

COMMITTEE REPORT

Committee: West & City Centre Area **Ward:** Micklegate
Date: 3 April 2007 **Parish:** Micklegate Planning Panel

Reference: 06/02379/FUL
Application at: 108 South Bank Avenue York YO23 1DP
For: Conversion of dwelling to 3 no. flats and single storey rear extension
By: Mr Donald Wilkie
Application Type: Full Application
Target Date: 17 April 2007

1.0 PROPOSAL

1.1 This application seeks planning permission for the conversion of 108 South Bank Avenue to 3 No. flats and the erection of a single storey extension to the basement flat. The property is a 3 storey with basement, midterrace dwelling that has currently been used as a shared house for letting purposes. It comprises a bedsit in the basement, ground and first floor, and a studio in the former attic space. The existing bedsit in the basement has access to the rear yard.

1.2 It is intended that the property would be converted into three separate properties. These would be accessed from the front through a communal entrance and each property would have separate services. The ground floor basement flat would be extended to include the ground floor accommodation as two bedrooms. It is proposed to extend the basement with a 2.4m deep and 2.7m wide extension that would link to the existing rear store. The basement flat (1240 squ. ft) has access to the rear garden area and the access to the lane. A one bedroom flat would be formed on the first floor (620 squ. ft) consisting of a kitchen, bathroom, hallway, bedroom, lounge. The existing studio flat on the top floor would be similar to its present configuration but the existing bathroom would be subdivided to form a kitchen and a shower room.

1.3 This application is referred to the West/ Centre Planning Sub-Committee at the request of Councillor Tracey Simpson- Laing as the proposal would result in the loss of a family house.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

2.2 Policies:

CYGP1
Design

CYH8
Conversion to flats/HMO/student accom

CYGP4A
Sustainability

CYT4
Cycle parking standards

CYT13
Car park standards in York CC/District C

CYH7
Residential extensions

CYH4
Housing devp in existing settlements

CYL1
Open spaces in new residential devts

3.0 CONSULTATIONS

3.1 INTERNAL

HIGHWAY NETWORK MANAGEMENT - No objections

ENVIRONMENTAL PROTECTION UNIT - No objections

LIFELONG LEISURE AND LEARNING- No response at the time of writing and Members will be updated at the meeting

3.2 EXTERNAL

MICKLEGATE PLANNING PANEL - Object as Policy H8 is being contravened

LOCAL RESIDENTS - Two representations have been received raising the following planning issues-

a. No objection to the proposal provided the rear access does not allow access to the flats, given the existing parking problems on Brunswick Street.

b. Construction work should not impact on the use of the rear alley, positioning of skips.

4.0 APPRAISAL

4.1 Key Issues

- Principle of Proposed use
- Impact on adjacent residents
- Impact on character of the area/ Visual amenity
- Highway issues

Additional planning policy-

Policy H9, North Yorkshire County Structure Plan

Planning Policy Statement 1 " Delivering Sustainable Development "

Planning Policy Statement 3 " Housing "

City of York's "A Guide to extensions and alterations to private dwellinghouses "

4.2 The North Yorkshire County Structure Plan (Alteration No.3) was approved in November 1995. Policy H9 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 in and 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. This policy is still pertinent. Policy GP1 of the City of York Development Control Local Plan- Incorporating the proposed 4th Set of Changes (April 2005) states that development proposals will be expected, amongst other things, to respect or enhance the local environment. Policies T4 and T13 require adequate on- site provision for cycle and car parking. Policy H8 relates specifically to conversions and states that planning permission will only be granted for the conversion of a dwelling to flats..... where the dwelling concerned has a minimum of four bedrooms. The Local Plan states that in considering the impact of such proposals, attention will be given to the character of the street, the effect on the amount of available amenity space, parking requirements, traffic generation and any other material planning considerations particular to the case.

