

COMMITTEE REPORT

Committee: Major and Commercial Team **Ward:** Heworth Without
Date: 21 April 2011 **Parish:** Heworth Without Parish

Reference: 10/02838/FUL
Application at: Stray Garth Community Home 7 - 9 Stray Garth York YO31 1EL
For: Change of use from residential institution (use class C2) to residential dwelling with granny annexe (use class C3) including first floor extension and alterations to create roof terrace to rear. Alterations to front.
By: Mr AP And Mrs PM Smith
Application Type: Full Application
Target Date: 11 February 2011
Recommendation: Approve

1.0 PROPOSAL

1.1 The application site lies to the south of Elm Moor lake off Stray Garth in Heworth. Whilst it is currently a vacant, unoccupied building its previous use was residential care unit comprising 11 bedrooms and associated facilities. According to the information provided the property became surplus to requirements by the North Yorkshire and York Primary Care Trust in 2006 and was put on the open market for sale. The property has been vacant since 2006.

1.2 It is proposed to change the use of the existing residential institution (use class C2) to residential dwelling comprising 4 bedrooms with 2 bed granny annexe (use class C3). The latest revised plans show the proposed first floor extension and front gables have been omitted and no longer form part of the proposal.

1.3 Permission has also been sought to carry out minor alterations to the frontage of the building and to construct a roof terrace on the first floor.

1.4 RELEVANT PLANNING HISTORY

1.5 08/00764/FUL: Erection of 4 no. four bed roomed pitched roof dwellings with attached pitched roof garages and associated access (resubmission). Planning permission was refused in May 2008 on the following grounds:

- i. The development would appear unduly dominant and overbearing to the detriment of neighbours' living conditions resulting in an unacceptable loss of their amenity;
- ii. The development is not considered to acceptably relate to that of surrounding housing and would have a negative impact on the character and appearance of the surrounding environment;

iii. The proposed inclusion of velux rooflights in the rooms with no traditional windows would create an unsatisfactory living environment for occupiers of these rooms resulting in an unacceptable standard of residential accommodation and amenity.

iv. The proposed second floor front window in unit 4 would create unacceptable overlooking of the garden of 14 Meadow Way.

The above decision was challenged by the appellant (Appeal ref. APP/C2741/A/08/2072002) but was dismissed on 7 October 2008 by the Planning Inspectorate.

1.6 07/02504/FUL: Erection of 4no. detached dwellings. Permission refused in February 2008.

1.7 7/04/7276A/PA: One and two storey pitched roof extensions. Permission granted in December 1993.

1.8 7/04/7276/CG: Single storey rear extension to existing rehabilitation centre forming lounge. Permission granted in 1990.

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

2.2 Policies:

CYGP1
Design

CYNE6
Species protected by law

CYNE7
Habitat protection and creation

CYH4A
Housing Windfalls

CYC3
Change of use of community facilities

3.0 CONSULTATIONS

3.1 NEIGHBOURS notified – consultation expired on 31 January 2011 and on 12 April 2011 following the submission of amended drawings. 6 letters of objections received expressing the following concerns:

- the proposed first floor extension would block natural sunlight entering into the garden area and the conservatory at 15 and 16 Meadow Way;
- the proposal would appear dominating and overbearing when viewed from 14, 15 and 16 Meadow Way;
- the proposal would affect the view at 16 Meadow Way;
- there will be three windows and a roof light directly facing 15 and 16 Meadow Way. This would result in the loss of privacy.
- The windows would need to be fixed and obscured. However this would create unacceptable living conditions for the future occupants.
- the proposal is contrary to policy GP1 of the City of York Draft Local Plan
- the height and scale of the southern (front) extension should be reduced;
- the proposed first floor roof terrace to the rear of the property would result in direct overlooking effect upon 5 Stray Garth, 23 Elmfield Terrace and beyond.
- noise emanating from the proposed roof terrace may cause disturbance to local residents;
- screen on both sides of the terrace should be constructed of opaque material and of sufficient height to ensure that this view is obscured;
- construction works associated with the development would result in an unacceptable loss of amenity;
- evergreen trees on the corner of the western boundary should be planted;
- existing trees should be protected from possible removal in the future.
- the information submitted in the application form is inaccurate;
- the proposed internal alterations would result in the loss of four existing first floor bedrooms;

3.2 HEWORTH PLANNING PANEL - consultation expired on 31 January 2011 and on 12 April 2011 following the submission of amended drawings. No response received.

