the development of the site, which essentially related to design issues and inadequate amenity standards for the future occupiers of the dwellings, whilst at the same time not unduly harming the amenity of the occupants of the adjacent dwelling at 50 East Mount Road, which was a key issue when planning permission was refused for the original application. In terms of design, the proposed two storey dwelling would occupy a back of footpath location along approximately half the width of the existing single storey monopitch building. The remainder of the site would consist of an open patio area enclosed by a brick wall and a single storey building providing cycle and refuse storage for the whole development. The Conservation Architect has commented that the revised scheme has addressed the previous objections by removing the uncharacteristic balconies onto East Mount Road and by introducing a double pitched roof over this more modest building. It is considered that the overall massing is not uncharacteristic of the conservation area. The reinstatement of the higher boundary wall enclosing the patio area is welcomed. Some criticism has been made in relation to the appearance of a first floor round headed window in the design, and also the design of the entrance doorway. Appropriate amendments have been sought from the applicants agent in respect of these two items and an update will be given at the meeting. The conversion of the existing two storey building would make use of existing openings within the building. It is not considered that the proposed additional openings required to facilitate the conversion works would adversely affect the appearance of the building, and indeed would help to dilute its generally austere and industrial character. An archaeological watching brief would be required in association with the development.

4.8 The previous application related to the conversion of the existing two storey building to 2 three bedroom dwellings with no associated amenity space, and it was considered that this would have resulted in unacceptable living conditions for future occupiers by virtue of the fact that they were capable of occupation by families. Although the number of units to be accommodated within the building has now increased to five, these relate to the formation of small one bedroom apartments and in those circumstances, in line with other similar schemes within the city centre, it is not considered that the provision of outdoor amenity areas could be insisted upon. One of the ground floor units would have access to a small patio and/or parking area (6.3m x 2.4m approx) The proposed two bedroom dwelling would be provided with a paved patio area (5.3m x 5 m approx), screened from East Mount Road and the adjacent side-street by a brick boundary wall and the proposed cycle and refuse storage building. It is considered, therefore, that the future occupiers of the dwellings would be provided with a satisfactory standard of amenity bearing in mind the urban location, and that the revised scheme has addressed the previous concerns in this respect, albeit through an increase in the number of units to be accommodated on the site. Policy L1c of the Draft Local Plan would require a commuted sum calculated at £1454 to be paid towards the upgrading of public open space in the locality, which could be secured through an Agreement under Section 106 of the Town and Country Planning Act 1990. Lifelong Learning and Culture have indicated that improvements could be carried out to a number of local sites such as Scarcroft Green, Rowntree Park and The Knavesmire.

4.9 So far as the impact of the proposal on 50 East Mount Road is concerned, the proposal would involve an increase in the height of the existing monopitch building to create a two storey gable wall. There would be no windows located within this wall, so it is not considered that overlooking or loss of privacy would be an issue in this case. The previous application would have incorporated an increase in the height of the monopitch building of approximately 1.1 metres, and although planning permission was ultimately refused for other

reasons, the officers report considered that this increase in height would not be significantly harmful to the amenity of the property. Although the proposed gable wall would introduce an additional area of brickwork over and above that which was previously deemed to be acceptable, it is not considered that the impact would be so significant that the refusal of planning permission could be justified. The principle rear elevation of 50 East Mount Road would be located approximately 18 metres from the blank gable wall of the new dwelling, with a conservatory in the rear garden having a separation distance of 10 metres. Furthermore, the new dwelling would be located to the southeast of 50 East Mount Road, and thus any overshadowing effect would be likely to be restricted solely to the early part of the day. Having regard to the separation distances involved and orientation of the new development, it is not considered that the impact of the proposal on the amenity of the adjacent dwelling would be unacceptable.

4.10 The adjacent dwelling to the southeast (49 East Mount Road) has a blank gable wall and is separated from the site by a single track road. There would be a separation distance of 14 metres between the new build element of the proposal and the blank gable wall, and as such it is not considered that any loss of amenity would occur. The dwelling also has a two storey projection to the rear, which is stepped back and contains both ground and first floor windows. However, these windows aspect beyond the rear of the application site towards The Mount and thus would not be directly affected. There would be a separation distance of 10 metres between the front elevation of the proposed new dwelling and the flats immediately opposite the site. Whilst this distance is significantly below that which would normally be sought on new developments, and would result in some loss of privacy, such relationships are not uncommon within the urban area due to the age and established nature of the built environment. For example, within nearby Moss Street, there is a separation distance of only 9 metres between front elevations along the entire length of the terraced street. Whilst there would undoubtedly be some impact, this is already a densely developed area where a degree of overlooking between properties is common. It is not considered that the proposal would significantly worsen that situation.

4.11 The comments of Highways (Network Management) are awaited. Although no specific car parking provision has been made within the development (other than a small area which could accommodate a single vehicle adjacent to one of the proposed flats at the rear of the site), this is not considered to be an essential requirement bearing in mind the proximity of the site to the city centre and its associated amenities and public transport routes. Provision has been made within the site for secure, covered cycle storage. Central Government advice in Planning Policy Guidance Note 13 : "Transport" promotes walking, cycling and the public transport in preference to car use and advises that developers should not be required to provide more parking spaces than they themselves wish, which has effectively removed the need to impose minimum parking standards on developers. This also reflects the advice in Planning Policy Guidance Note 3, which states that in the case of the re-use of buildings, Local Planning Authorities should adopt a flexible approach with regard to densities, car parking standards, amenity space and overlooking. It is recommended, however, that the development be excluded from the heavily subscribed R1 (Moss Street) Respark Zone, within which the site is located, in order to prevent future occupiers from applying for parking permits, a course of action which has been supported in a recent appeal decision.

