

COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Micklegate
Date: 20 December 2007 **Parish:** Micklegate Planning Panel

Reference: 07/02153/FULM
Application at: Knavesmire Glass 88A South Bank Avenue York YO23 1DP
For: Erection of three storey building comprising 12no. 1 bedroom apartments
By: Mr K Marsden
Application Type: Full Application
Target Date: 25 December 2007

1.0 PROPOSAL

1.1 This application relates to the demolition of the existing commercial unit (a former mission chapel) and its replacement with a building containing 3 floors accommodation in the form of 12 no. 1 bedroom flats. The ground floor flats are provided at a semi-basement level on the front elevation and the third floor of accommodation is provided within the roofspace of the building. 12 secure cycle spaces are provided with a limited amount of hard surfaced area to the rear of the site.

PLANNING HISTORY

1.2 An application (05/02584/FUL) was submitted in 2005 for the demolition of the existing building and its replacement with 8 apartments with 5 on site car parking spaces. The application was withdrawn early in 2006 before it was determined.

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

CYGP4
Environmental sustainability

CYH2A
Affordable Housing

CYH3C
Mix of Dwellings on Housing Site

CYE3B
Existing and Proposed Employment Sites

CYT4
Cycle parking standards

CYH4A
Housing Windfalls

3.0 CONSULTATIONS

INTERNAL

3.1 LEARNING, CULTURE AND CHILDREN'S SERVICES (EDUCATIONAL PLANNING OFFICER): No contributions required

3.2 LIFELONG LEARNING AND CULTURE: open space commuted sum required totalling £4,320.

3.3 ENVIRONMENTAL PROTECTION UNIT: Demolition and construction informative required.

CITY DEVELOPMENT REPORT - SUMMARY

3.4 The site is a windfall housing site and appears to meet the requirements of H4a. It is within the urban area and within walking distance to shops and bus links. However, 12 new apartments may negatively impact on the area in terms of on street parking availability.

3.5 Policy E3b states that any sites or premises either currently or previously in employment use will be retained within their current use class unless adequate employment land exists to meet immediate and longer term requirements and unacceptable environmental problems exist or the development of the site will bring alternative benefits to the local economy or the use is ancillary to an employment use.

3.5 Policy T4 requires certain levels of cycle storage provision in all new developments, this proposal meets the requirements.

3.7 Although the glassworks building is not listed and is not in a conservation area, it is an attractive building and its retention and potential conversion could be investigated.

3.8 Policy H2a does not require affordable housing on a site of this size, however the Design and Access Statement states that these dwellings will be affordable. There is no evidence in the application indicating how these dwellings will be affordable. Their size (as small one-bed flats) is not enough alone to enable them to become 'affordable'.

3.9 The residential use in this long established residential area is preferable to a glassworks in terms of amenity of existing residents. The design of the proposed

building will be in keeping with the surrounding area's character and some limited landscaping will be incorporated. The main concern is linked to the potential increase in on-street parking in the area.

HIGHWAY NETWORK MANAGEMENT

3.10 The issue in highway terms is the complete lack of off street parking but three frontage on-street spaces are effectively create by the removal of the commercial use. It is thought probable that there would be a relatively low car ownership in the tenants/owners, and any car ownership above three could probably be accommodated on the opposite side of the road on a casual basis without causing undue congestion problems. The site itself is considered convenient for local facilities and transport links and consequently the lack on on-site car parking is not objected to. Four conditions and two informatives are suggested to be attached to the decision notice should the scheme be recommended for approval.

URBAN DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (COUNTRYSIDE OFFICER)

3.11 The demolition should be conditioned in order to ensure that due consideration is taken of bats. This should include careful removal of times to allow inspection of loft, timing of work, pre-demolition survey and incorporation of suitable biodiversity features into the new design. I do not consider that a survey at this time of year is appropriate or necessary and, having looked at the building, I don't think a survey other by emergence is possible. One suggest condition included should approval be recommended.

EXTERNAL

YORKSHIRE WATER SERVICES PLANNING/DEVELOPMENT

3.12 Water supply: A water supply can be provided under the terms of the Water Industry Act, 1991. Waste water: If planning permission is to be granted 3 conditions have been suggested concerning water provision and foul sewerage facilities.

MICKLEGATE PLANNING PANEL(dated 30 October 2007)

3.13 We would like to formally object to the above planning proposal, which involves the demolition of a turn-of-the-century mission chapel that has been proposed for local listing. We oppose the loss of a building which we believe adds significant character and interest to the streetscape. Additionally we are concerned about the impact on parking of twelve flats, and the loss of an employment site.

