

COMMITTEE REPORT

Committee: West/Centre Area
Date: 17 July 2008

Ward: Holgate
Parish: No Parish

Reference: 08/01472/FUL
Application at: 1 Albany Street York YO26 4YG
For: First floor rear extension and conversion to form 3no. flats (revised scheme, re-submission)
By: Peter Docwra
Application Type: Full Application
Target Date: 6 August 2008

1.0 PROPOSAL

1.0.1 Planning permission is sought for the erection of a first floor extension and the conversion of an existing end terraced property to form building to form 3 no. 1 bed apartments.

1.0.2 Access to the proposed development is shown via an existing lane (back Lane) which is used by properties in Livingstone Street and Albany Street to gain access to the rear of their properties. The proposal includes the formation of 3 separate bicycle stores and provision for bin storage.

1.0.3 Pedestrian access to flat 1 and 3 is gained from the original door which fronts Albany Street. Flat 2 is accessed from the back Lane. There is a third door which allows access to the amenity space for the flats.

1.0.4 The applicant states that the flats are arranged within the building to make best use of the structure and to avoid any undue overlooking or overshadowing. The agent further states, within the submitted design and access statement, that the new build element is almost exactly due north of the adjoining neighbour (3 Albany Street) and as a consequence would not overshadow it.

1.1 SITE

1.1.1 The property, which is the subject of this planning application, is an end terrace, 2-storey property dating from the late C19. It has a part single storey rear offshoot. The agent states that the original property was constructed as a corner shop with living accommodation above. The Council has no information to contradict this observation and considers it a reasonable assumption that the building has never been solely used as a dwelling. Planning permission was granted in 1988 and 1990 to convert both floors into residential flats. In recent years, the agent states that the property has been used as a business premises. The final business use, before the property became vacant, was security business, selling locks, alarms, etc..

1.1.2 The property is bounded by dwellings to all elevations. However neighbouring dwellings sited to the north are separated by Bromley Street and neighbours to the west are separated by the back lane.

1.2 HISTORY

- 7/00/4730/PA – Formation of new door opening in Bromley Street elevation and bricking up of existing door opening – Approved – 21.04.1983
- 7/01/4730A/PA – Alterations to front elevation to form separate entrance to existing first floor flat – Approved – 30.09.1988
- 7/01/4730B/PA – Change of use of ground floor from offices to self contained flat – Approved – 13.12.1990
- 07/02689/FUL – First floor rear extension and conversion to form 4 no. flats– Refused – 21.12.2007

1.3 COUNCILLOR REQUEST

1.3.1 This application is being presented to Planning Committee at the request of Councillor Bowgett due to concerns about the loss of a potential family dwelling.

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

Schools St. Barnabas' CE Primary 0224

2.2 Policies:

CYGP1
Design

CYH3C
Mix of Dwellings on Housing Site

CYH4
Housing devp in existing settlements

CYH5A
Residential Density

CYL1C
Provision of New Open Space in Development

CYT4
Cycle parking standards

CYH12
Conversion of redundant offices

3.0 CONSULTATIONS

3.1 INTERNAL

Highway Network Management

Highway Network Management raised no objections to this proposal but advised that access to the 3 cycle storage units should be accessed from the joint yard and not the back lane for security reasons.

Environmental Protection Unit

Advise the imposition of conditions relating to recommended hours for carrying out construction work, contaminated material and an informative relating to the carrying out of works on site.

3.2 EXTERNAL

Neighbours

3.2.1 No comments have been received from any neighbours consulted or other interested parties.

4.0 APPRAISAL

4.1 The main considerations are:

- Principle of use
- Amount and type of housing proposed
- Design/appearance
- Residential amenity
- Open space
- Sustainability
- Flood risk; and
- Highway safety

4.2 POLICY

4.2.1 PPS1: Planning for Sustainable Development aims to protect the quality of the natural and historic environment. 'The Planning System: General Principles', the companion document to PPS1, advises of the importance of amenity as an issue.

