

COMMITTEE REPORT

Date: 9 March 2023 **Ward:** Clifton
Team: West Area **Parish:** Clifton Planning Panel

Reference: 22/01504/FULM
Application at: Morrell House 388 Burton Stone Lane York YO30 6EZ
For: Renovation and change of use of former care home (use class C2) to create 12no. Flats (use class C3) with shared amenities and one 5/6 Person HMO (use class C4)
By: Mr James Neward
Application Type: Major Full Application
Target Date: 11 February 2023
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 Morrell House, Burton Stone Lane comprises a former Local Authority Care Home which closed in 2018 and which lies in modest grounds at the north eastern edge of Clifton. Planning permission is sought for conversion of the premises into 12 apartments (Use Class C3 and one five/six bed HMO (Use Class C4) for the Yor Space Housing Co -operative. The HMO element of the proposal is fully integrated with the remainder of the development and would be subject to the same allocations policy and management arrangements as the apartments.

2.0 POLICY CONTEXT

2.1 Publication Draft City of York Local Plan (2018) Policies

- H3 Balancing the Housing Market
- H4 Promoting Self Build and Custom House Building
- H8 Houses in Multiple Occupation
- H10 Affordable Housing
- HW3 Built Sports Facilities
- D1 Place Making
- ENV2 Managing Environmental Quality
- T1 Sustainable Access
- CC2 Sustainable Construction
- DM1 Infrastructure and Developer Contributions

2.2 York Development Control Local Plan (2005) Policies

- CYGP1 Design
- CYH2a) Affordable Housing
- CYH4a) Housing Windfalls
- CYH8 Conversions

- CYL1c) Provision of New Open Space in Development

3.0 CONSULTATIONS

INTERNAL

Public Protection

3.1 Raise no objection to the proposal subject to any permission containing informatives covering construction site management and electric vehicle charging and conditions covering the remediation of contaminated land.

Public Health (Sport and Active Leisure)

3.2 Raise no objection to the proposal subject to the payment of a commuted sum of £5325 for sports provision off site which is deficient in the wider area and can be secured by means of a Section 106 Agreement. A series of potential recipients are identified in the local area including the Crombie Road MUGA, the York Sports Club Clifton and the Clifton Bowls Club.

Open Space

3.3 A requirement also arises in respect of the provision of off-site open space of £3,775 for amenity open space and £6,312 for children's play space. The amenity open space contribution would be earmarked for Bootham allotments some 200 metres from the site and the children's play space contributions would be earmarked for the Ashton Avenue Play Area some 400 metres from the site.

Housing Services

3.4 Raise no objection to the proposal subject to the requirement for provision of affordable housing within Policy H10 to the Publication Draft Local Plan being delivered by means of the submitted allocations document which can be secured by means of a Section 106 Agreement.

Highway Network Management

3.5 Raise no objection in principle to the proposal subject to the detail of the revised access and parking arrangements being conditioned together with a requirement for a Sustainable Travel Plan as part of any permission.

EXTERNAL

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3.6 Raise no objection to the proposal

Yorkshire Water Services

3.7 Raise no objection to the proposal

North Yorkshire Police Force Designing Out Crime Officer

3.8 Raise no objection subject to the external layout being designed according to “designing out crime” principles and the cycle parking being designed to be secure.

4.0 REPRESENTATIONS

4.1 The proposal was publicised by Site Notice on 3 August 2022 and by Press Notice and Neighbour Notification at the same time. No representations have been received at the time of writing.

5.0 APPRAISAL

KEY CONSIDERATIONS

5.1 KEY CONSIDERATIONS INCLUDE

- Principle of the Development
- Impact upon the Visual Amenity of the Wider Street Scene
- Impact upon the Residential Amenity of Neighbouring Properties
- Impact upon the Safety and Convenience of Highway Users
- Sustainability of the Proposal
- Infrastructure and Developer Contributions.

NPPF

5.2 The revised National Planning Policy Framework was published on 21 July 2021 (NPPF) and its planning policies are material to the determination of planning applications. It is a material consideration on the determination of this planning application.

LOCAL PLAN

5.3 The Publication Draft City of York Local Plan 2018 (‘2018 Draft Plan’) was submitted for examination on 25 May 2018. Phase 1 of the hearings in to the Local Plan was held in December 2019, phase 2 was held in May 2022, phase 3 was held in July 2022 and phase 4 was held in September 2022. In accordance with paragraph 48 of the NPPF as revised in July 2018, the relevant 2018 Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

5.4 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF as revised in July 2018, although the weight that can be afforded to them is very limited.

PRINCIPLE OF THE DEVELOPMENT

5.5 There is a strong imperative in favour of housing delivery in the NPPF. It states that a Council must always be able to demonstrate a five-year supply of housing land. It provides that where a five-year housing land supply is absent then relevant policies for the supply of housing should not be considered up-to-date and the determining authority should therefore make decisions in accordance with paragraph 11 of the NPPF. Paragraph 11 requires that authorities should grant permission for development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole, or where specific policies in the Framework indicate development should be restricted.

5.6 The development falls within the definition of “custom building” within the terms of the 2015 Self Build and Custom House Building Act and the definition contained in the glossary to the 2021 NPPF. It is a development by an individual or group of individuals for occupation by them as their primary place of residence. The developer is a Housing Co Op based in the locality with the prospective resident members of the Co Op undertaking the design and development work themselves as their principal place of residence. As a custom development it is providing a non-standard form of housing delivery which falls within the definition of being “affordable”. Its retention as “custom built” housing after implementation may be secured for an appropriate period by a condition appended to any planning permission. Policy H4 of the Publication Draft Local Plan indicates that proposals for self-build and custom housing will be supported where the development is individually designed employing innovative approaches which cater for lifetime needs.

