

COMMITTEE REPORT

Committee: East Area
Date: 11 March 2010

Ward: Heworth
Parish: Heworth Planning Panel

Reference: 10/00006/FUL
Application at: Store to the Rear Of 69 Fourth Avenue York YO31 0UA
For: 2no. dwellings on land to rear of 69 Fourth Avenue following demolition of existing outbuildings (resubmission of 09/01791/FUL)
By: Mr G Harrison
Application Type: Full Application
Target Date: 12 March 2010
Recommendation: Refuse

1.0 PROPOSAL

1.1 This is a full planning application for the erection of 2 dwellings following the demolition of existing outbuildings at the above site.

1.2 The site forms the rear area of 69/71/ 73 Fourth Avenue. There is an existing part single, part two-storey structure on the site. The existing building, which is in a poor state of repair, is now disused but has previously been used for storage with a first floor office. The building consists of a single storey flat roofed garage linked to a two storey store with a pitched slate roof and brick and render walls. The site is accessed via an alleyway, which also serves the other shop units along the Fourth Avenue frontage and the rear of properties on Fourth and Ninth Avenue and Melrosegate.

1.3 69/71/ 73 Fourth Avenue are shops at ground floor level. The upper floors of the buildings have been extended and converted into 15 flats, which the current owner of the site lets out.

1.4 The proposal, which has been amended since first submission, is to demolish the existing office and storage/garage building on the site and to replace it with 2 no. one bedroomed semi-detached houses. The area to the rear of 71/73 Fourth Avenue is to be altered to provide cycle storage for the site and existing flats as well as small areas of external amenity space for the ground floor existing flats and the new dwelling units.

Planning History

1.5 The following applications are considered to be relevant to the current proposals :-

- Planning permission was refused in May 2006 for the erection of 2 one bedroomed semi-detached dwellings. The reasons for refusal related to the proximity of the proposed dwellings to 65,67,69,71, and 73 Fourth Avenue and the location of the

development within a back alley, close to the rear of 69 Fourth Avenue and without any external amenity space being detrimental to the living conditions of future occupiers of the site.

- A similar proposal was submitted in October 2009 and was subsequently withdrawn.

- There have also been a number of applications related to the alteration and extension of the flats within 69 Fourth Avenue.

1.6 The application has been called into committee by Cllr Funnell to consider the impact of the development on neighbouring properties and the access arrangements.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

Schools GMS Constraints: Tang Hall Primary 0232

2.2 Policies:

CYH4A
Housing Windfalls

CYGP1
Design

CYGP3
Planning against crime

CYGP4A
Sustainability

CYGP9
Landscaping

CYGP10
Subdivision of gardens and infill devt

CYL1C
Provision of New Open Space in Development

CYNE1
Trees, woodlands, hedgerows

3.0 CONSULTATIONS

INTERNAL

3.1 Highways Network Management - The access is only just wide enough for two cars to pass. The car parking spaces have inadequate space for manoeuvring, however, the site is adjacent to a regular bus service and close to local facilities therefore a refusal based on the inadequacies of the car parking or access could not be substantiated. Five cycle lockers are shown of the vertical stacker type two further cycle spaces are depicted but they lack any detail of security and cover. It is assumed that the total number of cycle storage units would cover replacement storage for the existing flats as well as the proposed development. Having regard to the constraints of the site it is considered that details of cycle parking should be submitted and agreed rather than conditioned.

3.2 Highways Network Management raise no objections to the amended plan considering the site to be in close proximity to local services and transport links to the city but it is recognised that although at times the local streets can be heavily "parked-up" it is not considered that the addition of two extra one-bed units will have a significant impact on congestion. A condition to ensure cycle parking is provided at the site is proposed.

3.3 Environmental Protection - No objections in principle however there is concern that existing air conditioning and refrigeration units situated on the roof to the rear of 70 Fourth Avenue may affect the amenity of residents by reason of noise through the windows facing the east. A condition is recommended to require noise attenuation on the east facing bedrooms of the proposed development.

EXTERNAL

3.4 Heworth Planning Panel- No objections but wish to comment that the proposal could be considered to be overdevelopment of the area.

