

COMMITTEE REPORT

Team: Central Area
Date: 20 July 2006

Ward: Guildhall
Parish: Guildhall Planning Panel

Reference: 05/02569/FUL
Application at: 3 Blake Street York YO1 8QJ
For: Conversion and external alterations of two storey storage building and construction of new third storey to form two dwellings to the rear of 3-5 Blake Street
By: The Helmsley Group
Application Type: Full Application
Target Date: 24 January 2006

1.0 PROPOSAL

1.1 The proposed development forms the third and final phase of a three phased scheme that includes the change of use of the premises at Nos.3-5 Blake Street to provide 2 ground floor retail units, the conversion of the upper floors of the main building to 2 No. apartments, the demolition of the rear 20th century buildings and the redevelopment of this area to provide 2 further dwellings. Phase 1 for the demolition of the rear outbuildings and the conversion of the ground floor to two retail units was approved by officers under the scheme of delegation on 26 January 2006. Phase 2 to restore the first floor to 2 apartments was approved by Members at the Central Planning Sub-committee on 11 April 2006. A companion application for Listed Building consent follows on the agenda and the historical context of the development is more fully considered within this application.

1.2 This application is for the conversion of an existing 1960's two storey modern brick storage building at the rear of No. 3-5 Blake Street into two houses, including the provision of a new third storey to its flat roof area and insulated cladding to the facades. It is intended to use a mixture of limestone cladding, timber boarding, ribbed metal to match the adjacent property), and render to the side elevations.

1.3 The originally submitted scheme proposed a third storey to the rear outbuilding, with a flattish roof form. It was considered that this bulky form would be alien to conservation area and over-dominant in the immediate area, given the proximity alongside and above surrounding developments. A revised scheme "breaking down" the roof form did not overcome all these objections and was subsequently revised again. It is now proposed that roof profile be changed to a mansard profile springing from the level of the current parapet wall.

1.4 The site is accessed by pedestrians from an existing passageway from Blake Street, and by vehicles and pedestrians from Duncombe Place. Both entrances would be secure and not open to the public. The yard area would provide a shared garden area for the dwellings, 5 parking spaces, 1 garage, and bin storage and cycle parking areas for the approved 2 apartments and the proposed 2 dwellings.

1.5 The site is situated within the Central Historic Core Conservation Area.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

Conservation Area Central Historic Core 0038

Areas of Archaeological Interest City Centre Area 0006

DC Area Teams Central Area 0002

Listed Buildings Multiple (Spatial)

Listed Building - Grade II

2.2 Policies:

CYHE2
Development in historic locations

CYHE3
Conservation Areas

CYHE4
Listed Buildings

CYH4
Housing devp in existing settlements

CYT4
Cycle parking standards

CYHE10
Archaeology

CYL1C
Provision of New Open Space in Development

CYH9
loss of dwellings or housing land

3.0 CONSULTATIONS

INTERNAL

3.1 Urban Design and Conservation-

The introduction of two town houses into the mixed-use scheme of retail and apartments is welcome, Concern was initially expressed about-

i) Massing and expression of the 2 townhouses, unsympathetic roof form given variety and texture of surrounding developments

- ii) Verges and eaves details too crude for this largely domestic environment
- iii) Proposed large bay window and terrace uncharacteristic of domestic buildings in the conservation area and too big.
- iv) Proposed materials should be more modest and simple in expression.

The scheme has been significantly amended following consultations between the conservation officer, planning officer, and the agents. The amended proposals aim to address the above issues, maintain the architectural quality of the previous scheme, improve the quality and visual appearance of an ugly former industrial building, and to improve the conditions for the neighbours whilst retaining important architectural features.

Ecology Officer- No comments

Archaeological Officer-Watching brief required on all ground works

3.2 Highway Network Management-

Recommend that the provision of car parking be reduced to 4 spaces to improve manoeuvrability and widen each space to 3m. Cycle storage should be secure and in a locked covered storage area, and proposed open sided shelter is not acceptable.

