

COMMITTEE REPORT

Committee: West and City Centre **Ward:** Westfield
Date: 17 August 2006 **Parish:** No Parish

Reference: 06/01261/FULM
Application at: Warehouse 83A Front Street York YO24 3BR
For: Conversion of chapel to 10 no. residential apartments, external alterations including new front canopy, new and replacement windows, bin and cycle stores (resubmission)
By: Corner Developments (Faxton) Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 5 September 2006

1.0 PROPOSAL

1.1 The proposal is to convert the former chapel at 83A Front Street to 10 residential units: 6 one-bedroomed and four two-bedroomed. This is achieved mainly within the existing shell of the building. However selective demolition of the rear is proposed to create some amenity space. External alterations to the building include new replacement windows, a new front canopy and cycle/bin stores. The existing forecourt is utilised to provide four car parking spaces. The application is a re-submission of an earlier scheme. It incorporates revisions that became necessary following consultations and discussions with officers.

1.2 The application site is a former Methodist Chapel, within the Acomb conservation area. Until recently it was used as a carpet warehouse and shop. It is now empty, and beginning to suffer from dampness and decay. The building has a relatively narrow frontage to Front Street (about 10m wide) but is deep, stretching back about 30m to within a short distance of Chapel Terrace. It is important to the character of the conservation area, because of its architecture and social history; making it something of a landmark in the area.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest Acomb Area 0007

Air safeguarding Air Field safeguarding 0175

Conservation Area Acomb 0031

City Boundary York City Boundary 0001

2.2 Policies:

CYGP1
Design

CYGP13
Planning Obligations

CYHE2
Development in historic locations

CYHE3
Conservation Areas

CYH4A
Housing Windfalls

CYL1C
Provision of New Open Space in Development

CYS9
No loss of local or village shops

CYGP4A
Sustainability

CYED4
Developer contributions towards Educational facilities

3.0 CONSULTATIONS

INTERNAL

3.1 Highway Network Management

No objections. Comments made on the withdrawn application apply: only 4 car parking spaces are provided. However, this is acceptable because of proximity to local services and transport links into the City.

3.2 City Development

No objections. The loss of the carpet showroom is not considered to be detrimental to local needs. The site is near Acomb District Centre and several bus routes. The best way of up-keeping historic buildings is to keep them in an appropriate use.

3.3 Education Planning

Committed sum required of £10,164.

3.4 Lifelong Learning and Culture

Because there is no on-site open space provision, committed sums should be paid, in line with the latest formula.

3.5 Environmental Protection

No objections, subject to conditions for construction times, internal noise levels for new residents, and contamination.

3.6 Urban Design and Conservation

Pleased at the revised side elevation windows in this re-submission, which will keep the ecclesiastical aesthetic of the building. Requested amended front canopy design (now provided). Re-submission has same intensity of development, but the chapel is in poor condition, with extra-ordinary costs to its repair and conversion. Were hoping for on site amenity space for all flats, and less vulnerable position for cycle/bin stores. However the scheme does seek to strike the balance to achieve viability yet retain the viability of the building.

EXTERNAL

3.7 Police Architectural Liaison Officer

No comments to make; the re-submission scheme has addressed issue raised in the original submission.

3.8 Conservation Areas Advisory Panel

New porch as proposed would adversely affect the Conservation Area (NB this has now been revised further). Consider too many flats in the conversion, and that these should be limited to one or possibly two units per floor. Conversion should not encroach into the attic space and the existing windows should be retained.

3.9 Neighbours (expired 17 July) -

One letter received from the adjoining property at Front Street, objecting because
(i) loss of privacy to the flat above the shop and to a rear communal mezzanine area,
(ii) the new boundary wall on the east side would restrict vehicle access to garages at the rear of No.83,
(iii) this same wall, because it projects forward of the front of the chapel, would make deliveries to No.83 difficult and could compromise pedestrian safety
(iv) lack of parking provision.

Site Notice (expired 12 July) - no comments received.

Press Advert (expired 15 July) - no comments received.