3.5 Letter of objection has been received covering the following points:-

- Reason for rejection of previous application should be used in the consideration of this application
- The road serving the site is a service road, not well maintained and with no footpaths and is therefore hazardous to pedestrian occupiers
- Unclear whether the parking /access demands can be sustained with limited access on to the service road
- Concerned about light levels into 69 Fourth Avenue

- The proposal will set a precedent in the area for development of rear gardens on to service roads.

3.6 One letter of support has been received covering the following points :-

- Existing buildings look neglected
- Area would benefit from redevelopment
- Would enjoy rebuild as living room window looks on to site
- Would provide more affordable rented accommodation

PUBLICITY

3.7 The application has been advertised by means of a site notice posted on the 1st February 2010 and via neighbourhood notification. Those who have made comments, the Parish Council and Highways Network Management have been reconsulted on the amended proposals. The reconsultation exercise expires on the 9th March 2010.

4.0 APPRAISAL

4.1 Key Issues

- Principle of residential development on the site
- Design and Landscaping
- Highways, access and parking
- Impact on surrounding properties
- Sustainability
- Open Space
- Drainage

Policy Background

4.2 This planning application is for the erection of two 1-bedroomed dwellings

4.3 Planning Policy Statement 1 ("Delivering Sustainable Development") (PPS1) states that a number of key principles should be applied to ensure that decisions taken on planning applications contribute to the delivery of sustainable development. In particular, PPS1 promotes high quality inclusive design in the layout of new developments and individual buildings in terms of function and impact, not just for the short term but also over the lifetime of the development. Design which fails to take the opportunities available for improving the character and quality of an area should not be accepted. High quality and inclusive design should create well-mixed and integrated developments which avoid segregation and have well planned public spaces that bring people together and provide opportunities for physical activity and recreation. PPS1 also states that planning authorities should ensure the provision of sufficient, good quality new homes (including an appropriate mix of housing and adequate levels of affordable housing) in suitable locations, whether through new development or the conversion of existing buildings.

4.4 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. PPS3 also advises that car parking standards that require more than 1.5 spaces per dwelling are unlikely to secure sustainable development. In terms of design PPS3 states that careful attention to design is particularly important where the chosen local strategy involves intensification of the existing urban fabric. More intensive development is not always appropriate. However when well designed and built in the right location it can enhance the character and quality of an area. Paragraphs 12 to 19 sets out further criteria for achieving high quality design.

4.5 Policy SP6 of the Draft Local Plan, 'locational strategy', requires development to be concentrated on brownfield land within the built up urban area of the city and urban extensions

4.6 Policy H4a of the Draft Local Plan states that proposals for residential development on land not already allocated on the Proposal Map will be granted planning permission where the site is within the urban area and is vacant, derelict or underused or it involves infilling, redevelopment or conversion of existing buildings, and the site has good accessibility to jobs, shops and services by non-car modes. The policy requires new developments to be of an appropriate scale and density to surrounding development, and not to have a detrimental impact on existing landscape features. Policy H3c seeks to achieve a mix of house types, sizes and tenures on all residential development sites where appropriate to the location and nature of the development. Policy H5a requires the scale and design of proposed residential developments to be compatible with the surrounding area and not to harm local amenity. Within the city centre, new residential developments should seek to achieve a net residential density of greater than 40 dwellings per hectare.

4.7 Other Local plan policies relevant to the consideration of the detail of this application are:-

- Policy GP1 'Design' 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.

- Policy GP3 'Planning Against Crime' requires new development where deemed appropriate to incorporate crime prevention measures

- Policy GP4a 'Sustainability' of the City of York Council Development Control Local Plan (2005) states that proposals for all development should have regard to the principles of sustainable development.

- Policy GP9 requires where appropriate developments to incorporate a suitable landscaping scheme

- Policy GP10 states that the subdivision of gardens and infilling will only be granted to provide new development, where this would not be detrimental to the character and amenity of the local environment.