3.3 Lifelong Learning and Culture-

A financial contribution is required towards the provision of off-site open space facilities as a result of the proposed development.

3.4 Environmental Protection Unit-

Do not object to the proposal but express concern about noise disturbance to local residents from construction noise, noise from Blake Street and possible contamination of the land. If planning approval is granted then planning conditions are recommended to cover these issues.

EXTERNAL

3.5 Guildhall Planning Panel-

No objections and no additional observations following reconsultation

English Heritage- Do not wish to offer comments on the reconsulted details and advise that the application be determined in accordance with national and policy guidance, and on the basis of the LPA's specialist conservation advice.

3.6 Police Liaison Officer- No comments to make regarding crime prevention and 'designing out crime'

3.7 Representations have been received from the adjacent Masonic Lodge; the owners of two properties on Stone gate Court that would be affected by the proposals on its southern boundary, and one member of the public raising the following planning issues-

-Concern there would be some adverse impact on the adjacent Grade II Listed Building, Buncombe Place Masonic Hall- harm to fabric, structure, and limitations on access to 3 sides of the property to maintain property.

-Proposed walls, railings, gates would be unnecessarily intrusive in the rear yard

-Use of oak beneath the stairs in the passage from Blake Street is otiose; render would be more appropriate

- Vehicular access from Buncombe Place should not compromise either gate
- Houses 1 and 2 are too busy and a plainer building with more brick would be better.
- Sedum roof may be viable but will it create bloom on nearby surfaces
- Increased mass by creating the third floor would result in an over-dominant impact affecting adjacent residential patio areas.
- Noise pollution from construction noise

4.0 APPRAISAL

4.1 Key Issues

- Land use
- Visual impact/ Impact on the character and amenity of the listed building and conservation area.
- Impact on the living conditions and amenity of the occupiers of the surrounding development
- Highway safety
- Open Space

POLICY GUIDANCE

4.2 Additional Planning Policy

Policy E4, North Yorkshire County Structure Plan- Protection of Historic Buildings and Areas
 Policy H9, North Yorkshire County Structure Plan- Suitable Conversion to residential use
 Planning Policy guidance Note No. 3 " Housing "
 Planning Policy Guidance Note No. 13 " Transport "
 Planning Policy Guidance Note No. 15 " Planning and the Historic Environment "

4.3 Policy E4 of the Approved North Yorkshire Structure Plan (the statutory development plan for the area) states that buildings and areas of special townscape, architectural or historic interest (e.g. conservation areas, listed buildings) will be afforded the strictest protection. The City of York Deposit Draft Local Plan has been amended by a Fourth Set of Changes, approved for development control purposes on 13 April 2005. Policy HE2 states that within or adjoining conservation areas, and in locations which affect the setting of listed buildings, development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.

4.4 Policy H9 of the Approved North Yorkshire Structure Plan states that "provision will be made for the maintenance and, where appropriate, the extension of residential use of property in and around town centres and in particular in and around the historic core of York, through permitting suitable new development and through the conversion of suitable existing property and vacant upper floorspace".

4.5 Policy H4a of the Draft Local Plan states that planning permission will be granted for new residential development where the site is within the urban area and it involves infilling, redevelopment or conversion of existing buildings, where the site has good accessibility to jobs, shops and services by non-car modes of transport, and subject to the development being of an appropriate scale and density to the surrounding development.

LAND USE

4.6 The principle of the conversion of the former storage building to residential use would not conflict with Policy H9 of the Approved North Yorkshire Structure Plan, which is the statutory development plan for the area, or Policy H4a of the Draft Local Plan, which generally encourage the conversion of existing buildings to residential use within the urban area, and in particular in and around the centre of York. The site occupies a highly sustainable location close to the centre of York with easy access to services, facilities and jobs, and the proposal would make maximum use of the building through the addition to the roof space to provide more living accommodation

4.7 Central Government advice in Planning Policy Guidance Note 3 ("Housing")(PPG3) and Planning Policy Guidance Note 13 ("Transport") (PPG13), both of which advise that residential development be concentrated in sustainable locations where the number and length of car journeys can be minimised, also offer a degree of support to the proposal. In particular, paragraph 41 of PPG3 notes that the conversion of buildings formerly in other uses can provide an important source of additional housing, particularly in town centres and advocates that planning authorities adopt positive policies to bring vacant commercial buildings into residential use and promote such conversions, by adopting a flexible approach to densities, car parking, amenity space and overlooking. The application site is readily accessible on foot to all city centre facilities and amenities and its use for residential purposes is considered to be consistent with the advice in PPG3 and PPG13.

