

## COMMITTEE REPORT

**Date:** 3 November 2016      **Ward:** Holgate  
**Team:** Major and      **Parish:** Holgate Planning Panel  
Commercial Team

**Reference:** 16/00680/FULM  
**Application at:** 128 Acomb Road York YO24 4HA  
**For:** Erection of 1 no. two storey building containing 2 no. flats following demolition of existing garage, and conversion of existing guest house/large house in multiple occupation into 8no. flats with associated car parking, cycle and bin storage, and a first and second floor extension to the rear elevation  
**By:** Charles Adam Development Ltd  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 7 November 2016  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The application seeks planning permission for the change of use of a 19 bed guest house /House of Multiple Occupation (HMO) to 6 x 1 bed flats and 2 x 2 bed flats. The accommodation would be spread over 5 storeys. In addition a first and second storey extension is proposed to the rear elevation. A staircase to the basement would be added within the front garden. Within the rear yard 1 no. two storey building containing 2 x 2 bed roomed flats are proposed with access from Braeside Gardens. Four parking spaces are provided with a covered cycle parking and covered refuse bin storage.

1.2 The Victorian end terrace is not listed neither is it within a conservation area. It is in Flood Zone 1. The terrace by virtue of its height and design features has significant presence within the streetscene. The road to the side leads to a cul-de-sac (Braeside Gardens) of semi detached and terraced dwellings dating from the 1950s. There is a rear lane to the terrace, hardstanding covers the rear yards of this terrace, and the terrace has been altered to flats. The rear yards of the adjacent terrace (of a similar design) are used as gardens, the majority of this terrace has been retained as houses rather than split into flats.

1.3 Revised plans have been submitted revising the pair of semi detached dwellings to the rear of the site and replaced with a two storey building containing 2 no. flats. The orientation of the proposed building has been altered so it faces the access lane running to the rear of terrace, the side elevation facing Braeside Gardens. Usable cycle parking provision has also been proposed.

## 2.0 POLICY CONTEXT

### 2.1 Policies:

CYGP1	Design
CYGP10	Subdivision of gardens and infill devt
CGP15A	Development and Flood Risk
CYT4	Cycle parking standards
CYH4A	Housing Windfalls

## 3.0 CONSULTATIONS

### INTERNAL CONSULTATIONS

#### Highway Network Management

3.1 No objections, The development converts an 18 bedroom guest house, which more recently operated as a HMO containing 17 bedsits and a 2 bedroomed apartment into 10 apartments (4 containing 2 bedrooms and 6 containing 1 bedroom). The existing use utilised a car park which would allow 4-5 independently parked cars in it. As a guest house, maximum parking standards would allow 10 car parking spaces and as an HMO a maximum of 14 including visitor provision. It is therefore shown that the existing provision is around a third of that allowed to be provided. The number of flats proposed is 10, so a maximum of 12 spaces could be justified to include visitors. The applicant has provided 4 off street spaces which reflect both the ratio and the number of those provided previously. These spaces are proposed directly from the highway with pedestrian visibility splays, utilising dropped crossings, which will prevent indiscriminate parking on the road in these locations.

3.2 There is an existing problem with parking on the side street Braeside Gardens. Parking restrictions have been recently increased at the junction with Acomb Road to provide better visibility when exiting Braeside Gardens. We note a number of objections have been lodged relating to the existing indiscriminate parking on the narrow side street, including parking on the footway. This situation is an existing matter and could be referred to police or to Highway Regulation for inclusion in the annual review. The amount of on street parking as a result of this development is shown to be similar to that expected from its existing/ lawful use. It therefore would not be reasonable to introduce further parking restrictions as a result of this application.

3.3 The site is located close to a bus stop with a regular service into York city centre. The site is within walking distance of the amenities available in the district centre of Acomb.

## Flood Risk Management Team

3.4 Additional information can be sought via condition

## Public Protection

3.5 No objections, request condition requiring 2 no. sockets for vehicle recharging; and INF11

## Education Planning Officer

3.6 No education contribution required

## Public Realm

3.7 No open space contribution required

## EXTERNAL CONSULTATIONS/REPRESENTATIONS

### Holgate Planning Panel

3.8 No objections

### Yorkshire Water

3.9 No comments received

### Ainsty Internal Drainage Board

3.10 The board has assets in the area - Gale Lane Drain, a watercourse known to be at capacity. The applicant is advised that IDBs consent is required for discharge to this watercourse and development within 9 metres of the watercourse