4.0 APPRAISAL

4.1 Key Issues

- Principle of conversion to residential use.
- Effect upon character of building and Conservation Area.
- Residential amenity in the scheme.
- Effect upon amenities of neighbours.
- Parking Provision.
- Contributions towards education and open space provision.

4.2 The relevant Draft Local Plan Policies are as follows:-

POLICY GP1 - DESIGN - in relation to this application, this policy requires proposals to (i) respect or enhance the local environment (ii) have a density and design that is compatible with neighbouring buildings, spaces and the character of the area (iii) provide and protect private and communal amenity space (iv) ensure that neighbours are not unduly affected by overlooking.

POLICY GP 4a - SUSTAINABILITY - requires proposals to have regard for principles of sustainable development for example accessibility by means other than the car; creating safe and specially inclusive environments; high quality design conserving and enhancing local character.

POLICY HE2 - DEVELOPMENT IN HISTORIC LOCATIONS - requires proposals in Conservation Areas to respect adjacent buildings, spaces, landmarks, and settings and have regard to local scale, proportion, detail and materials.

POLICY HE3 - CONSERVATION AREAS - within Conservation Areas, external alterations and changes of use will only be permitted where there is no adverse effect upon the character and appearance of the area.

POLICY H4a - HOUSING WINDFALLS - proposals for residential development, on land not allocated on the Proposals Map, will receive planning permission where (a) the site is within the urban area and is vacant, derelict or underused, or involves infilling, redevelopment or conversion (b) the site has good accessibility to jobs, shops and services by non-car modes (c) scale and density is appropriate to surrounding development.

POLICY L1C - PROVISION OF OPEN SPACE - commuted payments will be required for off-site open space provision, based upon local need and facilities.

POLICY S9 - LOSS OF LOCAL SHOPS - permission will only be granted for the loss of a local shop, where (a) a local need no longer exists (b) appropriate alternative facilities exist in the local area.

POLICY ED4 - DEVELOPER CONTRIBUTIONS TOWARDS EDUCATION FACILITIES requires that in considering proposals for new residential development any consequences for existing schools will be assessed in accordance with the SPG - Developer Contributions to Education Facilities.

PRINCIPLE OF CONVERSION TO RESIDENTIAL USE

4.3 The last use of the chapel as a carpet showroom was not essential to maintaining the viability of local shopping facilities. It is considered that its loss would not be detrimental to the needs of local residents. Acomb District Centre offers a wide variety of thriving shopping facilities.

4.4 Around the application site, Front Street contains a mixture of shopping and service uses, set in a strong residential context, to which residential use of the Chapel would contribute. Seeking an alternative commercial use for the building, if indeed one is forthcoming, would probably result in another "secondary" type of operation. This may not itself necessitate the same degree of alteration, or intervention, to the building as the proposed residential scheme: For example the latter involves inserting new floors and altering the windows. However, on the evidence to date, commercial uses have not led to enough basic investment in the building, to secure its long-term repair. The proposed scheme would avoid a possible continued decline in the fortunes of the building, and bring life back into it. The conversion would be in a highly sustainable location, with a good range of alternatives to car travel, being on main bus routes and close to shops and service facilities.

EFFECT UPON THE CHARACTER OF THE BUILDING AND THE CONSERVATION AREAS

4.5 The existing building has 3 main parts: its main frontage; then a middle and a rear section. All the building will be retained, except the roof and upper part of the rear section. The conservation officer does not object, because this section is of a much later date and is inferior architecturally. The benefit of the proposal is in creating a walled courtyard, offering some amenity space for three of the ground floor flats and additional cycle/ bin stores. Partial re-building also allows one of the residential units to face into the courtyard.

4.6 It is necessary to insert new floors into the chapel, to create the first floor units and the attic unit. This is acceptable in principle to the Conservation Officer and is a common way of achieving residential conversions of ecclesiastical buildings. However the new first floor slab

"cut across" the long, vertical windows that currently characterise the side elevations of the building. It became necessary to consider alterations to these windows, to achieve a practical and visually acceptable scheme overall. The chosen solution retains the ecclesiastical aesthetic of the building, and some its characteristic brick detailing, whilst allowing reasonable light and outlook for future occupants.

