

## COMMITTEE REPORT

**Date:** 18 October 2012      **Ward:** Micklegate  
**Team:** Major and      **Parish:** Micklegate Planning  
Commercial Team      Panel

**Reference:** 12/02118/FULM  
**Application at:** First York 45 Tanner Row York YO1 6JP  
**For:** Conversion and alteration of 45 Tanner Row and 4 Barker Lane from offices to 11no residential apartments.  
**By:** Brantingham Property Services Ltd  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 13 September 2012  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 This application relates to 45 Tanner Row and No.4 Barker Lane, a deep plan, non listed building occupying a corner site within the Central Historic Core Conservation Area. The original three storey "L" shaped building dates from around 1850 and can still be identified within the larger floor plate building that it has now been incorporated into. The building is currently in office use.

1.2 Permission is sought for the change of use and alterations to the building to form 11 No. residential units (7x1 bed units and 4 x2 bed units). The external alterations include the installation of two light wells, new windows would be introduced onto the corner of Barker Lane and existing windows facing Tanner Row would be enlarged. The entrance to the apartments would be from Tanner Row with an integral separate cycle store accessed from Tanner Row and a bin store accessed from Barker Lane. Three off street parking spaces to the rear of the property would be retained for the use of occupants.

1.3 The application site is bordered to the north east by residential development at St. Gregory's Mews and to the south west by a residential conversion scheme. Tanner Row bounds the north-west boundary of the application site and Barker Lane lies to the south west.

1.4 The existing tenants have indicated that they will be vacating the building by no later than April 2014. The property is currently occupied by First Transpennine Express, part of First group. The applicant states that the rail franchise that First Transpennine Express operates has limited time to run. The owners are motivated not to be left with a vacant property, particularly given the current economic climate and are therefore seeking to find an appropriate alternative use for the building.

## Planning History

1.5 Formerly used for warehousing, planning consent for granted in 2002 for the change of use of 45 Tanner Row / 4 Barker Lane to offices with the erection of a second floor pitched roof extension. Planning permission was then granted for a change of use of the second floor from offices to 2 flats in December 2003. This permission has not been implemented.

## 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

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: Central Area 0002

### 2.2 Policies:

CYE3B Existing and Proposed Employment Sites

CYED4 Developer contributions towards Educational facilities

CYGP1 Design

CYGP4A Sustainability

CYHE3 Conservation Areas

CYH12 Conversion of redundant offices

CYL1C Provision of New Open Space in Development

## 3.0 CONSULTATIONS

### INTERNAL

#### Integrated Strategy Unit

3.1 In terms of policy, the proposal to convert from office to residential is sound when considering how appropriate the development is with national and regional policy; the area presently has residential properties combined with retail and commercial. How acceptable the development will be in terms of the loss of the space as B1 is dependant on the Economic Development Unit's recommendations and it is recommended that the property is marketed for a minimum of 6 months before change of use permission is granted.

## Design, Conservation and Sustainable Development

### Original Scheme

3.2 Officers are unable to support the scheme due to poor design and harm to the conservation area.

### Revised Scheme

3.3 The appearance of the building within the Conservation Area would be acceptable. The layout for most flats is better but there are still poor conditions of light in the bedrooms.

## Highway Network Management

### Original Scheme

3.4 Whilst Officers are agreeable to much reduced levels of car parking being provided on site due to the sustainable location, this must be done as part of a package of sustainable travel measures which will seek to promote the use of sustainable travel. There are serious concerns that the size of combined refuse/cycle store is large enough to accommodate what is necessary.

### Revised Scheme

3.5 No objections. In order to promote sustainable travel Officers would be seeking that the developer provides a contribution towards free membership and limited drive time with the city's car club operator (City Car Club) for first occupiers. Such a contribution would be £160 per residential unit.

## Environmental Protection Unit

### Noise

3.6 A noise impact assessment was provided with the application due to concerns over the potential for noise associated with traffic noise on Tanner Row and night time noise associated with local pubs and clubs. Results of the noise assessment showed that the principal sources of noise were traffic and people noise with daytime noise levels being found to be 61dB(A) Leq to the front and night time noise levels being 58dB(A) Leq to the rear elevation, with Lmax values of up to 87dB(A).

3.7 Details provided within the noise impact assessment showed that the World Health Organisations guideline internal levels may be achieved through the provision of double glazed window unit and secondary glazing with a 200mm gap in between, with windows closed and mechanical ventilation.

3.8 The Environmental Protection Unit are satisfied that the internal noise levels may be achieved such that there will not be any significant adverse effects on health or quality of life providing mitigation measures are provided.