4.12 The York Consultancy (Drainage) have commented that insufficient information has been provided by the developer to determine the potential impact the proposals may have on existing drainage systems. However, in commenting on the previous application, Yorkshire Water recommended that conditions be attached requiring details of the foul and surface water drainage systems to be submitted and approved prior to the commencement of the development, and it is considered that this matter could be adequately addressed through the imposition of the recommended conditions. The Police Architectural Liaison Officer has no comments to make in relation to "Designing Out Crime".

5.0 CONCLUSION

5.1 It is considered that the principle of the proposal is acceptable within this established residential area, in a sustainable location close to the city centre. The nature of the accommodation proposed (i.e. small apartments together with a two bedroom dwelling) is not uncharacteristic of such locations. The previous objections on design grounds have been eliminated to a significant degree, subject to two small amendments being made to the submitted drawings. Although the proposal would have some impact on the amenity of adjacent residential properties, this is considered to be within acceptable limits bearing in mind the orientation of the site and the layout and urban character of the surrounding area. The removal of the development from the Moss Street Respark scheme would minimise any adverse impact which could otherwise result from additional traffic movement and on-street parking. As such, it is considered that planning permission could be granted for the proposal.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 PLANS1 Approved plans
to be inserted
- 3 VISQ8 Samples of exterior materials to be app
- 4 ARCH2 Watching brief required
- 5 HWAY29 IN No gate etc to open in highway
gate, door or window
- 6 All construction and demolition or refurbishment works and ancillary operations, including deliveries to the site and despatch from the site shall only be carried out between the hours of 08.00 and 18.00 Mondays to Fridays and 09.00 to 13.00 on Saturdays and not at all on Sundays and Bank Holidays.

Reason: To protect the amenity of local residents

- 7 A desk study shall be undertaken in order to identify any potentially contaminative uses which have or are currently occurring on the site. This shall include a site description and a site walkover and shall be submitted to and approved by the local planning authority prior to development of the site.

INFORMATIVE: The study should, where possible, date back to 1800.

Reason: In order to ensure that any potentially contaminative uses are identified and appropriate remedial action is taken.

- 8 A site investigation shall be undertaken based upon the findings of the desk study. The investigation shall be carried out in accordance with BS10175: Investigation of potentially contaminated land: code of practice. The results of the investigation shall be submitted to and approved by the local planning authority in writing prior to any development commencing on the site.

Reason: In order to ensure that any potentially contaminative uses are identified and appropriate remedial action is taken.

- 9 A risk-based remedial strategy shall be developed based on the findings of the site investigation. The remedial strategy shall be submitted to and approved by the local planning authority in writing. The approved strategy shall be fully implemented prior to any development commencing on site. The remedial strategy shall have due regard for United Kingdom adopted policy on risk assessment and shall be developed in full consultation with the appropriate regulator(s).

Reason: In order to ensure that potentially contaminative uses are identified and appropriate remedial action is taken.

- 10 A validation report shall be submitted to and approved by the local planning authority, detailing sample locations and contaminant concentrations prior to any development commencing on site.

Reason: In order to ensure that potentially contaminative uses are identified and appropriate remedial action is taken.

- 11 Any contamination detected during site works that has not been considered within the remedial strategy shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development of the site.

Reason: In order to ensure that potentially contaminative uses are identified and appropriate remedial action is taken.

- 12 A timetable of proposed remedial works shall be submitted to the local planning authority prior to any works being undertaken on the site.

Reason: In order to ensure that any potentially contaminative uses are identified and appropriate remedial action is taken.

- 13 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interests of satisfactory and sustainable drainage.

- 14 No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority.

Reason: To ensure that the development can be properly drained.

- 15 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal.

- 16 No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The open space shall thereafter be provided

in accordance with the approved scheme or the alternative arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: In order to comply with the provisions of Policy L1c of the City of York Draft Local Plan.

INFORMATIVE: The alternative arrangements referred to in the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards the provision of open space. The obligation should provide for a financial contribution calculated at £1454

No development can take place on this site until the public open space has been provided or the planning obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to:

- principle of the proposal
- design issues, impact on character of conservation area
- impact on amenity of neighbours
- highway and parking issues

As such the proposal complies with Policies H9 and E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies H4, HE2, HE3, GP1 and L1c of the City of York Local Plan Deposit Draft.

2. The developer's attention should also be 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 attached to any planning approval:

1. 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".

2. 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.

3. 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.

4. 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.
5. There shall be no bonfires on the site.
6. The developer should be aware that the Council will seek to exclude the development from the Moss Street R1 residential parking zone, which is under considerable pressure. Future occupiers of the properties will not be eligible to apply for a parking permit and the development will be excluded from the zone, with the associated costs being met by the developer.

Contact details:

Author: Simon Glazier Development Control Officer
Tel No: 01904 551351