4.3 Planning Policy Statement 3 (PPS3), published in November 2006 replaces Planning Policy Guidance Note No. 3 and becomes a material consideration in the determination of planning application from 1st April 2007. This new policy amongst other things, increases the opportunity for local planning authorities to set important areas of policy locally, is more prescriptive in terms of detailing housing mix, and retains the emphasis upon developing sustainable brownfield sites, and the need to create mixed and inclusive communities which offer a choice of housing and lifestyle through the avoidance of social exclusion. Paragraph 31 of the PPS restates the

principle that was included in PPG3 that the " Conversions of existing housing can provide an important source of new housing."

4.4 In principle, the development would comply with Local Plan Policy H4, as the housing development lies within the settlement limits of the city and involves the conversion of an existing building located within an established residential area in relatively close proximity to the centre of York. The dwelling to which the application relates has been operating as a shared house with a minimum of 4 bedrooms, and thus the proposal would not conflict with Policy H8 of the local plan in terms of the property being large enough to convert. This proposal would accord with Policy H9 of the North Yorkshire County Structure Plan, which has a general presumption in favour of expansion of residential use in and around town centres through the conversion of suitable existing property, irrespective of the size of the property concerned. To date and until September 2007 when the plan period expires, the Structure Plan remains the most relevant formally adopted document in the City of York's administrative area and forms the statutory development plan for the area. Recent appeal decisions have generally concluded that as the Structure Plan policy is adopted and forms part of the statutory Development Plan for the area, and that the Local Plan forms part of an emerging document, then greater weight should be afforded to Policy H9 of the Structure Plan.

4.5 It is also noted that recent appeal decisions against the refusal of planning permission for the conversion of dwellings to flats have been successful, including sites at 5 Cemetery Road, 3 Beaconsfield Street, 1 River Street and 16 Abbey Street. Planning permission has also been granted by the City Council in 1999 for the subdivision of existing dwellings to self-contained flats at 1 Berkeley Terrace and 6 School Street. The majority of these properties are small terraced dwellings in relatively close proximity to the City Centre, of a similar character to the application site.

4.6 Planning Policy Statement 3 recognises that the conversion of dwellings can provide an important source of additional housing. Clearly, the proposal would provide accommodation suited to smaller households (which may not necessarily be younger persons) in a convenient and sustainable location close to the City Centre. It is considered that the proposal would not conflict with the spirit of Central Government advice in PPS 3, and recent appeal decisions have suggested that the size of the dwelling should not be a material consideration in determining individual applications. It is therefore concluded that the principle of converting this particular dwelling into three flats would not be contrary to adopted planning policy and guidance.

4.7 The Council has recently commissioned a Housing Needs Assessment Survey and the initial results add some credence to the need to retain small family -sized properties and to combat an apparent over-supply of flats/ apartments in York. As the results have not been transferred into any adopted guidance or policy at local level, it is considered that the results at this time carry less weight than statutory planning policy and cannot outweigh its principles.

4.8 In terms of possible disturbance of neighbours, the basement and first floor flat would have a similar layout to the existing at basement level but would change

former public rooms to bedrooms on the ground floor. It is unlikely that there would be a significant level of noise emanating from this altered layout. Similarly the present studio flat on the top floor, and the first floor flat would be unlikely to generate an increased level of noise that would affect the neighbours. Whilst there are areas where proposed living areas would abut neighbouring bedrooms, recent appeal decisions have concluded that it would be unduly cautious to assume that such a situation would regularly result in excessive noise nuisance. Sound attenuation measures between properties would generally be a matter, which would be dealt with under the Building Regulations. The Council's Environmental Protection Unit has raised no objections to the proposed conversion into independent units. The site of the proposed extension is at basement level and would be screened to the neighbours to one side by a part two-storey/ single storey outshot and to the other side by a high boundary wall. The nearest affected windows and entrance would be on the rear elevation of the adjacent property and these would look down on the monopitched roof of the proposed rear extension. As a result, there would be no adverse impact from proposed new mass, no overlooking, or any unneighbourly impact from the proposed form and siting of the extension.