#### Contaminated Land

3.9 The contaminated land screening assessment provided with the application doesn't indicate any previous use. However, examination of Council records has indicated that the site was previously used as an asbestos packing house in 1895. Since the proposed development will involve the conversion and alteration of the existing building into the flats EPU would recommend that a watching brief condition be placed on any approval.

#### Air Quality

3.10 There are no known air quality issues with the site.

#### Economic Development

3.11 It is regrettable that small office spaces are declining in the city centre, particularly ones with good access and a lift to upper floors. In this instance, the applicants have not tested the market for subsequent office tenants and therefore it seems premature to seek another use for the premises. However the applicant is right to point out that it is not a Grade A office and that there has been a previous approval for residential use on the upper floor and at adjacent premises. Therefore whilst the loss of office space is regrettable, in Economic Development terms, it is understood that from a planning viewpoint, it might be difficult to resist the change of use.

#### Adults, Children and Education

3.12 A contribution of £11,984 would be required. This is to cover the cost of 1 primary school place at Scarcroft Primary.

#### Culture, Leisure and the Public Realm

3.13 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 North Street Gardens or Scarcroft Green), play space (for the 2 bed apartments and which would be used to improve a local site such as Lower Priory Street) and sports pitches (would be used to improve a facility within the South Zone of the Sport and Active Leisure Strategy).

## EXTERNAL

### English Heritage

3.14 The application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

### Safer York Partnership

3.15 The proposed development is in an area of high risk in respect of crime and disorder. In respect of "designing out crime", the most vulnerable feature of the proposal would be the ground floor windows situated on the Barker Lane facing aspect. Owing to this vulnerability and lack of natural surveillance in this lane, I would advise that the existing folding security grilles should be retained. If the existing ground floor window glazing is not laminated, a security film should be fitted. Other measures to be considered are; wall mounted lighting, CCTV, ground floor window locks to meet gold standard and the new main entrance door should be fitted with an access control system with electronic lock release and entry phone with audio visual verification linked to the apartments.

## **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
- Crime Prevention
- Local Education, 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 in office use with the existing tenants having indicated that they will be vacating the building by no later than April 2014. No marketing has been undertaken to establish whether there would be interest in maintaining the existing office use.

4.6 The existing office accommodation has a narrow footprint and is provided in small sections of open plan office together with cellular accommodation. Changes in floor levels at first and second floor further emphasise the segmented nature of the office space. There is however a lift and the Economic Development Unit, whilst agreeing with the applicant that this building does not offer Grade A office space, consider the proposal regrettable particularly when small office spaces are declining in the city centre.

4.7 Officers would agree with the comments of the Economic Development Unit and do not welcome this application for the change of use of an office building in an accessible location where there are existing tenants and the market has not been tested. However 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, Officers consider that it would be difficult to resist the proposal on the basis of loss of office space.

## WHETHER THE APPLICATION SITE IS AN ACCEPTABLE WINDFALL SITE FOR HOUSING

4.8 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.

4.9 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.

4.10 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.

4.11 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

4.12 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.

4.13 With respects to the external treatment of the building, the scheme has been amended since first submission with the removal of proposed render, removal of a signage band and Juliet balconies and changes to the treatment of the openings. The revised scheme involves new light wells, the enlargement of 2 existing windows, new door openings to the cycle and bin stores, the replacement of 2 doors with windows and the formation of a new stained oak entrance door with horizontal boarding and framing.

4.14 The revised scheme is considered to respect the historic and aesthetic interest of the building, which contributes to understanding the development of the street as a backland area where service functions developed to meet the needs of the primary street, Micklegate and the new railway station which had been built opposite. 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.

#### 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 No.4 Barker Lane would not be considered to impact on the living conditions of the adjacent residential properties at St. Gregory's Mews and the residential development to the rear, which is accessed from Barker Lane. There are three existing windows at second floor which have the potential to overlook the adjoining flat in St. Gregory's Mews. However the submitted section drawing indicates that the floor levels are sufficiently low such that the windows would be at high level preventing overlooking. A condition to ensure that the floor levels are not raised, is recommended.

### Future Occupants

4.17 A noise impact assessment was provided with the application due to concerns over the potential for noise associated with traffic noise on Tanner Row and night time noise associated with local pubs and clubs. Results of the noise assessment showed that the principal sources of noise were traffic and people noise. However the assessment also demonstrated that the World Health Organisations guideline internal levels may be achieved through the provision of double glazed window unit and secondary glazing with a 200mm gap in between, with windows closed and mechanical ventilation. A condition is recommended.

4.18 The deep plan form of the building means the property does not easily lend itself to conversion to residential units with poor conditions of natural light and aspect in the apartments on the ground and first floor at the rear of the property. To address this issue, new light wells have been cut out to provide light to the rear of the proposed residential units.

