

COMMITTEE REPORT

Date: 9 May 2013 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
 Commercial Team

Reference: 13/00177/FUL
Application at: Middleton House 38 Monkgate York YO31 7PD
For: Conversion and partial demolition to form 5no. residential apartments, new single storey extension with roof terrace
By: Mr Philip Thake
Application Type: Full Application
Target Date: 9 April 2013
Recommendation: Approve

1.0 PROPOSAL

1.1 Planning permission is sought for the change of use of 38 Monkgate from offices (Class B1) to five residential units (3 No. 2 bed units and 2 No. one bed units) together with the partial demolition of a flat roofed and mono-pitched extension at the rear and the erection of a two storey extension with roof terrace. Access to the proposed apartments would be from the existing entrance on Monkgate and cycle and bin storage would be provided within the communal garden / courtyard to the rear.

1.2 The property has been vacant for over two and a half years and has been actively marketed both as an office as a whole and as smaller units. Little interest has been generated and a letter from the property agents detailing the marketing undertaken has been submitted with the application.

1.3 38 Monkgate was built as a town house around 1700 however historically it has also been used as a school and more recently for commercial use as a training centre and as an office. Early plans indicate that it was originally L-shaped on plan and of two storeys in height with Dutch Gables. A third storey was added in the late 18th Century resulting in a symmetrical house of 5 bays with the central entrance bay breaking forward. The building is listed at grade 11* and it is situated on a principle approach road into York close to the walled city centre. The site is within the Central Historic Core conservation area.

1.4 Planning and listed building applications for the change of use and associated alterations of 38 Monkgate to an integrated drug treatment centre were withdrawn in 2010.

1.5 A listed building application referenced 13/00178/LBC has also been submitted.

1.6 The application has been brought to Committee at the request of Councillor Watson due to this being a listed building.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

Listed Buildings GMS Constraints: Grade 2; 40 Monkgate York YO3 7PF 0935

Listed Buildings GMS Constraints: Grade 2 Star; 38 Monkgate York YO31 7PF 0934

2.2 Policies:

CYE3B Existing and Proposed Employment Sites

CYGP1 Design

CYHE3 Conservation Areas

CYGP4A Sustainability

CYH12 Conversion of redundant offices

CYL1C Provision of New Open Space in Development

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development

Conservation Officer

3.1 In principle, support can be given to the proposed conversion of the property. The following matters should however be addressed before the granting of listed building consent and planning permission.

3.2 The proposal to remove and re-set a purlin in room A5 in the attic storey to facilitate construction of the dormer cannot currently be supported. As identified in the FAS report, this is part of the eighteenth century phase of construction. Consideration should be given to amending the scheme so that the purlin can be retained in situ.

3.3 The high level roof lights on the roof slope of the main range are visually intrusive, harming the historic appearance of the building. The application states that they are required as automatic opening smoke vents under part B of the building regulations. Our Building Regulations Officers advise that the need for the vents could be obviated by the use of an active detection system and emergency lighting.

3.4 Glazed screens are proposed to raise the height of the protective stair balustrades to current standards between the first and second floors. This could potentially amount to permanent harm, in addition to the reversible harm to the aesthetic value of the building.

Archaeologist

3.5 This site lies in the AAI and in an area where significant archaeological features and deposits have been recorded. These relate to occupation of this area from the Roman period onwards. Recommend an archaeological watching brief on all groundworks to record any deposits revealed during construction works.

Environmental Protection Unit

3.6 Concerned regarding the expected internal noise levels in the flats as a result of external noise, particularly at night as the measured noise levels in the flats would be well in excess of the levels stated within BS8233. However, with additional secondary glazing measures it would seem that it would be possible to achieve a satisfactory internal standard. A condition specifying internal noise levels is therefore recommended.

3.7 No concerns in relation to air quality.

Communities, Culture and Public Realm

3.8 As there is no on site open space commuted sums should be paid to the Council for;

- a) amenity open space - which would be used to improve a local site such Monk Bridge Gardens
- b) play space - which would be used to improve a local site such as Clarence Gardens, only applicable for 2 or more bed flats
- c) sports pitches - would be used to improve a facility within the North Zone of the Sport and Active Leisure strategy.