3.3 Design, Conservation and Sustainable Development(Countryside) – latest response received on 6 April 2011 following the latest amendments, which no longer include the demolition of the single storey front extension, the proposed first floor extension, or the proposed new gables on the front elevation:

- The alterations now involve mainly internal alterations, along with the construction of a bay window, and some other replacement windows. No work is now proposed to the main roof, or in any areas with bat roost potential.
- As no work is intended to the roof, loft space, or to the eaves, it is not consider that the work that is proposed would have a significant impact on bats provided that a detailed method statement and working approach is adopted.
- Any work later planned around these areas, for example to replace or remove any of the soffits, or to carry out any work to the roof, would however need a European Protected Species license and further survey work would be required as part of this license application.

- The revised bat survey report considers these latest plans. Having considered the information provided it is considered that the evaluations and recommendations contained within the report are acceptable.
- no objections.

3.4 HOUSING STRATEGY AND ENABLING – response received on 11 January 2011:

- the Granny Annex is in reality a stand alone, attached 2 bedroom dwelling quite capable of independent use with a separate entrance and all relevant facilities and services to allow it to be a dwelling in its own right.
- On this basis there are 2 dwellings proposed and as such a contribution to the provision of affordable housing is required under the policy adopted on 14th December 2010.
- This contribution should be £18,000 unless an independent viability appraisal is submitted at the applicant's expense and subject to the council's agreement.

4.0 APPRAISAL

4.1 The main planning issues raised by this application are whether the proposed development would have a detrimental impact on the residential amenities of nearby properties and the visual appearance and amenities of the surrounding area, in particular whether the proposal would have a harmful effect on the local bat population and whether the creation of a granny annex would warrant financial contribution towards affordable housing.

CHANGE OF USE OF RESIDENTIAL INSTITUTIONS

4.2 Policy C3 of the City of York Draft Local Plan states planning permission will only be granted for the redevelopment or change of use of social, health and care homes where the scale and design of the redevelopment proposal is appropriate to the character and appearance of the locality. Furthermore it must be demonstrated that the existing building is surplus to, and no longer capable of meeting the existing or future needs of the local community.

4.3 According to the design and access statement submitted with the application the property became surplus to requirements by the North Yorkshire and York Primary Care Trust in 2006 and was put on the open market for sale. Previous planning decisions and appeal have also established the position regarding the loss of a C2 (residential institution) use, in that whilst planning permissions were refused and appeal dismissed no objections was raised then regarding the loss of a residential care unit. The principle of the proposal is thus considered to be acceptable in this location.

RESIDENTIAL AMENITY

4.4 Concerns have been expressed regarding the original scheme which showed a large first floor extension above the existing single storey extension. Due to its height, scale and massing when viewed especially from the garden area and conservatory at 15 Meadow Way it is considered that the proposed extension would

appear dominant and overbearing to the detriment of residential amenities. It is also considered that the introduction of 3 windows in the first floor side elevation facing the private amenity areas at 15 and 16 Meadow Way would give rise to an unacceptable loss of privacy. It is understood that out of the 3 proposed first floor windows 2 of which would be serving a bathrooms and toilets, which means that they are likely to be obscured. Nevertheless given that they are likely to be opening windows there would still be an unacceptable loss of privacy by virtue of the development proposal. Equally a condition regarding all three windows to be fixed and obscured (including the bedroom window) would result in an unacceptable compromise upon the living conditions of the future occupants. In view of the above the scheme as originally proposed was deemed unacceptable.

4.5 Following officer's request the latest revised drawings show the omission of the first floor extension (including all three windows in the first floor side elevation). The existing single storey pitched roof extension would remain unchanged as the result. It is considered that the latest revised scheme would satisfactorily address the aforementioned concerns.

4.6 Issues concerning the potential overlooking effect associated with the proposed roof terrace could be addressed by imposing a condition requiring an obscured screen to be erected on both sides of the terrace. The screens are expected to be higher than that shown on the latest revised drawings. Statutory nuisances such as noise are governed and regulated by the relevant environmental legislation. In the interests of residential and visual amenity, a condition requiring a landscaping scheme to be submitted and approved by the local planning authority has been recommended.

SCALE, CHARACTER AND APPEARANCE

4.7 By virtue of the latest amendments, the overall scale and massing of the building would not be materially greater than that of the existing. Hence whilst the building is considered to be large for what would be a 4 bed property with a granny annex it is not considered that the latest revised scheme would be more harmful to the character and appearance of the locality than that of the existing. The proposed external alterations to construct a bay window and some other replacement windows are considered to be acceptable.

