

COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Holgate
Date: 19 March 2009 **Parish:** No Parish

Reference: 09/00118/FUL
Application at: Jorvik Racing 41 Bright Street York YO26 4XS
For: Change of use from betting shop to 2no. houses, with two-storey pitched roof rear extension and external alterations
By: Mr G Taylor
Application Type: Full Application
Target Date: 20 March 2009

1.0 PROPOSAL

APPLICATION SITE

1.1 The application relates to a two-storey end terrace with a rear yard, which is located on the corner of Bright Street and Salisbury Terrace. The building was last used as a betting shop at ground floor level, with living accommodation above. The immediate surrounding area (Salisbury Terrace to the north, Kingsland Terrace to the east, Bright Street to the south and Bromley Street to the west) are all terraces of predominantly housing.

1.2 The site is located within flood zone 3, where the risk of flooding is high.

PROPOSALS

1.3 It is proposed to convert the existing building into two 2-bed houses. This would involve an extension to the existing rear outshot (around 2.2m by the width of the yard area) and external alterations relating to doors/windows as follows -

Bright Street

- Replace shop window with two windows to match those at first floor level, in terms of materials, size, style and detailing.
- Remove part of timber pediment, retaining it above the corner entrance.

Salisbury Terrace

- Front entrance door for unit 2.
- New window on rear extension.

1.4 A rear yard area would be retained, primarily for the storage of bins and cycles.

SITE HISTORY

1.5 Planning permission was granted to use the first floor of the premises as residential in 1986 (application number 7/01/5834/PA).

REASON FOR COMMITTEE

1.6 The application is brought to planning committee at the request of Councillor Bowgett, on the grounds of overdevelopment.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary : York City Boundary 0001

DC Area Teams : West Area 0004

Schools : St. Barnabas' CE Primary 0224

York North West Boundary : York North West Boundary CONF

2.2 Policies:

CYGP4A Sustainability

CYGP10 Subdivision of gardens and infill development

CYH4A Housing Windfalls

CYGP1 Design

CYH5A Residential Density

CYL1C Provision of New Open Space in Development

CYGP15 Protection from flooding

CYS9 No loss of local or village shops

3.0 CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT

3.1 No objection. Although there are no on-site parking facilities, there is on-street parking available, the site is close to the city centre and has good transport links. It is also considered there would be an overall reduction in traffic connected with the site, due to the proposed change of use from betting shop to residential.

LIFELONG LEARNING AND CULTURE

3.2 As there is no on-site open space commuted sums should be paid to the Council for amenity open space - which would be used to improve a local site such as Victoria park or back park, play space - which would be used to improve a local site such as Back park and sports pitches - which would be used to improve a facility within the West Zone of the Sport and Active Leisure Strategy.

ENVIRONMENT AGENCY

3.3 No objection in principle. Should permission be granted the measures detailed in the supplied flood risk assessment should be implemented, i.e. flood proof construction measures implemented and a place for safety provided at first floor level. Ask that there be no discharge of foul or contaminated drainage from the site into either groundwater or surface water. To prevent pollution of the water environment.

PUBLICITY

3.4 The application was publicised by site notice and letters of neighbour notification. The deadline for original comment was 4.3.09. The occupants of 206, 208 and 210 Salisbury Terrace have been notified of the revised plan and given until 18 March to comment. An objection has been made by Councillor Simpson-Laing on the grounds of overdevelopment of the site and lack of amenity space.

4.0 APPRAISAL

4.1 Key issues

- Principle of development
- Design
- Residential amenity
- Flood risk
- Sustainability
- Highway safety

PRINCIPLE OF DEVELOPMENT

4.2 H4a of the City of York Draft Local Plan states that proposals for residential development on land not already allocated on the proposals map will be granted permission where: the site is within the urban area and is vacant, underused or it involves infilling, redevelopment or conversion of existing buildings; the site has good accessibility to jobs, shops and services; and it is of an appropriate scale and density to surrounding development and it would not have a detrimental impact on existing landscape features.

4.3 The application relates to previously developed land in an urban area, with services and transport links. The proposed development requires an extension of appropriate scale and design to the host building, which would be in-keeping with the character and appearance of the area. Overall the site is one where re-development is deemed appropriate by policy H4a.