EXTERNAL

English Heritage

3.9 English Heritage is content in principle with the proposed use of this building. Given the age of the property and the surviving interior features, the conversion will need to be carefully detailed in order to fully maintain the significance of the building. Original or early interior details should be retained in situ wherever possible. The fine historic staircase will need particularly careful thought and treatment, and the impact of the proposed glass balustrade will need to be evaluated. The proposed

insulation of the ceilings will also need to be assessed, in order to retain historic ceilings and cornices in situ.

3.10 We request that the above issues are addressed and recommend that this application be determined in accordance with national and local policy guidance, and on the basis of your expert conservation advice.

Guildhall Planning Panel

3.11 No objections

Third Party Representations

3.12 A letter of support has been received from the occupants of the adjacent property on the basis that the residential accommodation will bring the use of the building back in line with the rest of the block of residential Georgian Town Houses on the southern side of Monkgate. The York Conservation Trust has engaged with us about preliminary concerns, including sound proofing, disturbance to foundations and security. Therefore on the basis of assurances provided by YCT and the continued willingness of YCT to minimise the impact of the development works, we support this application.

4.0 APPRAISAL

4.1 KEY ISSUES

- Loss of office space
- Whether the application site is an acceptable windfall site for housing
- Impact on the conservation area
- Amenity of future occupants and surrounding occupants
- Sports, Play and Open Space Facilities

LOSS OF OFFICE SPACE

4.2 The National Planning Policy Framework makes a presumption in favour of sustainable development. It advises that applications should be approved unless they conflict with an up to date local plan, or they are contrary to policies within the framework.

4.3 The host building is within the city centre, as defined in the Local Plan. The National Planning Policy Framework recognises town centres as the heart of communities and Local Planning Authorities are expected to pursue policies to support their viability and vitality; this involves allocating adequate space for offices. The Framework also recognises that residential development can play an important

role in ensuring the vitality of centres and it should be encouraged on appropriate sites. Within paragraph 51, the Framework advises that local planning authorities should normally approve planning applications for change to residential use where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.

4.4 Policies E3b and H12 of the Local Plan seek to keep all office uses in such use, unless there is an adequate supply of alternative premises over the plan period or where the proposed use will lead to significant benefits to the local economy. The broad intentions of these policies do not conflict in principle with the NPPF, however recent appeal decisions have concluded that there is no evidence of an under supply of office premises in the city.

4.5 The host building is currently vacant and was last in use as offices two and a half years ago. The property has been marketed since September 2010 to which there has been limited interest, which the letter from the Surveyor explains, is a direct reflection of the state of the office market in York as a whole.

4.6 In the context of the NPPF, which advises that such applications should normally be approved unless there are strong economic reasons as to why such development would be inappropriate, and the consideration that this is a relatively small office building and is not Grade A office space, it is considered that it would be difficult to resist the proposal on the basis of loss of office space. It is recognised that the proposal would help to secure the future of this Grade II * listed building and as such the re-use of the building is welcomed.

WHETHER THE APPLICATION SITE IS AN ACCEPTABLE WINDFALL SITE FOR HOUSING

4.7 The National Planning Policy Framework seeks to boost housing supply. It requires that Local Planning Authorities establish housing need and annually identify a deliverable 5-year supply.

4.8 The site is not allocated for housing in either the Draft Local Plan or the SHLAA (Strategic Housing Land Availability Assessment). York's SHLAA provides for an allowance of 168 windfalls a year (based on an analysis of 10 year trends of windfalls by type and location) to assist in meeting housing need in the city.

4.9 In determining applications for housing windfalls Local Plan policy H4a states that proposals for 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.

4.10 The proposal complies with Policy H4a as it involves the conversion of an existing building and proposes efficient use of an existing building in a sustainable city centre location. In this respect residential development of the site is considered to accord with the principles of the National Planning Framework and policy H4a of the Draft Local Plan.

IMPACT ON THE CONSERVATION AREA

4.11 The National Planning Policy Framework advises that it is desirable that proposals sustain or enhance the significance of heritage assets and put them to viable uses, consistent with their conservation. Any loss or harm to conservation areas requires clear and convincing justification. Local Plan Policy HE3 states that within Conservation Areas, proposals will only be permitted where there is no adverse effect on the character and appearance of the area.