3.11 The site is in an area where drainage problems exist and development should not be allowed until the LPA is satisfied that the surface water drainage has been satisfactorily provided for. The applicant indicates the intention to dispose of water from the site via main sewer. The IDB are unaware of any surface water sewers at this location but are aware of a combined sewer owner by Yorkshire Water. If the intension is to discharge into this asset the applicant must produce written evidence of consent along with confirmation that the sewer has sufficient capacity, and confirmation of where the asset ultimately discharges to. If the ultimate discharge is not a Board maintained watercourse then a Board would want to comment on the suitability of the receiving watercourse. If permission is not given, and there is an intention to discharge to a different asset, the applicant must identify that asset and obtain consent from the relevant authority.

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If any discharge is to enter the IDB watercourse either directly, or via a third party assets, the rate of discharge must be agreed with the Board

### 3.12 Request condition requiring drainage details

#### Councillor Derbyshire

### 3.13 Objection on the following grounds:

- There are existing parking issues within Braeside Gardens with vehicles obstructing the road and pavements. The provision of parking is standard however in reality will encourage further parking on the road as there will be more vehicle owners than provision
- Area is subject to existing flooding and drainage problems, standard requirements may ease the impact of further development however in reality it will inevitably add to the existing problems
- HNM have requested further parking which can only impact on the limited vehicle parking provision on site,
- As such the proposal constitutes over-development of the site in mass and visual impact. Such buildings did not have large two storey extension built at a distance from the main house, and whilst this is a growing theme should be resisted in diluting the grandeur and setting of these period properties

#### Publicity and Neighbour Notification

### 3.14 Nine objections to original scheme:

- Proposed development provides inadequate parking provision
- Existing parking problems within Braeside Gardens, Moorgate, and Acomb Road and proposed development will exacerbate the parking issues
- Parking issues are resulting in road safety problems
- The provision of the two houses is overdevelopment
- Developers would have more return in provide parking for proposed flats
- Parking cause access problems for refuse lorries and emergency vehicles
- The double yellow lines are not adhered to or enforced
- No amenity space is provide for the occupants of the flats
- The proximity of the proposed houses to the flats would result in a poor level of amenity to the occupiers of the proposed dwellings, does not provide sufficient separation distance
- Would be out of character with the context, proposed houses would have a weak visual relationship with the host dwelling. Would appear alien and contrary to the grain and pattern of development
- The lack of parking should not be justified on the grounds of the adjacent bus route, people require more freedom and thus have cars

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- Recent development in York have not made sufficient provision for vehicle parking

3.15 A petition with 16 signatures has been received, making the following points:

- Existing parking issues in Braeside Gardens, proposed development will exacerbate the issues
- Parking on pavements causing access problems to those using the pavements
- The proposed development provides insufficient parking provision
- Existing issues regarding drainage, concerned that there is insufficient capacity to accept more
- Parking issues preventing emergency vehicles from access Braeside Gardens
- Concerned regarding the density of the proposed development

3.16 Four objections to the revised scheme

- Parking issues close to the junction of Braeside Gardens and Acomb Road, restricts access to Braeside Gardens, particularly for larger vehicles such as refuse collection, ambulances etc
- The introduction of a building to the rear of 128 Acomb Road will remove vehicle parking
- Adequate parking facilities have not been provided
- Request the Highways Network Management consider improving the visibility splays when egressing the junction and extend the parking restriction into Braeside Gardens
- Existing problems with surface water and foul drainage in the area concerned the proposed development may exacerbate the issue
- Vehicles park on the pavements restricting access
- Concerns raised in response to original application have not been addressed by the revised proposals
- None of the other properties in the terrace have buildings in the garden/parking areas

## **4.0 APPRAISAL**

### **KEY ISSUES**

- Principle
- Design
- Residential Amenity
- Highways
- Drainage

# ASSESSMENT

## Planning Policy

4.1 National planning policy is set out in the National Planning Policy Framework (NPPF). The essence of the framework is the presumption in favour of sustainable development which, for decision-taking, means approving without delay development proposals that accord with the development plan. Where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless: (1) any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole; or (2) specific policies in the framework indicate development should be restricted (paragraph 14). Local planning authorities should seek to approve applications for sustainable development where possible and work with applicants to secure developments that improve the economic, social and environmental conditions of the area (paragraph 187).

4.2 The core principles of the NPPF include: seeking to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; take account of the different roles and character of different areas; taking full account of flood risk.