4.19 The original scheme detailed 12 No. apartments however due to concerns with respects to the size of the units and the poor conditions of light and natural aspect, one of the 1 bed units has been deleted from the scheme. This has allowed the creation of a larger 2 bed apartment with a small area of private external amenity space.

4.20 With reference to light and aspect, the above revision has meant that all the apartments with the exception of one, have outside facing windows one of the bedrooms and/ or living room. Apartment 4, at the rear of the first floor, is the exception, with the two bedrooms served by the lightwells and the living room having a high level window. The size of the one bedroom units ranges from 42.1 to 60.4 square metres and the two bed unit's ranges from 63.6 to 102 square metres.



4.21 It is recognised some of the units are small and that Apartment 4 offers a comparatively poor level of amenity in terms of natural light and aspect, however the scheme has been significantly improved since submission and given the location of these units in the city centre and the fact that the smaller units are the one bed units and are unlikely to be occupied by families, it is not considered that the level of amenity would be sufficiently poor to warrant refusal of the application.

4.22 Covered and secure cycle and bin storage for the occupants of the 11 No. units would be provided within separate stores within the building.

## CRIME

4.23 The National Planning Policy Framework states that planning policies and decisions should aim to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

4.24 The Police Architectural Liaison Officer advises that the area is in an area of high risk in respect of crime and disorder with the most vulnerable element being the ground floor windows situated on the Barker Lane elevation. The revised plans detail that all ground floor windows will be fitted with security film and new locking window latches to meet "Sold Secure Gold Standard". The new entrance door to the apartments would be fitted with an access control system incorporating electronic lock release and entry phone and the cycle and bin stores would be secured with key operated locks meeting BS standards.

## LOCAL EDUCATION, SPORTS, PLAY AND OPEN SPACE FACILITIES

4.25 The site is within easy access of existing facilities in the area, including a school, shops and health services. In accordance with Policy ED4, there is a requirement to contribute £11,984 to cover the cost of 1 primary school place at Scarcroft Primary.

4.26 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 £11,984.

4.27 The applicant has agreed to provide the contributions and is in the process of preparing a unilateral undertaking.

## 5.0 CONCLUSION

5.1 Officers consider the loss of office space in favour of residential accommodation to be regrettable however 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, Officers consider 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. 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 revised 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. Officers recognise that several of the units are relatively small and natural light and aspect is limited in some of the apartments. However the scheme has been improved since submission and given the location of these units in the city centre and the fact that the smaller units are the one bed units, it is not considered that the level of amenity would be sufficiently poor to warrant refusal of the application. The application is therefore recommended for approval subject to the following conditions and the submission of a unilateral undertaking to provide contributions towards off-site open space and education facilities.

## 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:-

Received 24.9.2012;

Dwg No: 104 Rev B (Plans as Proposed)

Dwg No: 105 Rev B (Elevations as Proposed)

Dwg No: 106 Rev B (Sections AA \_ BB)

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

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples and finishes of the external materials to be used (to include a schedule of the external finishes), shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

4 Large scale details (1:20 and 1:5) 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 external doors
- (ii) the entrance screen with integral door
- (iii) new windows
- (iv) adaptations to existing windows (including the relationship with any secondary glazing)

Items (i) to (iv) should be shown in the context of their reveals, thresholds/cills and lintels.

- (v) new rooflights (shown in context)
- (vi) new external grills or equipment (for example, entry phones, aerials)
- (vii) external lighting

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

5 The building shall not be occupied until the areas shown on the approved plans for the storage of cycles have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

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

6 The building envelope of all residential buildings with a facade fronting onto Tanner Row shall be constructed so as to achieve internal noise levels of 30 dB LAeq,1hour and 45 dB LAMax (23:00 - 07:00) in bedrooms and 35 dB LAeq1hour (07:00 - 23:00) in all other habitable rooms. These noise levels are with windows shut and other means of acoustic ventilation provided. The detailed scheme shall be approved in writing by the local planning authority and fully implemented before the

use hereby approved is occupied.

Reason: To protect the amenity of residents from noise.

7 In the event that contamination is found at any time when carrying out the approved development, the findings must be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment must be undertaken, and where remediation (clean-up) is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised.

8 The floor levels in Apartment 8 (rear second floor unit) shall remain as existing and as detailed on Dwg No. 103 (Sections as Existing A-A, B-B & C-C).

Reason to ensure no overlooking from the high level windows would result in the interests of the amenity of the occupants of the adjacent property.

## **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
- residential amenity
- Impact on existing education and open space provision

As such the proposal complies with the National Planning Policy Framework and Policies HE3, H4A, E3B, GP4A, GP1, H12, L1C and ED4 of the City of York Development Control Local Plan.

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