MICKLEGATE PLANNING PANEL (dated 12th November 2007)

3.14 The Micklegate Planning Panel arranged a public meeting on the evening of 9th November, about the proposal to demolish the Knavesmire Glass building. The meeting was attended by the architect, developer and approximately 30 residents. The main concerns raised by the residents who attended related to: opposition to the loss of the existing, historically significant, building; unattractive nature of the propose building in relation to the existing one, overdevelopment of the site and the introduction of plats into a street of houses and the prescience of protected bats in the roof of the property.

STRUCTURES AND DRAINAGE

3.15 The development is in low Flood Risk Zone 1 and should not suffer river flooding.

REPRESENTATIONS

3.16 Seven written comments were received as a result of the public meeting, one of which duplicates a written objection already received. One petition was received with 19 signatures. 25 standard objection letters were received where signatories entered their name, address and signed the letter. 14 independent letters of objection have been submitted.

3.17 The main sources of objection to the proposal are listed below.

Will the 'affordable' units will be used to house the homeless and young offenders and the resultant crime problem? The loss of a historic building which forms an integral part of the Avenue. The introduction of alien features in the form of railings and a dwarf wall on the site boundary. Lack of justification to demolish the building. The generation of potential car parking problems and congestion in the area. Noise and disturbance during construction. Undesirability of 'buy to let' flats in the area. Height of the proposed building. Overdevelopment of the site. Inappropriate provision of accommodation at semi-basement level. Limited amenity space. Loss of an employment site. Overlooking from the rear of the proposed building. The presence of bats on site.

4.0 APPRAISAL

4.1 Key Issues: Strategic Housing Market Assessment, design, mass and appearance of the proposed building, parking, loss of employment land and potential presence of protected species.

4.2 Planning Policy Statement 3 'Housing' (PPS3) sets out Government policy on housing development and encourages more sustainable patterns of development through the reuse of previously developed land, more efficient use of land, reducing dependency on the private car and provision of affordable housing. It also requires Local Planning Authorities to adopt an evidence based approach to housing delivery. Policies should be informed by housing need and demand, through housing market and housing land availability assessments.

4.3 Policy GP1 'Design' of the City of York Local Plan Deposit Draft includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, 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; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

4.4 Policy GP4a 'Sustainability' of the Draft Local Plan requires all proposals for commercial or residential development to be accompanied by a 'sustainability statement'. The policy includes a list of criteria against which proposals should be

judged which include: accessibility by means other than the car, whether the proposal would contribute to the social needs of the community, the contribution to the economy of the city, design quality, minimising the use of non-renewable resources, minimising pollution, conserving and enhancing natural areas and landscape features, maximising the use of renewable resources and making adequate provision for cycle storage and recycling.

4.5 Policy H2a of the Draft Local Plan requires housing development of 15 dwellings/0.3Ha or more in the urban area and 2 dwellings/0.03Ha or more in villages with less than 5,000 population to provide affordable housing. The policy gives a target of 50% of dwellings to be affordable and requires that they be distributed throughout the housing development rather than being concentrated in one area.

4.6 H3c of the draft Local Plan asks for a mix of housing on all sites.

4.7 Policy H4a 'Housing Windfalls' 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.

4.8 Policy E3b (Existing and Proposed Employment Sites) any sites or premises either currently or previously in employment use, will be retained within their current use class. Planning permission for other uses will only be given where; there is a sufficient supply of employment land to meet both immediate and longer term requirements over the plan period in both quantitative and qualitative terms; and unacceptable environmental problems exist; or the development of the site for other appropriate uses will lead to significant benefits to the local economy; or the use is ancillary to an employment use.

4.9 Policy T4: Cycle Parking Standards. In all new developments, cycle parking provision will be required in accordance with the standards set out in Appendix E of the local plan.

STRATEGIC HOUSING MARKET ASSESSMENT

4.10 The proposed development consists of 12 no. 1 bed apartments provided over 3 floors of accommodation. The building incorporates a semi-basement area for the ground floor units at the front of the site, which are at the ground level at the rear of the site due to the sites slightly sloping nature. All the units of accommodation are accessed via a lobby on the rear of the building. 6 of the units (on the front of the building) have a floor area of 34 sq m, with the 6 rear units having an approximate floor area of 36 sq m. The size and layout of the flats are cramped offering only limited sized bedrooms and combined kitchen/lounges with small kitchen areas. The flats offer limited space internally for storage. The site is large is enough to accommodate a mix of unit types, including houses. The proposal is therefore contrary to the findings of the SHMA which advises that 3 and 4 bed units are required just as much as 1 and 2 bed units and that the demand for houses is greater than that for flats. As such the proposed development would not help deliver

a mixed/balanced community as required by the SHMA and policy H3c of the Local Plan.