4.2.2 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. Paragraph 36 of PPS3: Housing advises that Government's policy is to ensure that housing is developed in suitable locations ... by making effective use of land. The priority sites to develop are given as previously developed land, in particular vacant and derelict sites and buildings. PPS3 also advises that car parking standards that require more than 1.5 spaces per dwelling are unlikely to secure sustainable development

4.2.3 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.

4.2.4 Policy H3c states that a mix of new house types, sizes and tenures will be required on all new residential development. The Council's Strategic Housing Market Assessment study reveals a 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. Over 60% of households are looking for houses rather than flats.

4.2.5 Policy H4a - Housing Windfalls: which suggests that a proposals for residential development on land within the urban area would be acceptable, where "the site is within the urban area and is vacant, derelict or underused or it involves infilling, redevelopment or conversion of existing buildings." However, any development must be of an appropriate design and must be sustainable e.g. good links to jobs, shops and services.

4.2.6 Policy H5a - Residential Density: requires the scale and design of proposed residential development to be compatible with the character of the surrounding area and not harm local amenity. Applications for all new residential developments, dependent on individual site circumstances and public transport accessibility, should aim to achieve net residential densities of greater than 60 dwellings/hectare in the city centre and 40 dwellings/hectare in urban areas.

4.2.7 Policy H12 – Conversion of redundant offices – Planning permission will be granted for the conversion of office space to residential use where there is sufficient supply of offices to meet to meet both the immediate and longer term requirements over the plan period and the proposal will not have an adverse impact on the vitality and viability of York and that it has no adverse impact upon residential amenity.

4.2.8 Policy L1c – Provision of new open space in development: requires proposals for less than 10 dwellings to contribute towards the provision of open space (including sport, amenity and children's play provision) by way of a commuted sum.

4.3 PRINCIPLE OF DEVELOPMENT

4.3.1 The site lies within the defined settlement boundary of York. There are no other relevant statutory constraints i.e. Conservation Area, etc. Central Government guidance regarding new housing is contained within Planning Policy Statement 3: Housing, policies H4a and H5a of the Draft Local Plan are also relevant. The key aim of local and national policy is to locate new housing on brownfield land in sustainable locations. PPS3 sets out a sequential test which favours the re-use of previously developed land within urban areas, then urban extensions and finally new development around nodes in good public transport corridors. Policy H4a deals with housing developments within existing settlements and says that permission will be granted within defined settlement limits for new housing developments on land not already allocated on the proposals map, where the site is vacant, derelict or underused land where it involves infilling, redevelopment or conversion of existing buildings. The scheme must be of an appropriate scale and density to surrounding development and should not have a detrimental impact on landscape features. Policy H5a says a density of 40 dwellings per hectare should be achieved on this site subject to the scale and design of the development being compatible with the character of the surrounding area and that there is no harm to local amenity.

4.3.2 Due to the location of the site and its proximity to local facilities and accessibility it is considered to be a sustainable location and therefore acceptable.

4.4 IMPACT ON VISUAL AMENITY OF AREA

4.4.1 PPS1 seeks to deliver high quality development through good and inclusive design and states that design which fails to take the opportunities available for improving the character and quality of the area should not be accepted.

4.4.2 PPS3: Housing, which states that the planning system should deliver high quality housing that is well designed and built to a high standard. Development should be distinctive, maintain character and make efficient and effective use of land.

4.4.3 GP1 Refers to design, for all types of development. It states that development proposals must, respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with the surrounding area; avoid the loss of open spaces which contribute to the quality of the local environment; retain, enhance, or create urban spaces; provide and protect amenity space; provide space for waste storage; ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or overdominance. The character of an area is also referred to in policy GP10 which relates to infill development.

4.4.4 The refurbishment of the existing building would enhance its appearance. The conversion is sensitive, the new windows and roof shape on the extension would be more harmonious to the original building than the existing two-storey

outshot. Materials would also match. Previously the proposed extension to no.1 (adding a first floor above the single storey part of the existing building) was considered overlarge. The extension was considered out of context with the existing terrace, where at the back of the houses on Livingstone Street and Albany Street any two-storey outshots are of limited scale. The proposed extension has been reduced in scale especially the bulkhead required for the staircase. It is now considered that the proposal is acceptable in terms of visual amenity.