VISUAL AND HISTORIC IMPACT

4.7 A historical analysis of the wider area of the application site demonstrates that the former close-knit, tight grain layout changed significantly by the 19th century when Little Blake Street was widened to improve the vista towards the Minster creating Duncombe Place and by extensive demolition to the north and east allowing for the redevelopment of the Victorian/ Edwardian institutional buildings i.e. the probate Registry office and later Gray's Dispensary. It would appear that the rear of Nos. 3 & 5 Blake Street enjoyed a large garden space until the mid -20th century when the rear extension of No. 5 was altered and extended in a rudimentary manner to form the existing two storey flat roofed workshop space. At the same time the open area was covered over with asbestos sheeting on a large steel framed roof. The removal of these later industrial type structures to reopen the inner block area will be of immense benefit to the amenity of the surrounding listed buildings and this has been granted planning permission(Ref. 05/0227/ FUL). The creation of the small garden area and car parking area would also be re-open and enhance the quality of this rear area. The disposition of access and entry points would also encourage movements directly through the existing passageway off Blake Street and the formation of the new link between the yard and the passageway to Blake Street would only alter an area which has already been altered detrimentally in the past. The massing of the proposed structure would not be visible from the Georgian frontage to Blake Street and would be in character with the adjacent residential development at Stonegate Court. The amended plans propose a more domestic proportion to windows and balconies. Similarly, the roof form has been altered from an extensive sedum flattish, boxy roof to more domestic proportions. The use of materials has also been of some debate, in particular the use of limestone cladding, which is usually reserved for more public buildings, and representations have suggested that brick would be more appropriate in this context. As there is limestone in the area and brick is not traditionally used for cladding, it is considered that limestone cladding would be acceptable. The aim is not to overcomplicate the appearance of this simple building. It is concluded that the proposals would fit the historic grain of the area, would be appropriate in scale to surrounding development, and would not be harmful to the special amenity and historic interests in this part of the conservation area and the adjacent listed buildings.

IMPACT ON SURROUNDING PROPERTIES

4.5 The main concerns relate to the overall massing and expression of the two town houses and their resultant impact on the neighbouring residential property. There are two first floor properties on Stonegate Court that would be affected by the proposal. These properties face northwest and have patio areas that abut the joint boundary. They are single aspect dwellings and the large patio windows to the living area are approximately 7 metres from the existing building to be converted. The galleried bedroom is lit by light from the patio window and a skylight. The design of these dwellings incorporates a large overhang of the eaves that limits views upwards and outwards. The building to be converted is separated from these properties by the existing 2metre passageway.

4.6 In adding a third floor to the proposed townhouses, the initially submitted schemes showed the parapet wall being increased by a full storey only 7 metres from the dwelling and 2.5 metres from the patio. The outlook from the two properties would be severely compromised by this unneighbourly addition. The final revised scheme attempts to improve the situation from the neighbours' properties by retaining the existing parapet height and introducing a mansard behind it. The agent has carried out daylight/ sunlight investigations to assess the impact of the roof on the properties on Stonegate Court and an abutting first floor balcony to the west. These demonstrate that there would be no material loss of daylight to neighbouring windows and properties. The amended design would maintain much of the openness and sky view that is currently available, and that the view from the inside of the dwellings would increase as occupants move towards the patio windows. The final plans that remove the proposed third storey by building onto the height of the parapet wall would overcome the concerns about an overbearing impact, dominance and harm to the living conditions of these neighbouring properties. On balance, it is considered that the level of impact of the proposed roof on the living conditions inside the neighbouring properties would be acceptable. If Members were minded to approve the application for residential development, a condition to ensure no further windows would be added to this elevation would be required to avoid overlooking to these nearby properties. The revised proposal would have the advantage of potentially improving the level of brightness on the patio areas as the finish of the parapet in a light coloured render could improve the level of brightness on the patio through reflected light.