LOSS OF EMPLOYMENT LAND

4.4 Policy E3b, relating to existing employment sites, states that sites or premises currently in employment use will be retained within their current use class unless a number of qualifying requirements can be met. It would need to be demonstrated that adequate employment land exists in the area AND unacceptable environmental problems exist; or the development of the site for other appropriate uses will lead to significant benefits to the local economy. In this instance this case has not been adequately demonstrated and the proposal fails to meet this policy requirement. The existence of a commercial use in a predominantly residential area alone is not enough to justify the loss of this employment site. No particular case has been made regarding the noise, disturbance or other environmental problems generated by this site.

DESIGN, MASS AND APPEARANCE OF THE PROPOSED BUILDING

4.5 The proposed building has a similar eaves line and ridge line to the adjacent residential dwellings on either side of the site. However the character of the development is out of keeping with the surrounding area. The building is set in from the boundaries on the front and side of the site when properties in the surrounding area immediately abut the rear of the footway. The proposed building would be incongruous in this otherwise continuous terrace of two storey houses. The proposed semi-basement flats have a poor aspect on to a retaining wall and the dwarf wall and railings proposed on the front of the site are an alien feature in this location. The dormers, which cut through the eaves line of the roof, fail to reflect the character of the area. The building has no front entrance connecting it to the street based on the lobby style entrance from the rear. The two ground floor units on the rear of the building have French doors, but these open on to the communal, hard paved yard where the cycle stores are located. Whilst it is recognised that the principle of the redevelopment of this site for residential proposes could be acceptable (provide the loss of the employment site could be adequately justified) the current scheme does not comply with the requirements of Policy GP1 on design which includes an expectation that development proposals will respect or enhance the local environment and be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces. This proposal fails to meet these requirements.

PARKING

4.6 Adequate cycle parking is provided on site to meet the guidance in Appendix E of the Development Control Local Plan, with 12 covered spaces. However no on site car parking spaces have been provided. Based on the closing up of the existing commercial access to the site an additional 3 on-road spaces are likely to be made available. However the shortfall of parking will need to be accommodated elsewhere. Based on the unusual site surroundings, the fact that there are no residential properties on the stretch of road immediately opposite the site, additional parking is available to a degree there. It is considered that based on this situation the parking requirements for the proposed development could be accommodated within the general area. As such the car and cycle parking requirements of the

development can be broadly met on site and in the immediate area of the application site.

POTENTIAL PRESENCE OF A PROTECTED SPECIES

4.7 No mitigation measures are included in the application to accommodate the potential presence of a protected species on site. Whilst it is recognised that it is currently an inappropriate time to survey the building, no details of any observations regarding the presence of bats on site have been included with the application. Based on the protected nature of the species the precautionary principle should be applied until it becomes clear whether bats roost on this site or not.

5.0 CONCLUSION

CONCLUSION

5.1 Based on the above assessment of the application this proposal fails to comply with the provisions of the City of York Council Development Control Local Plan and the adopted Strategic Housing Market Assessment. It has not been demonstrated that the existing commercial site is harmful to the amenity and character of the area. The design of the proposal is inappropriate in this location predominantly made up of two storey terraced dwellings.

6.0 RECOMMENDATION: Refuse

1 The Local Planning Authority considers that the proposed mix of dwellings is inadequate and could be improved given the size of the site. The proposal would therefore fail to assist in delivering the type of dwellings which the Strategic Housing Market Assessment identifies as being required in the city.

To allow the proposal would therefore be contrary to policy PPS3: Housing which advises that Local Planning Authorities should adopt an evidence based approach to housing delivery, as York's adopted Strategic Housing Market Assessment identifies demand for a range of dwelling sizes, with 21% looking for 1 bed, 29% for 2 bed, 29% for 3 bed, and 21% for 4 bedrooms, and over 60% of households are looking for houses rather than flats. And also policy H3c of the City of York Development Control L Plan which asks for a mix of housing on all sites.

2 The proposal would, by reason of its design and appearance, result in an incongruous form of development that would be out of character with the street scene and, given its prominence, would be harmful to the character, appearance and visual amenity of the area generally contrary to policy GP1 and H4 of the City of York Development Control Local Plan.

4 The Local Planning Authority considers that the proposed use would lead to a loss of a commercial site and it has not been demonstrated that this employment site is surplus to requirements and that alternative similar facilities are available. As such the proposal would be harmful to the local economy, contrary to the objectives of the City of York Development Control Local Plan which seeks to stimulate the local economy, provide employment opportunities and deliver sustainable employment premises and in particular policy E3b which seeks to retain employment sites.

7.0 INFORMATIVES:

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