4.4.5 The existing yard is still to be retained as amenity space. Ideally this would be more accessible from the proposed flats. There is adequate space to store bins in the yard and because there is no internal access to the yard, there is concern that the area would not be used for amenity purposes but would serve only as a bin store and possibly an area of overspill cycles, given the limited size of the covered cycle store. The yard would be screened from the public realm by the boundary wall/fence, thus there would not be harm caused to the appearance of the area.

4.4.6 The design of the proposal therefore satisfies planning advice and policy contained in PPS1 and PPG3, and GP1, H3, H4 and H5 of the draft local plan that seek to ensure that new housing development is compatible with the design, scale, and density of residential development in the area and should not harm local amenity.

4.5 Residential amenity

4.5.1 Policies GP1, GP10, H4 and H12 of the Local Plan require that adjacent neighbours amenity should be maintained and levels of amenity for future occupants should be reasonable.

4.5.2 The proposed two-storey outshot would run adjacent the side boundary shared with 3 Albany Street. It would extend to the rear of the plot, approximately 4.0 from the rear building line (previously 7.0 m), and would be 3.40 m in width (previously it was proposed to span entirely across the site where it flanks the rear lane). The extension would be approximately 6.0 m from the rear yards of the houses on Livingstone Street (previously 3.20 m). The previous scheme was considered to provide a limited separation distance, even for a high-density terraced area. However, it is considered that the amended extension would be acceptable and wouldn't be overbearing or lead to a loss of outlook and openness from the surrounding dwellings, in particular those at 7, 9 and 11 Livingstone Street and 3 Albany Street, as was the previous case.

4.5.3 The extension is at the north end of the row terrace properties. Due to low roof pitch/height, it is considered unlikely that any undue overshadowing would occur as a consequence of the extension.

4.5.4 By bringing the building back into use and extending it there would be windows in living and bedrooms looking across Bromley Street into existing dwellings. Where it is proposed to extend the host building, a bedroom window would be 11 to 12m from the houses across Bromley Street; a living room window around 15m. Considering the overlooking that would occur by occupation of the existing building and the context of the surrounding area, made up of terraced

housing with windows facing each other across roads around 10m apart, it is considered that refusal could not be sustained on the grounds of overlooking. Preventing any new windows in elevations facing south or west would prevent overlooking in those directions.

4.16 Residential amenity for the future occupants of the ground floor rear flat would still be limited. The only outlook would be into the small shared amenity space. The main lounge room would be only 3.5m to 4m from a blank wall and the bedroom window would be around 4.5m away from the bedroom window to the front ground floor flat. Levels of outlook would be limited and overlooking would occur.

4.6 Open space

4.6.1 Policy L1c states developments for all housing sites will be required to make provision for the open space needs of future occupiers. In accordance with policy L1c the applicant has agreed to make a contribution of £1080 toward open space.

4.7 Sustainability

4.7.1 GP4a states all proposals should have regard to the principles of sustainable development.

4.7.2 The development site is in a sustainable location, as explained previously. The application advises that the development would be sustainable because there is cycle storage and by upgrading the existing building to building regulations standards, it would be more energy efficient.

4.8 Flood risk

4.8.1 The application site falls within an area where the risk of flooding is high. In accordance with policy GP15a of the Draft Local Plan an assessment of additional flood risk (FRA) as a consequence of the development and measures to mitigate risk in the proposed development have been submitted. The development proposed at ground floor level is from a less vulnerable use (shop/office) to a more vulnerable use (dwelling with ground floor level only).

4.8.2 The FRA advises that the 1 in 100 flood risk level at the application site is 11.21AOD. It is preferred by the Environment Agency that floor levels are, if possible, set 600mm above the 1 in 100 level, to protect against future risk due to climate change. The proposed development would have a ground level of 11.664 (200mm above the existing level). The Environment Agency confirm that the proposed floor level is acceptable. It could be a condition of approval that the building were upgraded to include flood defence measures.

4.8.3 The building is a conversion, thus the application would not enhance the risk of flooding of the surrounding developments.