- Policy SP3 'safeguarding the historic character and setting of York' of the City of York Council Development Control Local Plan (CYCDCLP) gives a high priority to the protection of the historic character and setting of York. The policy requires the protection of the environmental assets and landscape features which enhance the historic character and setting of the City as well as the protection of the main gateway transport corridors into York from development which, cumulatively, could have an adverse impact on the character and setting of the corridor and the surrounding environment.

- Policy L1c requires that all housing sites make provision for the open space needs of future occupiers. For sites of less than 10 dwellings a commuted payment will be required towards off site provision.

Principle of residential development on the site

4.8 The key aim of local and national policy is to locate new housing on brownfield land in sustainable locations. Policy H4a deals with housing developments within existing settlements and states 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. GP10 says that permission will only be granted for subdivision of existing garden areas (or plots) where this would not be detrimental to the character and amenity of the local environment. In officers opinion the principle of new residential development on the site conforms with local and national policies.

Design and Landscaping

4.9 The area to the rear of 69/71/73 Fourth Avenue is dominated by the existing dilapidated building. The replacement of this building with a new structure and the reorganisation of the outside space around the structure will improve the visual appearance of the rear area of the property. However it is clear that the existing structure is fairly imposing and the new structure being slightly taller and wider will have a similar if not slightly greater visual presence. The removal of the parking area from the scheme and its replacement with a structure for cycle parking, fencing and landscaping will introduce more built form overall. In terms of the design of the building and the landscape features proposed it is considered that the development overall will be beneficial to the visual quality of the area and is supportable in planning terms having regard to advice within PPS1 and Policy GP1 of the Local Plan ,

Highways, Access and Car parking

4.10 Access to the site is via a rear alley, which serves shops/properties to the Fourth Road frontage and the rear of properties on Ninth Avenue/ Melrosegate. Highways Network Management comments on the proposal as originally submitted were that the access is tight and car parking provides insufficient turning and manoeuvring space. However, because of the location of the site in close proximity to local services and on a good bus route it is felt that the inadequacies of the parking and access did not warrant refusal of the application. There was also concern in Highway Network Management's original response that the cycle parking is inadequate and poorly designed. The application has been amended, following discussions between the applicant and Highways Network Management, to remove car parking and introduce a cycle store building in this area to provide cycle storage available to the existing flats and the new dwelling units. There is presently no dedicated cycle store for the existing flats of which there are 15. The proposed development will provide 9 spaces in total.

4.11 Highways Network Management now raise no objections to the application subject to the provision of the cycle store before the dwellings are first occupied.

Impact on Surrounding Properties

4.12 The existing building on the site is part two, part single storey. The single storey element is located on the boundary between the site and no.s 65/67 Fourth Avenue. The proposal will result in a slightly larger massing than the existing structure. The building is to be moved so that it is approximately 1.5 metres off the boundary with 65/67 Fourth Avenue placing the new structure 1.5 metres further in to the rear yard. The new position of the building, its height and roof shape will, in Officers view, result in there will be no detrimental impact on 65/67 Fourth Avenue in terms of overlooking or dominance of the structure.

4.13 As with the consideration of the 2006 refusal the design is considered to be acceptable in terms of the relationship of the development to properties on Ninth Avenue.

4.14 In terms of the impact of the development on the existing flats within 69/71/73 Fourth Avenue the refusal in 2006 considered that the changed bulk of the building on that scheme, loss of outdoor space to car parking and location of ground floor windows made the proposal unacceptable. This application shows the repositioning of the building off the boundary and a small increase in the overall bulk of the building this will change the way the new structure will relate to the existing flats/bedsits within 69/71/73 Fourth Avenue when compared with the existing building. The distance between the new/existing structure and the existing bedsits/flats is only between 4.5 to 5.5 metres; the existing structure already dominates the ground floor windows of the building. The new structure with its new position and increase in size will mean light will fall in a different way than at present on to windows in the rear elevation of the existing building and will in officers opinion significantly reduce the already limited light and outlook of the existing windows. The flats will benefit from the reorganisation of the external space to provide cycle parking and better amenity areas, however, this is not considered to be of sufficient benefit in itself to outweigh the harm caused by the impact of the structure on the rear facing windows of the flats.

