

## COMMITTEE REPORT

**Date:** 3 December 2015      **Ward:** Guildhall  
**Team:** Major and      **Parish:** Guildhall Planning Panel  
Commercial Team

**Reference:** 15/00822/FUL  
**Application at:** 38 Clarence Street York YO31 7EW  
**For:** Erection of two storey building to rear to be used as a House  
in Multiple Occupation (use Class C4)  
**By:** Miss Anita Sharma  
**Application Type:** Full Application  
**Target Date:** 20 October 2015  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The application seeks permission for the erection of a one and a half storey detached dwelling to be used as a house in multiple occupation to the rear of 38 Clarence Street following the demolition of the existing outbuilding.

1.2 The application should be read in conjunction with 15/00824/LBC. The application has been called to committee by Councillor Looker on the grounds that there has been previous backland development and concerns are raised in connection with the impact of traffic and parking in narrow streets already under some pressure from local parking needs.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest: City Centre Area 0006  
Listed Buildings: Grade 2; 38 Clarence Street York

2.2 Policies:

CYGP1      Design  
CYHE2      Development in historic locations  
CYGP10      Subdivision of gardens and infill devt  
CYH4A      Housing Windfalls

## 3.0 CONSULTATIONS

### INTERNAL

#### Design, Conservation and Sustainable Development

##### Conservation Officer

3.1 The site forms a pair of listed buildings with the neighbour at 36 Clarence Street. The rear elevations have been altered and rebuilt. Neighbouring sites have been developed. As such it would be consistent to permit a separate dwelling in the rear of the plot given the immediate context.

3.2 The original application took reference from the current scheme at number 40 Clarence Street. However, this property is not listed and it was considered that the scheme would be over-dominant and negatively affect the setting of the listed building.

3.3 Revised plans have been submitted which indicate a reduced height. This is more diminutive in scale with the roof dropping to the boundary walls which reinforces the original plot boundary and shape. The building appear more subservient in relation to the listed building rather than looking like a separate house.

##### Archaeology

3.4 The application site lies close to medieval deposits. Excavations for foundations and services may reveal or disturb archaeological features. A watching brief will be required.

##### Public Protection

3.5 No objections but suggest conditions

### EXTERNAL

#### Guildhall Planning Panel

3.6 Object on the grounds of overdevelopment

#### Neighbours Notification and Publicity

3.7 Two letters of objection raising the following concerns:

- Increased traffic on a narrow road with inadequate pavements and turning
- Existing problems with cars blocking pavements

- Students will still utilise cars and inadequate off street parking is being proposed
- Three additional HMOs have recently been approved resulting in high density student accommodation
- Increased noise disturbance
- Increased litter and inadequate bins provided
- The proposed living accommodation does not reflect the 'normal' for a four bedroom house
- Loss of greenery
- Increased security issues as the property will be empty part of the year

## **4.0 APPRAISAL**

### **4.1 KEY ISSUES**

- Design
- Impact upon the character of the area
- Setting of the listed building
- Impact upon neighbour's amenity
- Car and cycle parking
- Drainage

4.2 The National Planning Policy Framework 2012 (NPPF) sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development. The framework states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. A principle set out in paragraph 17 is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

4.3 Paragraph 187 states that Local Planning Authorities should look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible. In considering proposals for new or improved residential accommodation, the benefits from meeting peoples housing needs and promoting the economy will be balanced against any negative impacts on the environment and neighbours' living conditions.

4.4 Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

4.5 When planning permission is required to a property which may effect the setting of a listed building section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 applies.

4.6 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the content of the NPPF.

4.7 The relevant City of York Council Local Plan Policies are GP1, GP10, HE2 and H4a. Policy GP1 'Design' of the City of York Local Plan Deposit Draft refers to design, for all types of development. Of particular relevance here are the criteria referring to good design and general neighbour amenity.

4.8 Policy GP10 ' Subdivision of Gardens and Infill Development' states that permission will only be granted for the development or subdivision of gardens areas where it would not be detrimental to the character and amenity of the local environment.

4.9 Policy HE2 'Development in Historic Locations' states that within or adjoining conservation areas, and in locations which affect the setting of listed buildings, development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.

4.10 Policy H4a 'Housing Windfalls' states that permission will be granted for new housing development on land within the urban area providing: it is vacant/derelict/underused or involves infilling, redevelopment or conversion; has good access to jobs, shops and services by non-car modes; and, is of an appropriate scale and density to surrounding development and would not have a detrimental impact on existing landscape features.

## SITE

4.11 The application site lies to the rear of 38 Clarence Street facing onto Brook Street. The site is occupied by the rear garden of 38 Clarence Street and a single storey outbuilding which is set back from Brook Street and fills the width of the site. Until recently this side of Brook Street was characterised by hard surfaces and various outbuildings which had been added over time. Over the past 18 month permission has been granted for residential properties to be erected within the rear gardens of 36, 40 and 42 Clarence Street. The plots immediately adjacent to the application site are currently under construction.

## DESIGN

4.12 The proposal creates a four bedroom property to be used as a House in Multiple Occupation. The property would be spread over two floors but would have a reduced eaves height to create a subservient scheme. The property would be brick built with a timber clad screen to the front. It would provide windows to the front and rear elevations and rooflights to allow additional light into the first floor bedrooms, bathroom and staircase. It would fill the width of the site but would provide a covered alley to the side to allow access to the rear of the property to allow for the storage of cycles and bins.