4.4 Policy S9 relates to the loss of local shops. It states that permission will only be granted for a change of use where it can be demonstrated that a need for the shopping facility no longer exists, or where appropriate facilities exist within the local area.

4.5 The ground floor of the application site was last used as a betting shop, the applicants advise it has been vacant for 9 years. Although there are no other betting shops immediately nearby, there remain around 10 premises, which provide local goods and services within 200m distance of the application site. As such it is considered the loss of this premises, which could be used as either retail (class A1) or financial/professional services (A2) would not lead to a lack of local facilities in the area.

DESIGN

4.6 Local Plan policy GP1 Refers to design, for all types of development. It states that development proposals will be expected to, respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with the surrounding area; use appropriate materials; avoid the loss of open spaces, vegetation and other features 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 from overdominant structures.

4.7 Local Plan policy GP10 relates to sub-divisions and infill development. It states permission will only be granted for sub-division or infilling to provide new development where this would not be detrimental to the character and amenity of the local environment. The policy advises that the space between and around existing buildings often contributes significantly to the character of an area and residential amenity. When considering applications for development of small infill sites or existing gardens regard will be given to the impact of the proposal on the surrounding area and overdevelopment would be resisted.

4.8 H5a states the scale and design of proposed residential developments should be compatible with the surrounding area and must not harm local amenity. It also recommends that development in urban areas should be a minimum of 40 dwellings per hectare.

4.9 The proposed 2 houses would provide 48 and 49 sq m floorspace each. Around 10 sq m is retained onsite as outdoor space. The site is within a terrace where typically each house has an outside yard. Along this side of Bright Street back yards range in size from 7 sq m to 26 sq m. It is common for end terraces to front onto both elevations facing the highway, due to the scale of the extension proposed it would maintain a balance between developing the corner plot to gain a street presence and retaining adequate openness between Bright Street and the opposite terrace; Kingsland Terrace. There would be no loss of garden/landscaped area that would detract from the setting.

4.10 The materials proposed on the extension are to match the existing building, the shape and detailing on/around the windows and doors are in-keeping with the host building and the surrounding area.

4.11 In accordance with policies GP1, GP10 and H5a of the Local Plan the proposed development would be compatible with the existing building and its surroundings, and not lead to overdevelopment of the plot.

RESIDENTIAL AMENITY

4.12 The standards expected regarding residential amenity are covered in policy GP1 of the Local Plan (see 4.4)

Future occupants

4.13 There would be adequate internal space, outlook and space for external storage of bins and cycles at the application site. There is no private outside space, although this is not required for all residential development as amenity space can alternatively be provided through a contribution - see para. 4.14. Overall the level of amenity for future occupants would be acceptable.

Amenity space

4.14 Policy L1c of the Local Plan states developments for all housing sites will be required to make provision for the open space needs of future occupiers. For sites of less than 10 dwellings a commuted sum payment will be required for off site provision.

4.15 The proposal involves the creation of one additional house overall. In accordance with policy the applicants agree to contribute £1,242 towards open space, this would be obtained through a condition were the application approved. The contribution would go toward local facilities, as listed in 3.2.

Neighbours

4.16 The application site is at the north end of a terrace. A 2.2m deep rear extension; to the east side of the building is proposed. As a consequence of the extension the rear building line of the host building would be some 4.5m beyond that of no.40. The eaves and ridge levels on the rear outshot are set-down from those on the main house, to the extent that the ridge level is around 1.7m lower.

4.17 As the host is to the north, no loss of light would occur over the neighbour, no.40. The only first floor window on no.40 is around 1.5m away from the proposed extension. The extension proposed, due to its size and height, and as there are only single storey outshots at the neighbour on the other side (no.39) would not be unduly overbearing or overdominant over the neighbouring dwellinghouse.

4.18 An additional window is proposed on the north elevation, facing across Salisbury Terrace. The separation distance between this window and the houses across the road would be as per those existing and no further overlooking would occur as a consequence of the proposed development.