4.3 The National Planning Policy Framework requires local planning authorities to boost significantly the supply of housing and deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

4.4 The York Development Control draft Local Plan was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications although it is considered that their weight is limited except when they are in accordance with the NPPF.

4.5 The public consultation on the Preferred Sites 2016 document and supporting evidence for the emerging City of York Local Plan has just ended and the responses are being compiled and assessed. The emerging Local Plan policies can only be afforded very limited weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF. However, the evidence base underpinning the emerging Plan is a material consideration in the determination of planning applications.

## Principle of Development for Housing

4.6 The National Planning Policy Framework requires local planning authorities to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. Policy GP4a states that all proposals should have regard to the principles of sustainable development.

4.7 The National Planning Policy Framework also states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Policy GP10 of the 2005 development control local plan states that planning permission will only be granted for infilling to provide new development where this would not be detrimental to the character and amenity of the local environment.

4.8 Policy GP1 of the local plan sets out the design requirements for development, which include: respecting the local environment; and having a scale and design compatible with neighbouring buildings and the character of the area.

4.9 The application site is between Acomb and the city centre. The site has good access to local shops and services as well as public transport and cycle links. It is therefore considered that the site is within a sustainable location.

## Design and Appearance

4.10 The NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people (paragraph 56). Permission should be refused for poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (paragraph 64). In addition developments should respond to local character and history, and reflect the identity of local surroundings and materials.

4.11 The existing building is a 5 storey end of terrace building dating from the late 19th century. The road to the side leads to Braeside Gardens which is made up of pairs of semi-detached dwellings and a terrace dating from the 1950s. The yard to the rear of the host building is tarmac with a small dilapidated garage to the northern boundary, the other buildings within this terrace also have tarmac rear yards and garages at the northern edge with the exception of 134 Acomb Road which has a one and two storey off shoot that projects to half way down the rear garden/yard. It appears that many of the buildings in this terrace have been converted to flats.

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The terrace to the east of Braeside Gardens has retained the gardens and many have garages/outbuildings/parking areas at the northern boundary.

4.12 The conversion of the host building from a Guest House/HMO to 8 no. flats would include a first and second storey rear extension, together with the internal re-organisation to create the flats, and staircase to the front of the building to allow separate access for the basement flat, and the replacement of the timber windows with UPVC. The proposed extension would be in keeping with the appearance of the building and would be constructed above the existing ground floor extension. The existing extension is constructed of a brick which is a poor match to the rest of the building and therefore details of the materials should be sought via condition to ensure that the brick is similar in appearance to the original building.

4.13 The loss of some of the boundary wall to Braeside Gardens would be to the detriment of the character of the street. The wall is considered to have a positive visual impact on the amenity of the street. The proposed building will help to retain some of that enclosure but this is balanced against open areas to provide the parking provision. The pitched roof building within the yard would measure 8 metres by 8.9 metres and would be 7.3 metres in height. The revised design and scale of the building within the yard now reads as a subservient, ancillary building. It has the appearance of a mews development which is a typical with the character and stature of the host building. On balance it is considered that the proposed development of the rear yard would not be unduly harmful to visual amenity of the streetscene.

4.14 The staircase to the front of the host building to create separate access to the basement flat (1) is not an uncommon feature in these types of buildings. In addition it is noted that other buildings within the terrace have external front stairs to the basement flats. It is considered it would not result in harm to the visual amenity and character of the host building and terrace.

### Highways

4.15 A number of concerns have been raised regarding existing parking issues within Braeside Gardens and the potential of the proposed development to exacerbate the parking problems in the street and the surrounding area.

4.16 The previous 19 bed guest house/HMO use had the potential to create a similar if not greater level of parking requirement than the proposed use. The existing rear yard can comfortably accommodate 4 vehicles. The proposed plans show 4 parking spaces, the spaces are directly from the highway with pedestrian visibility splays, utilising dropped crossings, which will prevent indiscriminate parking on the road in these locations. The drawing indicates that the parking spaces would be allocated to specific flats (the 4 x 2 bed flats). Cycle parking provision is 10 formal cycle parking spaces and flat 2 would have its own additional cycle store.



The parking issues are an existing matter and could be referred to Police or to Highway Regulation for inclusion in the annual review. The amount of on-street parking as a result of this development is shown to be similar to that expected from its existing/ lawful use. It therefore would not be reasonable to introduce further parking restrictions as a result of this application. It is considered that the lack of vehicle parking for all the proposed flats would not justify a reason for refusal particularly given the location of the site and the regular bus route that runs past the front of the building (No. 1, approx every 10 mins).