4.7 There would be no harmful overlooking from scheme's proposed first floor balcony and roof terrace to the surrounding properties due to distance, orientation and design. The communal garden area would not be compromised by these first floor features. The formation of two dwellings from this building has been designed to respect the living and working conditions of the neighbouring properties, and accords with Policy GP1 of the draft Local Plan.

CAR PARKING/CYCLE PARKING

4.9 The agents have been approached to reduce the level of parking thereby increasing manoeuvrability from parking spaces. However, the applicants wish to retain the proposed level of parking that would allow for an element of visitor parking. Cycle parking provision would be secure as it is intended that both entrances would be locked.

OPEN SPACE

4.10 Policy L1c of the Draft Local Plan requires all residential developments to make provision for the open space requirements of future occupiers. The policy states that for developments of less than 10 dwellings, a commuted sum payment is required towards off-site provision of open space. This amount (£1630) could be secured by condition.

5.0 CONCLUSION

5.1 It is concluded that the proposal in its revised form would be sensitive to the site constraints of this tight urban setting in an important historic location. It would allow this structure to be adapted for the 21st century use, and residential use would be compatible with surrounding land uses. On balance it is considered that the compromise of a mansard roof allows the creation of an additional floor without detrimentally harming the neighbours' enjoyment of their patios or harmfully reducing the existing level of light within the dwellings on Stonegate.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:-

Drawing No. (00)9, received 29.11.2005

Drawing No. (00)10, Revision B, received 13.6.2006

Drawing No. (00)11, Revision B, received 13.6.2006

or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans.

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

3 All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to 08:00 to 18:00 Monday to Fridays, 09:00 to 13:00 Saturdays and no works at all shall be carried out on Sundays and Bank Holidays.

Reason: To protect the amenity of local residents during the construction of the development.

4 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 dB LAeq 1 hour (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 the occupants.

- 5 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible outside the site boundary and within habitable rooms within the site boundary when in use, shall be submitted to the local planning authority for approval. These details shall include maximum (LA_{max}) and averagesound levels (LA_{eq}), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of the local residents and occupants of the development during operation of any noise emitting machinery, plant or equipment.

- 6 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: To protect the health of the occupants.

- 7 No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The Open space shall thereafter be provided in accordance with the approved scheme or the alternatives arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: In order to comply with the provisions of Policy L1 of the City of York Draft Local Plan.

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. The obligation should provide for a financial contribution calculated at £1630.

No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard.

- 8 ARCH2 Watching brief required
- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted development) Order 1995 (or any order revoking or re-enacting that Order) no further windows shall be inserted in any elevation of the development hereby approved , without the prior written approval of the Local Planning Authority.

Reason: In the interests of privacy and residential amenity.

- 10 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-E; of Schedule 2 Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of the conservation area, 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.

7.0 INFORMATIVES: Notes to Applicant

1. 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 residential conversion/loss of storage building
- effect on character and appearance of the conservation area
- effect on neighbouring properties
- crime and security
- acceptability of proposed parking arrangements

As such the proposal complies with Policies E4 and H9 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies HE2, H4a, H12, E3b, GP3 and L1c of the City of York Local Plan Deposit Draft, and national policy guidance as contained in Planning Policy Guidance Notes No. 3 " Housing, " No. 13 " Transport," and No. 15 " Planning and the Historic Environment. ".

2. The following informative is added in order to minimise noise and dust nuisance from construction works, to nearby residents. In particular, the developer's attention should be 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 attached to any planning approval:

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 Any asbestos containing materials shall be removed by licensed contractors to a licensed disposal site.

6 There shall be no bonfires on the site.

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