

## COMMITTEE REPORT

**Committee:** West/Centre Area  
**Date:** 27 May 2008

**Ward:** Micklegate  
**Parish:** Micklegate Planning Panel

**Reference:** 08/00310/FULM  
**Application at:** Knavesmire Glass 88A South Bank Avenue York YO23 1DP  
**For:** Erection of three storey building comprising 12 no. 1 bed apartments after demolition of warehouse (resubmission)  
**By:** Mr K Marsden  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 29 May 2008

### 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 of 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 roof space of the building. 12 secure cycle spaces are provided with a limited amount of hard surfaced area to the rear of the site.

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 The application was withdrawn early in 2006 before it was determined.

1.3 An application, identical to the current one, (07/02153/FUL) was submitted in 2007 to demolish the existing building and to erect a building containing 12 no. 1 bedroomed flats set over 3 floors. 12 secure cycle spaces were to be provided with a limited amount of hard standing to the rear of the building. This application was withdrawn in December 2007.

### 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

CYGP4A  
Sustainability

CYH2A  
Affordable Housing

CYH3C  
Mix of Dwellings on Housing Site

CYE3B  
Existing and Proposed Employment Sites

CYT4  
Cycle parking standards

CYH4A  
Housing Windfalls

CYL1C  
Provision of New Open Space in Development

CYGP9  
Landscaping

CYGP6  
Contaminated land

CYH5A  
Residential Density

CYNE6  
Species protected by law

### **3.0 CONSULTATIONS**

#### **INTERNAL**

**LEARNING, CULTURE AND CHILDREN'S SERVICES (EDUCATIONAL PLANNING OFFICER):**

3.1 No contributions required

**LIFELONG LEARNING AND CULTURE:**

3.2 Open space commuted sum required totalling £4,320.

**ENVIRONMENTAL PROTECTION UNIT:**

3.3 Demolition and construction informative required.

#### CITY DEVELOPMENT:

3.4 The Strategic Housing Market Assessment (SHMA), which was adopted by the Council for Development Control purposes on the 27 September 2007 should be used to inform new housing developments as set out in PPS3. The report is comprehensive and up to date, and looks at what is appropriate in York in terms of housing tenure, size and type in order to help to create mixed and balance communities. The Study reveals that there is 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. Crucially over 60% of households are looking for houses rather than flats. The SHMA also breaks down demand into 3 distinct sub-areas. For the urban sub-area (where this site is located) there is a very strong demand for 3 bedroom or above homes, rather than 1 or 2 bed. Consideration should be given to achieving a mixed scheme more in line with 60/40 housing split evident in the SHMA results.

#### HIGHWAYS NETWORK MANAGEMENT

3.5 The application is a resubmission of the 07/02153/FULM which was withdrawn. The comments raised still apply. The main issue in highway terms is the complete lack of off street parking but three frontage on-street spaces are effectively created 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)

3.6 Previously the applications on this site were made in autumn when a survey in such a building would not be viable. However, as the application is now being made in spring, a proper emergence survey should be carried out and in the light of the information by local people that bats may be present, this should be required. I would anticipate that it is primarily a Pipistrelle roost, if it is used and the likely possibility that bats would prevent an application being approved is fairly small, however, whether bats are present or not, I would anticipate that we would, as before, be asking for bat roost features to be incorporated into any new development. This approach can be justified under PPS9.

#### DRAINAGE:

3.7 No objections are raised.

#### URBAN DESIGN AND SUSTAINABLE DEVELOPMENT (CONSERVATION AREA ARCHITECT)

3.8 We are aware that the building has been identified as a candidate for the List of Buildings of Local Interest and we are awaiting the outcome of the of the Heritage Protection Bill to take these matters forward. The design and appearance of the proposed scheme would be out of character with the street scene and the local context and as such would be contrary to Policy GP1 of the City of York Local Plan.

## EXTERNAL

### YORKSHIRE WATER SERVICES PLANNING/DEVELOPMENT

3.9 The original comments forwarded on application 07/02153/FULM still apply. 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.

### THE MICKLEGATE PLANNING PANEL

3.10 Object to the application, they state that the building has been proposed for the local list and is greatly valued by local people for its history and value as part of the streetscape. It should be retained and converted to sympathetic use. Policy E3(b) concerns the loss of employment uses. This site would provide for other small employment uses. The applicant has not demonstrated that such uses would be impractical. No bat survey has been provided and the applicant must demonstrate that suitable roosting places would be provided in new development which has not taken place. The recent Housing Market Assessment shows that there is a requirement for more family accommodation as opposed to flats. This development consists of flats in an area where flats are not typical.