## CHARACTER OF THE AREA

4.13 The frontage onto Brook Street has markedly altered over the past 18 months. The area was previously characterised by hard surfaced car parking areas and a mix of differing styles of outbuildings. There was little uniformity to this frontage. Planning permission was granted in 2002 for a three storey residential block to the rear of 44-46 Clarence Street, with the immediate neighbouring plots, at 36 and 40, being granted permission for residential development in May 2014 and March 2015. As such the area is now characterised by development which creates a built frontage to Brook Street.

4.14 Opposite the site lies Aldborough House which is a three storey block of flats. The area is densely populated with predominantly flats and terrace properties. The development of the site would infill the remaining plot within the row fronting Brook Street. It is considered that the character of the area has benefited from the erection of the dwellings, which create a more uniform frontage compared to the previous mix of unrelated outbuildings, sheds and car parking areas. As such it is considered that the proposed development would not have any detrimental impact upon the character of the area.

## SETTING OF THE LISTED BUILDING

4.15 The design of the property has taken reference from the previously approved development at number 36 Clarence Street. This is smaller in scale than the previously approved properties to the rear of numbers 40 and 42 Clarence Street and has a much reduced ridge height. As such the proposed development does not appear unduly large and would not be a dominant or intrusive feature in relation to number 38, to which it would have a subservient relationship.

4.16 Whilst the proposed building would cover the width of the plot it is considered that this is a design that has been replicated to nearby sites. The linear character of the plot would still be evident since the building would be set back from the site boundary with Brook Street. The setting of the listed building has already been eroded by the development approved to each side of the site, particularly the blank high gable end to the property to the rear of 40 Clarence Street.

4.17 The setting of the listed building has been compromised to some degree by the existing hardstanding and outbuilding which mask the rear elevation of the host dwelling. The back of the terrace, that includes the application site, is generally already quite altered, and rebuilt, with a general lower integrity of original features and lower standard of construction than the front. It is considered that the erection of the proposed property at this location would preserve the building and its setting in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## IMPACT UPON AMENITY

4.18 The property would provide two small windows to the first floor rear elevation. These would be at approximately 17m from the rear elevation of the host dwelling. Whilst this is relatively close there would be limited impact upon the neighbouring properties due to the presence of existing two storey and single story rearward projecting elements which prevent direct views.

4.19 The property would project past the main rear elevation of the property currently under construction to the rear of 40 Clarence Street by approximately 1m. Large glazed double doors located within the single storey element of this property face the shared boundary with the application site. As such there would be a limited loss of light to these windows due to the orientation but it is considered that this would not be to a degree which would preclude permission from being granted.

4.20 Concerns have been expressed that the development would lead to increased noise disturbance and increased litter. It is not considered that the use of the property as an HMO would result in any adverse noise disturbance. Brook Street serves a number of residential properties and whilst there is no through access to vehicles there is for pedestrians. As such it is considered that the erection of an additional residential unit wouldn't lead to undue noise disturbance by the additional occupants to the area. Refuse and recycling facilities can be provided to the rear of the property.

## CAR AND CYCLE PARKING

4.21 The proposal would provide two off road car parking spaces to the front of the site, accessible off Brook Street, and access along the side of the property to allow for cycles to be stored within the rear yard. No details of cycle parking have been provided but this can be conditioned. Concerns have been raised that the cumulative impact of the new dwellings and the lack of on site parking would lead to cars blocking the pavement and increased traffic along a narrow road.

4.22 It is considered that the property is located within a sustainable location close to the university, city centre, public transport links and local facilities. The local area is protected by resident parking and parking restrictions. HMOs are not eligible to enter the residents parking scheme. However, two community parking bays are provided within the zone which can be used by HMOs, guest houses and residents but these are located approximately 400m away from the site. Double yellow lines are located to both sides of Brook Street and as such no on street parking is available. It can not be assumed that residents would park illegally and additional parking is available at Union Terrace Car Park.

## DRAINAGE

4.23 The site of the proposed dwelling is currently occupied by the existing out building and hard surfacing. The scheme would provide a permeable hardstanding to the front to allow for the parking of vehicles which would allow for some natural drainage of the site. The scheme proposes an attenuation system to the front which would contain water during periods of heavy rain and allow for a controlled release of surface water into a soakaway system. No specific details have been submitted but this can be conditioned.

## 5.0 CONCLUSION

It is considered that the works are acceptable and would not result in any detrimental impact upon neighbouring amenity or the character and appearance of the area. The works would not harm the setting of the listed building and therefore comply with Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and with national guidance on good design contained within the NPPF, Policy GP1, GP10 (criterion a and e), HE2 and H4a of the 2005 City of York draft Development Control Local Plan.

## 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 and other submitted details:-

Block plan and drawing number 15/016/01A received 26th October 2015 and drawing number 15/016/02B received 23rd November 2015

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

3 VISQ8 Samples of exterior materials to be app

4 ARCH2 Watching brief required

5 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.

6 Drainage works shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with these approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

7 Prior to first occupation details of 2no. 'Sheffield-style' cycle parking stands and a 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 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

9 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to their construction/installation and the works shall be carried out in accordance with the approved details.

1:5 cross section of window and cill  
1.1 cross section of the window joinery  
Detail of the brickwork over the window

Reason: So that the Local Planning Authority may be satisfied with these details

## **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:

Requested revised plans to amend the design and height of the scheme  
Attached appropriate conditions

#### **Contact details:**

**Author:** Heather Fairy Development Management Officer

**Tel No:** 01904 552217