4.7 A revised plan has been submitted for the porch and window treatment, on the front elevation to Front Street, which is now considered to be acceptable.

4.8 The majority of the cycle and bin stores are proposed as external additions, either the side elevations of the chapel or in the narrow yard running along the west elevation. Whilst not ideal, there is little practical alternative with the scheme as proposed overall. On balance, officers consider that the building has sufficient presence to "carry" these additions without undue detriment to its appearance, Highway Network Management are satisfied with the arrangements.

4.9 During negotiations, officers discussed possible alternative internal layouts with the applicant, including a smaller number of individually larger flats. However officers are now satisfied that the scheme as proposed is appropriate for the building and its location. Any practical scheme for a residential conversion would need a similar intervention, both internally and externally into the building: inserting new floors and replacing windows. The proposal will secure the future of this distinctive building, enabling it to contribute more positively to the character of the Conservation Area, and the enclave of adjoining buildings for which it provides a focal point.

RESIDENTIAL AMENITY IN THE SCHEME

4.10 In a scheme of this nature, private amenity space is not normally expected. However the courtyard proposed at the rear of the building does create the benefit of private amenity space for the three ground floor units at the rear of the scheme, and an improved outlook. The internal layout of the two of the flats (units 3 and 9) has been amended to improve their outlook and relationship with neighbouring flats. Overall the scheme provides a variety of accommodation. Officers consider that, within the constraints of the building and its surroundings, a pleasant internal layout for the units is achieved. Good use is made of available window space to create a reasonable outlook and level of privacy for future residents.

EFFECT UPON AMENITIES OF NEIGHBOURS

4.11 The main issue is avoiding loss of privacy for neighbours, in these tightly knit surroundings. The existing building already has windows on all main elevations, which overlook adjoining dwellings. The difference now would be the more "lived in" nature of the scheme, with the windows being needed for residential outlook. In negotiations the applicant has agreed to introduce obscured glazing where necessary, to maintain privacy for neighbours. In particular this is necessary on the west elevation, adjoining No. 85 Front Street. In response to the objection from No. 83 (on the east side of the chapel) consideration will also be given to additional obscured glazing on this side of the building.

4.12 The rear of the chapel is close to the front façade of Chapel Terrace - only some 6.5 metres away. Demolition of the rear section of the chapel will provide a more open outlook especially for Nos. 3,4 and 5 Chapel Terrace. The existing rear elevation of the chapel is a blank wall. The scheme would in effect push back the main elevation of the chapel to 13.5 metres away from Chapel Terrace. New Windows are proposed in this elevation.

4.13 The occupants at No.83 Front Street draws attention to the proposed boundary wall restricting access to the rear of his premises. The wall and land it encloses is part of the ownership of the chapel, over which the occupant does not appear to have any rights of access.

PARKING PROVISION

4.14 The existing forecourt at the Chapel is used at present as an informal parking area. In the scheme, four "formal" car parking spaces are created. These are not ideally located, with vehicles reversing out onto Front Street. However Highway Network Management have accepted the arrangement, because it is existing car parking. Each flat is provided with a cycle store. The cycle provision is satisfactory.

CONTRIBUTIONS TOWARDS EDUCATION AND OPEN SPACE PROVISION.

4.15 Policy ED4 requires that in considering proposals for new residential development any consequences for existing schools will be assessed in accordance with the SPG - Developer Contributions to Education Facilities. The development is likely to result in additional demand for primary places at Acomb Primary School. A contribution of £10,164 towards the provision of additional school places is required.

4.16 Policy L1c of the Local Plan considers that all residents should have access to safe, attractive and useable public open space and the local plan strategy aims to promote accessible open space in new residential development. In this case, because there is no opportunity to provide on-site open space, a commuted sum payment would be acceptable. A contribution of £4028 towards local play, amenity and sports pitches would be appropriate. This is in accordance with and the Council's Supplementary Planning Guidance "Open Space in New Developments" and policy L1c.