### YORK CONSERVATION TRUST

3.11 Object to the application, they state that there are too many Victorian buildings in the City which are being demolished for redevelopment. The Hall has been part of the street scene in South Bank Avenue for over 100 years adding variety to surrounding buildings. It has been nominated for the List of Buildings of Local Interest by those living in its vicinity. Any decision should be delayed until the Local List has been compiled. The Hall has played an important part in the family life of many residents in the South Bank area, marking the expansion of the City to this area. The replacement building is not as attractive and would be overpowering on such a small site, being 3 storey as opposed to the surrounding 2 storey houses. The Mission Hall could be reused or renovated. What is really required is family homes not single bed roomed flats. There is an existing parking problem and the occupiers are likely to own cars which would exacerbate this. Bats a protected species are present on site and a statutory bat survey would be required.

### YORK GREEN PARTY

3.12 Object to the proposals. The building has been proposed for the Local List of Buildings of Historic Interest, which the Council has committed to adopting in the future. There are bats a protected species living in the rafters of the building and any development would need to demonstrate that their habitat would be enhanced as a result. It has not been demonstrated conclusively that the future use of the site is impossible for employment purposes. The local housing market assessment has shown that there is too little family accommodation.

### REPRESENTATIONS

3.13 101 standard objection letters were received where signatories entered their name, address and signed the letter. 49 independent letters of objection have been submitted.

The main sources of objection to the proposal are listed below:

- The loss of a historic building which forms an integral part of the Avenue and provides local architectural and social interest.
- The outer shell of the building should be retained in any redevelopment proposal.
- That the property should be given Listed Building status.
- That the design is out of character with the area, that it introduces alien features in the form of railings and a dwarf wall on the site boundary.
- Lack of justification to demolish the building which could be reused for community uses.
- The generation of potential car parking problems and general congestion in the area, especially in the light of the approved flats at Brunswick Street/Count De Burgh Terrace (07/00351).
- Noise and disturbance during construction and the structural impact upon the neighbouring properties.
- Undesirability of 'buy to let' flats in the area which is characterised by family housing.
- Height of the proposed building.
- Overdevelopment of the site and overcrowding.
- Inappropriate provision of accommodation at semi-basement level which would have a poor amenity outlook .
- Limited amenity space.
- Loss of an employment site.
- That the scheme would create routes through the site which would attract anti social behaviour and facilitate crime.
- Overlooking from the rear of the proposed building and loss of light to properties to the rear.
- The presence of bats on site.
- That there has been no structural report to state that the building is unsound.

## **4.0 APPRAISAL**

### **POLICY**

4.1 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.

4.2 National planning policy contained within PPS1 'Delivering Sustainable Development', states that good design is indivisible from planning. Design which is inappropriate within its context, or which fails to take opportunities for improving the character and quality of an area or the way it functions should not be accepted.

Moreover, Planning Policy Statement 3, Housing PPS 3 states the Government's aim to achieve high quality homes.

4.3 Planning Policy Statement 9 (PPS9) 'Biodiversity and Geological Conservation' sets out planning policies relating to the protection of biodiversity and geological conservation through the planning system.

4.4 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.

4.5 Policy H2a of the 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 Local Plan asks for a mix of housing types and tenures on all suitable 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 GP1 'Design' of the City of York Local Plan 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.

4.9 Policy GP4a 'Sustainability' of the 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.

4.10 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.

## KEY ISSUES

4.11 Key Issues: loss of employment land, housing policy issues including the Strategic Housing Market Assessment, design, mass and appearance of the proposed building, parking, potential presence of a protected species and impacts upon residential amenity and issues surrounding the Local List.

## LOSS OF EMPLOYMENT LAND

4.12 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, nor that another employment use could not successfully operate from the site.

## HOUSING POLICY ISSUES - STRATEGIC HOUSING MARKET ASSESSMENT (SHMA)

4.13 National planning policy contained within PPS3 'Housing' seeks to locate residential development within sustainable locations close to facilities and public transport provision. It is noted that this site is close to facilities within the immediate area, including shops and bus stops on Bishopthorpe Road.