4.15 The rear yard area currently provides individual outside space for ground floor flats at 69/71/73 Fourth Avenue. It further provides the only area for refuse and any other outdoor amenity requirements for all 15 flats within the existing buildings and the shop on the Fourth Avenue frontage. There is already considerable pressure on the use of this outdoor space. The introduction of two new dwellings would not reduce the need for the existing flats to continue to use the area. Whilst the design submitted organises the use of space well and has designed the buildings to minimise the impact of movements within the area on future occupiers, officers remain concerned that the inevitable comings and goings within the site to the bin area and cycle area, when added to the location of the structure along a 4.1 metre wide rear alley which services the rear of shops on Fourth Avenue and the rear of other residential properties, will be detrimental to the living conditions of future occupiers of the new dwellings. This is considered to be contrary to Central Government advice set out within PPS1 and Policy GP1 of the Draft Local Plan.

4.16 Environmental Protection raise no objections to the proposal although they request a condition to ensure that the east facing bedroom window be sound attenuated to protect it from noise from air conditioning units and refrigeration units on 70 Fourth Avenue.

Sustainability

4.17 The application is supported by a short statement, which indicates sustainability measures have been considered. The applicant's agent has further confirmed that conditions to ensure code for sustainable homes level 3 is achieved and 5% on site renewables are sought are acceptable. With the proposed conditions sustainability proposals for the application are considered to satisfy the requirements of local plan policy GP4a

Open Space

4.18 Under Policy L1c there is an open space provision requirement for this site. The provision of open space could be addressed by condition, unilateral undertaking or by a section 106 agreement.

Drainage

4.19 The development is in low risk flood zone 1 and should not suffer river flooding. The application is supported by drainage strategy however further information is sought about drainage details. It is considered that a suitable drainage scheme could be achieved for the site and appropriate conditions could secure the information required.

5.0 CONCLUSION

5.1 In officers opinion the principle of new residential development on the site conforms with local and national policies.

5.2 In terms of the design of the building and the landscape features proposed it is considered that the development overall will be beneficial to the visual quality of the

area and is supportable in planning terms having regard to advice within PPS1 and GP1 of the Local Plan.

5.3 The application has been amended since first submission to remove car parking facilities and provide improved cycle facilities. Highways Network Management raise no objections to the application subject to the provision of the cycle store before the dwellings are first occupied.

5.4 The new structure with its new position and increase in size will mean light will fall in a different way than at present on to windows in the rear elevation of the existing building and will in officers opinion significantly reduce the already limited light and outlook of the existing windows. The existing flats will benefit from the reorganisation of the external space to provide cycle parking and better amenity areas however this is not considered to be of sufficient benefit in itself to outweigh the harm caused by the impact of the structure on the rear facing windows of the dwelling units.

5.5 Furthermore officers remain concerned that because of the number of existing dwelling units already at the site, the inevitable comings and goings within the site when added to the location of the structure along a 4.1metre wide rear alley which services the rear of shops on Fourth Avenue and the rear of other residential properties, will be detrimental to the living conditions of future occupiers of the new dwellings. This is considered to be contrary to advice set out within Planning Policy Statement 1 and Policy GP1 of the Draft Local Plan.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 It is considered that the new dwellings, by virtue of their massing, siting and proximity to windows on the rear elevation of existing dwelling units within 69/71/73 Fourth Avenue, will result in unacceptable loss of light and dominance which will be detrimental to the living conditions of the occupiers of the existing dwelling units. This is considered to be contrary to national planning advice contained within Planning Policy Statement 1 "Delivering Sustainable Development" and Policy GP1 of the City of York Draft Local Plan.

2 The rear yard area of 69/71/73 Fourth Avenue provides the outdoor amenity and servicing space for 15 flats, and the introduction of two further dwelling units would not diminish this need. It is considered that the comings and goings within the service yard area and location of the site on the front of a service road, which also serves the rear of shops, and properties within the area, will be detrimental to the living conditions of future occupiers of the site. This is contrary to advice on design set out in paragraphs 33 to 39 of Planning Policy Statement 1 'Delivering Sustainable Development' and Policy GP1 of the City of York Draft Local Plan.

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