5.0 CONCLUSION

5.1 Officers are able to support the proposal, subject to the conditions suggested. Though not listed, the Chapel is important to the character of the Conservation Area. It is a distinctive building and part of Acomb's social history. The proposed residential conversion will bring a new lease of life to the building and provide homes in a very sustainable location.

5.2 Officers believe the layout and design of the scheme is an appropriate solution, balancing the several constraints to maintaining the chapel's character, protecting the amenity of adjoining residents and creating a practical and attractive scheme.

5.3 On this basis, the scheme is considered to meet the requirements of the relevant Draft Local Plan Policies : GP1, GP4a, GP13, HE2, HE3, H4a, L1c and S9. An up to date upon outstanding details, and further conditions as necessary, will be given at the meeting.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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| 1 | TIME2 | Development start within three years |
| 2 | PLANS2 | Apprvd plans and other submitted details |

3 Large scale details of the items listed below 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.

- i/ New doors and door openings
- ii/ Amendments to windows and window openings
- iii/ Entrance canopy
- iv/ Main entrance door and screen

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

- 4 VISQ4 Boundary details to be supplied
- 5 VISQ7 Sample panel ext materials to be approved
- 6 VISQ10 Details of External services to be approved
- 7 HWAY19 Car and cycle parking laid out
- 8 NOISE1 Agree sound insulation
- 9 ARCH1 Archaeological programme required
- 10 NOISE8 Restricted hours of work
- 11 DEM1 No demolition before rebuilding contract
- 12 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: In the interests of the well being of future occupants.

- 13 Notwithstanding the information submitted with the application, before the commencement of works upon the site, agreement shall be reached in writing with the Local Planning Authority to identify those windows where obscured glazing is required. Thereafter the detailed size and design of the obscured glazing shall be agreed in writing before installation takes place. The agreed scheme shall then be retained as agreed at all times.

Reason: To protect the privacy and amenities of adjoining residents.

- 14 No development shall commence unless and until details of provision for public open space facilities and a scheme to ensure adequate additional foundation school places within the local catchment area or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The open space and education provision shall thereafter be provided in accordance with the approved scheme or the alternative arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: To comply with the provisions of Policy L1c of the City of York Draft Development Control Local Plan, incorporating the 4th set of changes (April 2005); and as the education provision within the catchment area of the development has insufficient capacity to take more pupils, such that additional places are required in the interests of the sustainable development of the city in accordance with Policy ED4 of the City of York Draft Local Plan and the Council's Supplementary Planning Guidance 'Developer Contributions to Education Facilities' dated January 2005.

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 and education provision. The obligation should provide for a financial contribution calculated at £14,192.

No development can take place on this site until the public open space or education provision has been provided or the planning obligation completed, and you are reminded of the Local Planning Authority's enforcement powers in this regard.

15 LAND1 IN New Landscape details

16 The existing bricks shall be reclaimed and reused in the reconstructed walls.

Reason: In the interests of the character and appearance of the conservation area.

17 A photographic survey shall be undertaken to record the existing character and condition of the building. Photos shall be cross-referenced to a plan. The survey shall be compiled into an A4 size format with an introductory statement to identify the building, its location, date and purpose of the works. The survey shall be submitted to the local planning authority prior to the commencement of the development hereby approved.

Reason: To ensure that a record of the character of the building is retained given the importance of the building in the local area.

7.0 INFORMATIVES:

Notes to Applicant

1. The developer's attention should be drawn to the following requirements for the control of noise on construction sites laid down in the Control of the Pollution Act 1974, in order to ensure that residents are not adversely affected by air pollution and noise:

1. 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".

2. 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.

3. 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.

4. 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.

5. There shall be no bonfires on the site.

2. 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 the character and appearance of the conservation area, the use of the premises for residential purposes, highway safety and the amenities of local residents. As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GP1, GP4A, GP13, HE2, HE3, HE4A, HE5A, L1C, ED4 and S9 of the City of York Development Control Local Plan.

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