4.14 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. It is considered that this site is large enough to accommodate a mix of unit types, including houses. Therefore to provide 12 no. 1 bed units only on this site would be contrary to the findings of the SHMA which demonstrates that the demand for houses is greater than that for flats (over 60% compared to less than 40%). Moreover, the SHMA demonstrates that in terms of flats, demand for 3 and 4 bed units is as strong as that for 1 and 2 bed units. As such the proposed development would not help deliver a mixed/balanced

community, nor provide the essential family housing provision which has been shown to be in significant demand as outlined by the SHMA and policy H3c of the Local Plan.

4.15 The applicant states that the flats are to be affordable. However, this does not equate to affordable in the planning sense as outlined by Policy H2a of the Development Control Local Plan.

#### DESIGN, MASS AND APPEARANCE OF THE PROPOSED BUILDING

4.16 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 purposes may be acceptable (provided the loss of the employment site could be adequately justified) the current scheme does not comply with the requirements of Policy GP1 in respect of design which requires 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.

#### PARKING

4.17 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. Because of the closing up of the existing commercial access to the site an additional 3 on-road spaces are likely to be made available in front of the building. 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. As the site is situated in a location close to public transport facilities and a number of spaces can be accommodated around the site, 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

4.18 No mitigation measures are included in the application to accommodate the potential presence of a protected species on site and no details of any observations regarding the presence of bats on site have been included with the application. Information has been supplied by local residents which point to the existence of bats within the site and because the application has been submitted in Spring, a bat



emergence survey has been requested, in line with PPS 9 and Policy NE6. However, to date a survey has not been submitted. It is likely however, that on confirmation of bat roosts, bat roost features would need to be incorporated into any redevelopment proposal.

#### RESIDENTIAL AMENITY

4.19 The residents closest to the proposed development would be the adjacent properties on South Bank Avenue and to the rear (across the alleyway) the rear of properties to Brunswick Street. Aside from parking issues discussed above, to the front elevation the two adjacent properties would not be adversely affected by the proposal, except perhaps by the introduction of possible activity from the proposed routes through, which are not considered to be appropriate within the context of the area (see above). To the rear, the proposed building is considered to be acceptable, no new windows are proposed in the side elevations which would cause overlooking of adjacent properties. The rear gable features at two storey level would replicate the design of those on the existing properties which follows a staggered pattern to the rear projecting outriggers. There would be a minimum 24 metre distance from the end of the proposed two storey rear gable to the rear of the properties on Brunswick Street which is considered to be acceptable. It is not considered that these properties would suffer from loss of light, nor from overlooking considered to be unacceptable within this residential area.

#### LOCAL LIST

4.20 The property has been identified by local residents as a candidate for the Local List of buildings of local interest. The City Council has not yet compiled a Local List and current legislation does not put additional controls on such buildings, even if the list were in operation.

### 5.0 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. It has not been demonstrated that the existing commercial site is harmful to the amenity and character of the area, nor that new employment uses could not reuse the site. Notwithstanding the above, although in locational terms residential development in this area would be sited close to shops/facilities and public transport, the proposal is contrary to the findings of the adopted Strategic Housing Market Assessment. The SHMA identifies a strong demand for family housing as opposed to flats. The design of the proposal is inappropriate in this location predominantly made up of two storey terraced dwellings, with an on street frontage. To date no bat survey has been submitted to allow for the full consideration of this protected species as part of this application.

## **6.0 RECOMMENDATION:** Refuse

1 The proposed use would lead to the loss of an employment site as identified by Policy E3b. It has not been adequately demonstrated that the site could not be retained within employment use and as such the proposal would be 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.

2 The proposed provision of 12 no 1 bed flats would fail to assist in delivering the type of dwellings which the Strategic Housing Market Assessment identifies as being required in the City ( family housing). Also given the size of the site a greater mix of dwelling types could be achieved on site. 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, through housing market assessments and also to Policy H3c of the City of York Development Control Local Plan which requires a mix of housing types on all suitable sites.

3 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, H4a of the City of York Development Control Local Plan and planning policy guidance issued in PPS 1 'Delivering Sustainable Development'.

4 It is considered likely that the existing building contains bat roosts. No bat emergence survey nor any details of methods of working and development to accommodate them has been submitted. The proposal is therefore likely to harm a species protected under the Wildlife and Countryside Act 1981 which would be contrary to the policy contained within Planning Policy Statement 9 'Biodiversity and Geological Conservation' and Policy NE6 of the City of York Development Control Local Plan.

## **7.0 INFORMATIVES:**

### **Contact details:**

**Author:** Clare Davies Development Control Officer

**Tel No:** 01904 551493