### Residential Amenity

4.17 The proposed conversion of the existing building is not considered to result in the harm to the residential amenity of the occupants of the nearby dwellings. The siting of the refuse bin store would be set away from the windows of the neighbouring building - No. 130. The proposed rear extension to the host building would project 2.5 metres from the rear elevation and would result in some loss of morning light to the adjacent (west) windows of No. 130, however it is not considered that this would be so significant as to warrant refusal of the application.

4.18 The north elevation of the proposed new building would be 8.5 metres from the side boundary with 1 Braeside Gardens, and 10.5 metres from the house. 1 Braeside Gardens has 2 secondary windows in the elevation facing the proposed building. The windows in the north elevation of the proposed building are to bedrooms. It is considered that the distance between the buildings is reasonable and the siting of the proposed building would not result in a loss of privacy or a loss of light to the occupants of 1 Braeside Gardens.

4.19 The proposed building would be sited adjacent to the garage of 130 Acomb Road, the rear yard of 130 Acomb Road is tarmaced and appears to be used as a car park. It is considered that the siting of the proposed building would not result in a loss of light or overshadowing that would result in harm to the residential amenity of the occupants of 130 Acomb Road

4.20 The proposed accommodation is of a reasonable size and is considered to provide an acceptable quality of amenity for the future occupants of the flats.

### Drainage

4.21 The NPPF requires that suitable drainage strategies are developed for sites, so there is no increase in flood risk elsewhere. Local Plan policy GP15a: Development and Flood Risk advises discharge from new development should not exceed the capacity of receptors and water run-off should, in relation to existing run-off rates, be reduced.

Insufficient details have been submitted regarding the existing and proposed surface water disposal method however it is considered that additional information and an acceptable disposal method can be sought via a condition in this case.

4.22 There have been some concerns that there is not sufficient capacity to accept further foul drainage. Yorkshire Water were consulted on the application however they have not submitted any comments. It is considered to be a matter for the developer and Yorkshire Water.

## **5.0 CONCLUSION**

5.1 The revised scheme for the conversion of the host building and the erection of two storey subservient building in the rear yard creating a total of 10 no. flats is considered to be acceptable. The proposal would provide homes within a sustainable and accessible location. On balance, the proposal complies with the policies of the NPPF and draft local plan policies GP1, GP10 and H4A.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

2 PLANS1 Approve plans

17.2015.PA03G 17.2015.PA04G 17.2015.PA06G

3 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 for the rear extension to the 128 Acomb Road and the two storey building shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

4 Development shall not begin until details of surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site. The information is sought prior to commencement to ensure that the drainage scheme is initiated at an appropriate point in the development process.

## INFORMATIVE

Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided i.e. witnessed by CYC infiltration tests to BRE Digest 365 to discount the use of SuDs.

If the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to accept surface water discharge, and to prevent flooding of the surrounding land and the site itself. City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test.

If SuDs methods can be proven to be unsuitable then in accordance with City of York Council's Strategic Flood Risk Assessment peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha connected impermeable areas). Storage volume calculations must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm.

Proposed areas within the model must also include an additional 30% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used for the above.

Surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

5 HWAY17 IN Removal of redundant crossing

6 HWAY18 Cycle parking details to be agreed

7 HWAY19 Car and cycle parking laid out

8 Prior to occupation 2 No. three pin 13 amp external electrical sockets shall be installed in a suitable position to enable the charging of an electric vehicle within the vehicle parking spaces for Flats 9 and 10 using a 3m length cable.

Note: Any socket provided must comply with BS1363, or an equivalent standard, and be suitable for charging electric vehicles. Where located externally 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.

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Reason: To promote sustainable transport through the provision of recharging facilities for electric vehicles

9 NOISE7 Restricted Hours of Construction

## **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:

- Request revised plans
- Use of conditions

### **2. INFORMATIVE:**

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

### **3. 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 manufacturer's 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

#### 4. INFORMATIVE:

You are advised that this proposal may have an affect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

#### 5. THE PARTY WALL ETC ACT 1996

The proposed development may involve works that are covered by the Party Wall etc Act 1996. An explanatory booklet about the Act is available at:

<https://www.gov.uk/party-wall-etc-act-1996-guidance>

Furthermore the grant of planning permission does not override the need to comply with any other statutory provisions (for example the Building Regulations) neither does it override other private property rights (for example building on, under or over, or accessing land which is not within your ownership).

#### **Contact details:**

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