AFFORDABLE HOUSING

4.8 The affordable housing targets were revised in December 2010. Affordable housing requirements will not be imposed within the urban area for residential developments proposing 14 residential units or below.

BATS

4.9 The bat survey carried out in December 2007 suggested that bat roost was present within either the loft space of the building or within the soffit boards/boxes as bat droppings were found on a window ledge. As such further work is required to establish whether bats are still present and the potential impacts the scheme would have on bats in this area.

4.10 The latest revised plans show no work is intended to the roof, loft space, or to the eaves. As such it is not considered that the proposed works would have a significant impact on bats provided that a detailed method statement and working approach is adopted. Any work later planned around these areas, for example to replace or remove any of the soffits, or to carry out any work to the roof, would however need a European Protected Species license and further survey work would be required as part of this license application. An informative has been recommended to advise the applicants to comply with this requirement.

4.11 In addition a revised bat survey report has been submitted which considers the latest proposals. Having assessed the information provided it is considered by the Conservation team that the evaluations and recommendations contained within the report are acceptable. This is subject to a condition requiring all stages outlined in the method statement are followed to ensure that bats are fully taken into account, and any potential disturbance is minimised.

OTHER MATERIAL CONSIDERATIONS:

4.12 LOSS OF VIEW – For the purpose of assessing the planning merits of an application issues concerning the loss of private view is not a material consideration.

5.0 CONCLUSION

5.1 It is considered that the development accords with policies set out in the Development Control Local Plan and that the impact within the locality is acceptable. The application is therefore recommended for approval.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

2010 - 11/10A: SITE PLAN - PROPOSED received on 16 March 2011

2010 - 11/11A: PROPOSED GROUND FLOOR PLAN received on 16 March 2011

2010 - 11/12A: PROPOSED FIRST FLOOR / ROOF received on 16 March 2011

2010 - 11/13A: PROPOSED ELEVATIONS received on 16 March 2011

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

3 The occupation of the granny annexe as shown on plans ref nos.: 2010 -

11/11A and 2010 - 11/12A hereby approved shall at all times be limited to the parent(s) of the occupant(s) of the main dwelling at 7-9 Stray Garth, York, YO31 1EL

Reason: To prevent the granny annexe from being sub-divided into a separate residential unit in the interests of visual and residential amenities.

4 The doorway connecting the granny annexe with the main dwelling as shown on plans ref nos.: 2010 - 11/11A and 2010 - 11/12A hereby approved shall not be blocked, removed or altered at any time.

Reason: To prevent the granny annexe from being sub-divided into a separate residential unit in the interests of visual and residential amenities.

5 The floor area of the granny annexe as shown on plans ref nos.: 2010 - 11/11A and 2010 - 11/12A hereby approved shall not, at any time be enlarged.

Reason: To prevent the granny annexe from being sub-divided into a separate residential unit in the interests of visual and residential amenities.

6 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A, B, C and E of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of the amenities of the adjoining residents the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking or re-enacting that Order.

7 VISQ1 Matching materials

8 Notwithstanding the information contained on the approved plans prior to the commencement of development details of the screens to be erected within the roof terrace area as shown on plan reference number 2010-11/12A shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and the dwelling shall not be occupied until the approved screens have been erected. The approved screens shall not, at any time be removed, and in the case where the approved screens are damaged or destroyed they shall be replaced by similar screens.

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

INFORMATIVE:

To comply with this condition the screened are expected to be obscured, to be erected along the east and west boundaries of the terrace, and are expected to be 2.0m high.

9 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs including the existing trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

10 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.	

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

11 VISQ4 Boundary details to be supplied

12 No development shall take place until a Wildlife Protection Plan/Method Statement has been submitted to and approved in writing by the local planning authority. The plan shall include details of what protective measures, including both physical measures and sensitive working practices will be in place to avoid any possible impacts on bats and other species during and prior to the construction phase. The works shall be implemented in accordance with the approved details and timing unless otherwise approved in writing by the Council.

Reason: To take account of and enhance the habitat for protected species.

INFORMATIVE:

If bats are discovered during the course of the work, then work should cease and Natural England consulted before continuing.

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 change of use of community facilities, residential and

visual amenities, affordable housing and protected species. As such the proposal complies with Policies GP1, NE6, NE7, H4a and C3 of the City of York Development Control Local Plan.

2. The applicant is advised that any work proposed in the future within the roof, loft space, or to the eaves, for example to replace or remove any of the soffits, or to carry out any work to the roof, would require a European Protected Species licence and further survey work would be required as part of this licence application.

Contact details:

Author: Billy Wong Development Management Officer

Tel No: 01904 551344