4.9 The proposed extension to the rear of the dwelling would be barely visible from the rear lane and public views. It would be appropriate in scale, design and materials and there would no harmful impact on the visual amenity of the area. There would be no conflict with Policies GP1 and H7 of the Local Plan that seek to ensure a that the design, form and character of new development is appropriate to its area. This is endorsed in the Council's supplementary design guide, a "Guide to extensions and alterations to private dwellinghouses "

4.10 South Bank Avenue has no restrictions on parking and no concerns have been raised by the Council's Highway Authority in relation to the impact that the proposed use would have on highway safety. The applicant has indicated in a supporting letter that it is likely that the building would be occupied by a similar number of residents to the previous use as a shared dwelling, and there would be no significant requirement for additional parking in the area. This property, with its adjoining property, forms a pair of larger properties than the majority of properties on South Bank Avenue. It would appear that this neighbouring similarly sized property is a shared house. The property would be capable of conversion to self-contained units without compromising the dominant small-scale character of the area.

4.10 The proposed development would result in 2 No. one-bedroom units and 1 No. two bedroomed unit being formed from what was previously a 4 No. bedroomed house, with no net increase in the number of bedrooms being created. As the Council's draft supplementary guidance on the provision of open space associated with new developments is based on the number of bedrooms that would be created and there would be no increase in the number of bedrooms as a result of the development, it is considered that no commuted payment for this provision would be required if Members are minded to approve the application.

5.0 CONCLUSION

5.1 Clearly, if planning permission is to be refused, it would be necessary to identify specific harm which would arise if the development was to proceed. Members will be aware that a number of appeals in relation to similar proposals to subdivide existing dwellings have recently been allowed. Policy GP1 of the Draft Local Plan requires proposals to respect or enhance the local environment. In this particular case, it is considered that the proposed extension and the formation of independent units would not result in any significant change to the character or appearance of the area. Recent appeal decisions have suggested that the size of the dwelling to be subdivided should not be the determining issue and that Policy H9 of the Approved North Yorkshire Structure Plan, with which there is no obvious conflict, should carry more weight than Policy H8 of the Local Plan. There would be no conflict with Central Government Guidance in PPS3 relating to the provision of a mix of housing and the need to avoid social exclusion. It is concluded, therefore, that the balance weighs in favour of granting of planning permission in this case.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2

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

Originally submitted drawings and details received on 2.11.2007

Additional plan and elevation of the rear elevation and extension, received 20.2.2007

Revised 1st floor internal layout, received on 9.3.2007

or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans.

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

3 VISQ1

7.0 INFORMATIVES:

Notes to Applicant

1. Demolition and Construction - Informative

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a remediation scheme to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

The developer's attention is 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 followed, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

1. 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.	

2. 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".

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. 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.

5. 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.

6. There shall be no bonfires on the site.

2. You are advised that the development may involve building work covered by the Party Wall etc Act 1996 that is separate from planning or building regulations control. Do not commence work on the development until you comply with the provisions of this Act. An explanatory booklet may be obtained from the City of York's Department of City Strategy, or alternatively it is available on the Department of Communities and Local Government, www.communities.gov.uk.

3. 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 the residential amenity of the neighbours, the visual amenity of the dwelling and the locality, and highway safety. As such, the proposal complies with Policy H9 of the North Yorkshire County Structure Plan; Policies GP1, GP4, H4, H7, H8, T4, T13 and L1c of the City of York Draft Development Control Local Plan- Incorporating the Proposed 4th Set of Changes; national planning guidance contained in Planning Policy Statement 1 " Delivering Sustainable Development , No. 3 " Housing "; " and supplementary design guidance contained in the City of York's " A Guide to extensions and alterations to private dwellinghouses. "

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