4.12 Over the 19th and 20th centuries significant extensions have been added to the rear of 38 Monkgate to enable the building to be reused for a variety of purposes. These are mainly single storey and are considered to be of an unsubstantial and poor build quality compared to the original parts of the building. These ground floor extensions create a very deep plan and as a result central areas do not have any natural daylight. To address this issue, the proposal involves the demolition of the flat roofed extension at the eastern side of the rear of the property and its replacement with a smaller extension and a roof terrace above. The existing lean to extension to the west is in a poor condition and is not considered suitable for conversion. It is proposed that this is demolished and replaced with a new two storey extension with narrower footprint.

4.13 The plot originally associated with 38 Monkgate has been severely truncated to the rear and a high brick boundary wall separates its yard from the adjacent car park. Views of the rear elevation can be gained from this car park which is a private car park associated with County House Mews and County House. The extensions proposed for demolition are not worthy of retention and the proposed external works to the rear elevation respect the historic and aesthetic interest of the building. The external appearance of the building onto the street would not alter except for minor changes to the treatment of the windows to accommodate secondary glazing. In accordance with Policy HE3, the proposed external alterations are therefore not considered to be harmful to the character and appearance of the Conservation Area.

ARCHAEOLOGY

4.14 No.38 Monkgate lies in the AAI and in an area where significant archaeological features and deposits have been recorded. These relate to occupation of this area from the Roman period onwards. An archaeological evaluation was carried out at 40 Monkgate in 2005 in advance of the submission of a proposal for redevelopment of

the site. The evaluation demonstrated the presence of 19th century structural remains, medieval agricultural soils, a large number of features including post-holes, a ditch, a gully and two pits or wells and other deposits which dated to the Roman period. It is probable that similar features will be preserved on the site of 38 Monkgate. As the proposed rear extension will reveal or disturb these deposits, an archaeological watching brief condition is therefore recommended.

AMENITY OF FUTURE AND SURROUNDING OCCUPANTS

4.15 The National Planning Policy Framework requires that proposals secure a good standard of amenity for existing of future occupants of land or buildings. Local Plan policy GP1 requires developments provide and protect amenity space; provide space for waste storage; ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures. H12 also requires that residential conversions do not have an adverse effect on amenity.

Surrounding occupants

4.16 The proposed conversion of 38 Monkgate would not be considered to impact on the living conditions of the adjacent residential properties or on the occupants of No.1 County House Mews which is located to the rear. The proposed roof terrace would have a parapet wall measuring 1.3 metres high and the gable end window of No.1 County Mews which faces onto the rear elevation of 38 Monkgate is located approximately 17 metres away.

Future Occupants

Noise

4.17 A noise impact assessment was provided with the application which raised concerns with respects to the internal night time noise levels and indicated that compliance with the Leq and maximum levels would be impossible to achieve with the current window construction. The measurements were taken with windows closed and with the existing secondary glazing being in place. The Environmental Protection Unit requested the submission of additional information to demonstrate that a window construction could be implemented that would provide an additional sound insulation of at least an additional 10 dBA above what currently exists.

4.18 In response to the comments from EPU, the applicants have sourced a company with experience of designing schemes for listed buildings for road facing habitable rooms, who confirm that it will be possible to significantly improve on the 10dB reduction. Given that the treatment of the windows would vary according to their location, proposed use and their characteristics, such as the depth of the reveals, it is considered appropriate to require such details through a condition.

Air Quality

4.19 The property is located outside of the Air Quality Monitoring Area (only the carriageway is included in this location) and whilst a roof terrace is proposed, this is towards the rear, away from Monkgate and well elevated. There are no concerns with respects to air quality.

Other Issues

4.20 Secure and covered cycle and bin storage for the occupants of the 5 No. units would be provided within the rear yard.

LOCAL EDUCATION, SPORTS, PLAY AND OPEN SPACE FACILITIES

4.21 In accordance with policy L1c of the Draft Local Plan, the applicant / developer would also be required to make a contribution towards children's equipped play space, informal amenity open space and outdoor sports facilities. Based upon the City of York Commuted Sum Payments document, the contribution for this development would be £4196.