4.9 Highway safety

4.9.1 Highway Network Management advise that due to the location of the

proposed development, they have no objection to on street car parking that may be caused if the scheme were to commence. Furthermore the proposal is in accordance with the thrust of planning guidance, which seeks to deter car use and encourage other means of transport. The cycle store is limited in size (2m by 1m) and inadequate to store 4 cycles. It is asked by Highway Network Management that the plans be revised to accommodate more cycle space. This would either require a reduction in the size of a bedroom or the outside amenity space.

4.10 Response to Cllr queries

4.10.1 Concern has been raised with regard to the access from flat 3 from the back lane. The agent was notified of these concerns and submitted further justification to hopefully address this issue. The agent states that, of the 3 flats proposed only 1 is accessed from the back lane. Due to layout of the building and site circumstances, this arrangement is the most appropriate solution. The agent notes that if the access were from the yard, it would create an awkward arrangement between flats which would lead to overlooking and loss of privacy. The agent considers it more important to maintain the security and privacy for the occupants of the flats as opposed to crating and access through the yard.

4.10.2 The agent goes on to say that there are similar circumstances throughout York and there is no reason why such an arrangement should be resisted. The agent has submitted 2 examples for committee to consider. The 2 examples are:-

- 12 Garnett Street (02/03856/FUL) – Access to the flat is via a rear lane and the agent believes this is a precedent case;
- A further precedent case is at 256 Salisbury Terrace. At this site permission was granted in 2002 for the conversion and extension of the building to provide four 1-bed flats.

4.10.3 Whilst the agent, considers that such cases form a firm precedent which should influence the decision of this further proposal, the planning department cannot agree with this ascertainment. Each application should always be judged on its own merits as stated in PPS1. However, the 2 examples provided by the agent may give the Committee a guide, as to whether such a scheme is successful and should be repeated.

4.10.4 Concern has also been raised with regard to the loss of a potential family house. Council Policies H8 (Conversions) and H9 (Loss of dwellings or housing Land) seek to protect the loss of family homes. However, because this property is not a dwelling, it is considered that the scheme cannot be judged against these policies.

5.0 CONCLUSION

5.0.1 In the light of the above, it is considered that the scheme would not cause undue harm to any interests of acknowledged importance. This scheme for a 3 flats would not have a significant impact in the character of the area. The design would respect the constraints of the site; the proximity to the surrounding development, meets highway requirements, and on balance would be tighter in scale but

compatible with the character of the area. The development therefore complies with planning policy and approval is recommended.

5.0.2 As a consequence the proposal is considered to be acceptable and is recommended for approval as it satisfies policies GP1, H4a, H5a and L1c of the City of York Development Control Draft Local Plan and National Planning Guidance PPG1 and PPS3.

6.0 RECOMMENDATION: Approve

1 The development hereby permitted shall be carried out only in accordance with the following plans:-

- (1) Proposed ground floor and first floor plans - Drawing No. PD/AS/17
- (2) Proposed ground floor and first floor plans - Drawing No. PD/AS/16

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

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

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2 The development shall be begun not later than the expiration of the three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

3 Any suspect contaminated materials detected during site works shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development of the site.

Reason: To protect the health of occupants.

4 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) 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.

5 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 shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

6 No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The Open space shall thereafter be provided in accordance with the approved scheme or the alternatives arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: In order to comply with the provisions of Policy L1 of the City of York Draft Local Plan.

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £1080

No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard.

7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) no further windows shall be inserted in any elevation of the development hereby approved, without prior written approval of the Local Planning Authority

Reason: In the interests of residential amenity and safety

**7.0 INFORMATIVES:
Notes to Applicant**

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference the residential amenity of the neighbours, the visual amenity of the locality, highway safety. As such, the proposal complies with policies H3c, H4a, H5a, T4 and GP1 of the City of York Local Plan Deposit Draft; national planning guidance contained in Planning Policy Statement 1 (Delivering Sustainable Development) and Planning Policy Statement 3 (Housing).

2. The developer's attention should also be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act

1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be attached to any planning approval:

- (a) All construction and demolition or refurbishment works and ancillary operations, including deliveries to the site and despatch from the site shall only be carried out between the hours of 08.00 and 18.00 Mondays to Fridays and 09.00 to 13.00 on Saturdays and 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 manufacturers 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.

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