4.19 In accordance with policy GP1 of the Local Plan the development would not have a material impact on amenity.

SUSTAINABILITY

4.20 It is a requirement of policy GP4a of the Local Plan that a sustainability statement is submitted with development proposals. The development should meet the requirements of the Council's planning guidance Interim Planning Statement

(IPS) on Sustainable Design and Construction. The IPS recognises that the re-use of existing buildings can be the most sustainable option. For conversions developments should meet the minimum standards on energy and water use, pollution, renewable energy and recycling. It is requested by the IPS that developments generate at least 5% of their expected energy demand for the development.

Energy use

4.21 The development would conserve energy through:

- Insulation of walls, roof and windows
- Micro combined heating and power units
- Low energy lighting

Water use

4.22 Due to the size of the site, and as it only has a small yard area there is limited scope for rainwater harvesting systems. Water efficient appliances will be installed in bathrooms and kitchens.

Waste reduction

4.23 Waste recycling facilities will be provided onsite.

Pollution

4.24 The extension would be of brick and slate externally, with timber windows and sheepswool insulation. Bricks are re-useable and durable; sheepswool and slate tiles also have low embodied energy and are recyclable.

Renewable energy

4.25 The applicant has agreed to install panels on the roof that would provide renewable energy for the proposed development.

FLOOD RISK

4.26 The application site falls within Flood Zone 3, were the risk of flooding is high (annual probability of 1%). According to PPS25: Development and Flood Risk, a dwellinghouse is classed as a "more vulnerable" form of development. As such the proposal should pass the exception test. To pass the exception test the development is expected to -

- a. Provide wider sustainability benefits
- b. Be located on previously developed land
- c. Be safe, without increasing flood risk elsewhere

4.27 Policy GP15a of the Draft Local Plan requires that the proposal demonstrates any flood risk will be appropriately managed with the minimum environmental effect and ensure that the site can be developed, serviced and occupied safely. The use of sustainable drainage, to reduce surface water run-off is encouraged. Discharges from the development should not exceed the capacity of existing/proposed receiving sewers and run-off should not exceed levels of pre-development run-off.

4.28 The proposed development is on previously developed land in a built up area, with services and transport links within walking distance. The development would also bring the site back into occupation and update its external appearance. As such it is considered the proposal meets requirements a and b of the exception test. The submitted Flood Risk Assessment (FRA) advises the development would be safe, using materials and insulation techniques that are flood proof/resistant and providing a first floor level where occupants can retreat if flooding were to occur. The development would not lead to a loss in permeable surface area. Surface water run-off would not be significantly affected, given this, and the scale of the development, there would not be a material change to the flood risk elsewhere. As such criteria c of the exception test is also met.

4.29 Overall the exception test is met, as required by PPS25 and in accordance with GP15 of the Local Plan, the development would be safe and would not materially increase flood risk elsewhere.

HIGHWAY SAFETY

4.30 Parking would be on-street as per the houses in the surrounding area. Cycle parking will be provided in the rear yard area. The application does not raise any highway safety issues.

5.0 CONCLUSION

5.1 The proposed development is considered to be acceptable in principle, the design complies with the criteria set in GP1, GP10 and H5, in accordance with GP15 the development would be safe from flooding and would not increase risk elsewhere, the development has considered sustainable construction techniques and there are no highway safety concerns.

5.2 Conditions are required over the design, materials, privacy, provision of cycle storage, a contribution toward open space and drainage. Otherwise the scheme is acceptable.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

Proposed plans and elevations 08:76:01 B
Updated sustainability statement ref 08:76 dated 13.2.09.
Flood risk assessment dated 19.1.09.

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.

2 TIME2 Development start within three years

3 VISQ1 Matching materials

4 The proposed windows, their cills and surrounding details shall be to match those existing in all respects, i.e. timber framed windows with sliding type openings.

Reason: To ensure an acceptable and consistent appearance.

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no door, window or other opening additional to those shown on the approved plans shall at any time be inserted on the east (rear) elevation at first floor level.

Reason: In the interests of the amenities of occupants of adjacent residential properties.

6 Covered and secure cycle storage shall be provided as shown on the approved plans and retained at all times.

Reason: To promote sustainable modes of transport in accordance with policies GP4a and T4 of the City of York Draft Local Plan.

7 S106OS IN Section 106 Open Space - 1,242

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 to design, amenity, highway safety and flood risk.

The proposal complies with Policies GP1, GP4A, GP10, GP15, H4A, H5A, L1C and S9 of the City of York Local Plan Deposit Draft.

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