4.22 The applicant has agreed to provide the contribution towards open space.

5.0 CONCLUSION

5.1 In the context of the National Planning Framework, which advises that such applications should normally be approved unless there are strong economic reasons as to why such development would be inappropriate, and the consideration that this is a relatively small office building and is not Grade A office space, it is considered that it would be difficult to resist the proposal on the basis of loss of office space.

5.2 With respects to the proposed residential use of the building, the proposal involves the conversion of an existing building and proposes efficient use of an existing building in a sustainable city centre location. It also secures a use for this Grade II * listed building. In this respect residential development of the site is considered to accord with the principles of the National Planning Framework and policy H4a of the Local Plan.

5.3 The scheme is considered to respect the historic and aesthetic interest of the building and in accordance with Policy HE3, is not considered to be harmful to the character and appearance of the Conservation Area. The application is therefore recommended for approval subject to the following conditions and the prior completion of a unilateral undertaking to provide a financial contribution of £4196 towards the provision of off-site open space.

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:-

Drawings received 31.1.2013;

G3649-D-110 (Ground Floor GA Plan Proposed)
G3649-D-460 (Front Elevation Proposed)

Drawings received 14.3.2013;

G3649-D-105-01 (Ground Floor Plan Strip Out & Enabling Works)
G3649-D-470-01 (Rear Elevations East _ West As Proposed)

Drawings received 16.4.2013;

G3649-D-490-02 (Section C-C As Proposed)

Drawings received 25.4.2013;

G3649-D-015-02 (Roofscape Analysis)
G3649-D-205-02 (First Floor Plan Strip Out & Enabling Works)
G3649-D-210-02 (First Floor Plan As Proposed)
G3649-D-305-03 (Second Floor Plan Strip Out & Enabling Works)
G3649-D-310-03 (Second Floor Plan As Proposed)
G3649-D-410-03 (Roof Plan As Proposed)
G3649-D-465-03 (Rear Elevation South As Proposed)
G3649-D-480-02 (Section A-A As Proposed)
G3649-D-485-03 (Section B-B As Proposed)

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

3 ARCH2 Watching brief required -

4 Prior to the development commencing, details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the

Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote the use of cycles thereby reducing congestion on the adjacent roads.

5 A scheme shall be submitted and implemented prior to the first residential occupation of this development demonstrating that the building envelope shall be constructed so as to achieve internal noise levels of 30 dB LAeq 1 hour and 45 dB LAmax (23:00 - 07:00) in bedrooms and 35 LAeq 1 hour (07:00 - 23:00) in all other habitable rooms. These noise levels are with windows shut.

Reason: To ensure that an acceptable standard of living accommodation is provided for future residents given the environmental noise levels in Monkgate. This is in accordance with paragraph 17 of the National Planning Policy Framework.

6 VISQ8 Samples of exterior materials to be app -

7 A sample panel of the brickwork to be used on this building shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location.

8 Full details of the rooflights shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details. The rooflights shall be fitted flush with the roof covering.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the character and appearance of the Conservation Area.

9 Full details of the proposed method of obscuring the window on the second floor (front elevation) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details. Any proposed film should not be applied directly to the window.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of safeguarding the character and appearance of the Central Historic Core Conservation Area.

10 Full details of the proposed secondary glazing to the windows to improve the internal noise levels of the property shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. The details shall include large scale plans of windows where secondary glazing is proposed.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of safeguarding the character and appearance of the building and the Conservation Area.

11 Full details of the design and position for all external flues, vents and extracts for new kitchens, bathrooms and toilets shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the visual amenity of the building and conservation area.

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:

- principle of conversion / loss of employment land
- design / impact on the conservation area/archaeology
- residential amenity
- impact on existing open space provision

As such the proposal complies with the National Planning Policy Framework and Policies HE3, H4A, E3B, GP4A, GP1, H12 and L1C of the City of York Development Control Local Plan.

2. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the

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requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- addressed issues relating to noise mitigation and the use of conditions

3. INFORMATIVE: Control of Pollution Act 1974

The developer's attention is 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 adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) 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.

(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 manufacturer's 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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