5.7 Morrell House comprises a former Elderly Person's Home which ceased to operate in 2018. The proposal which is brought forward by local Housing Co Op Yor Space which seeks permission to convert the existing premises into a mix of 1, 2 and 3 bedroom flats together with a larger flat forming a 6 bed HMO all under the overall management responsibility of the Co Op. The proposal involves the provision of accommodation for members of the Co Op on a social, intermediate or affordable rent basis which allows them to be treated as affordable units for planning purposes and which addresses the needs of a segment of the housing market which are not currently readily met in other developments within the City. The allocations policy submitted with the proposal identifies that the development would initially be 100% affordable within the established criteria. 2 flats have been identified as being earmarked to remain affordable in perpetuity to comply with the requirements of Policy H10 secured by means of a Section 106 Agreement. The HMO element of the proposal would be fully integrated into the wider operation of the scheme and subject to common management and allocation arrangements.

5.8 The development would function as an overall self-contained community centred around a "common house" or community meeting place with an additional communal garden building to the rear. The community is designed to be sustainable with solar pvs to be fitted to the rear roof slopes to maximise the level of energy generated by sustainable means. The replacement of existing plastic windows with sustainably sourced double glazed timber and the treatment of the exterior of the building with a lime render will take place as an integral part of the development process to ensure that the development is more sustainable in terms of its maintenance and energy usage. At the same time an existing building with its associated embodied energy would also be reused rather than undertaking completely new construction.

5.9 It is considered that the proposal would comply with the requirements of Policy H4 of the Publication Draft Local Plan. The proposal would make a contribution of 13 units towards the requirement of the Authority to provide an NPPF compliant five-year housing land supply which presently sits at 3.4 years.

IMPACT UPON THE VISUAL AMENITY OF THE WIDER STREET SCENE

5.10 Central Government Planning Policy as outlined in paragraph 130a) of the NPPF indicates that planning decisions should create developments which function well and add to the overall quality of the area. At the same time Policy D1 of the Publication Draft Local Plan indicates that development proposals will be supported where they improve poor existing urban and natural environments and enhance York's special qualities.

5.11 The application site comprises a former Elderly Person's Home situated within a high-density development of local authority housing with two medium rise blocks of flats in the immediate vicinity. The development does not involve the construction

of additional floor space but would be confined to conversion of the existing structures of the former EPH with the conversion of the external spaces into gardens and external growing areas with the removal of existing hard landscaping and provision of community recycling hubs. The proposed external alterations involving the replacement of the existing upvc windows with timber double glazed units and the treatment of the exterior with a lime render would enhance the visual amenity of the wider street scene and secure compliance with paragraph 130a) of the NPPF and policy D1 of the Publication Draft Local Plan.

IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES

5.12 Central Government Planning Policy as outlined in paragraph 130f) of the NPPF indicates that planning decisions should ensure that developments create places with a high standard of amenity for all existing and future residents. At the same time Policy ENV2 of the Publication Draft Local Plan indicates that development proposals which would have an environmental impact upon the amenity of the surrounding area including residential amenity must be accompanied by evidence that the impacts have been evaluated and that there would be no loss of character or amenity.

5.13 The proposal involves the conversion of a former EPH into 12 apartments together with a 6 bed HMO. The surrounding area comprises a mix of densely developed Local Authority housing together with two medium rise flat blocks. The proposed external works would not materially harm the residential amenity of neighbouring properties. At the same time the external spaces within the site would be converted into a landscaped area for recreation and for horticulture by residents of the development. This would also of itself not harm the residential amenity of neighbouring properties.

IMPACT UPON THE SAFETY AND CONVENIENCE OF HIGHWAY USERS

5.14 Central Government Planning Policy as outlined in paragraph 111 of the NPPF indicates that development should only be prevented or refused on highway grounds if there would be an unacceptable impact upon highway safety or the residual cumulative impacts upon the highway network would be severe. At the same time Policy T1 of the Publication Draft City of York Local Plan also indicates that development that development will be supported where it minimises the need to travel and provides safe, suitable and attractive access for all.

5.15 The proposed development involves the conversion of a former EPH by a Housing Co Op organised on sustainable principles as outlined in the submitted Design Statement. 8 vehicle parking spaces would be provided in total to serve the development with 2 Electric vehicle charge points. One covered and secure cycle parking space would be provided per bedroom in line with current Government guidance with cycle parking for visitors adjacent to the main site entrance. Vehicle

parking would at the same time be carefully and strictly managed with individual parking spaces only available to those Co Op members who can demonstrate a clear need for one with the provision of a carpool for other vehicular needs. These measures could be secured by means of a Sustainable Travel Plan secured by condition on any planning permission.

5.16 Service and delivery vehicles would access the site in like manner to the previous arrangement with the EPH. In terms of bin storage mixed waste and recycling stores would be provided at the site access points enabling waste and recycling bins to be easily presented at the site access on collection day. The provision is made in accordance with Waste Services guidance.

SUSTAINABILITY OF THE PROPOSAL

5.17 Policy CC2 of the Publication Draft City of York Local Plan (2018) sets out a firm policy presumption which exhibit high standards of sustainable design and construction. It is proposed to construct the complex with sustainably sourced materials with the use of timber windows and structural cladding. It is proposed to use grey water recycling to provide water for the gardens and landscape areas. It is furthermore proposed to make use of a biomass heating system together with air source heat pumps and solar panels in order to minimise use of grid based electricity. The development has at the same time been designed to have good connectivity with the surrounding area for pedestrians and cyclists. The grounds of the former EPH would also be re-designed to facilitate horticulture as well as recreation for inhabitants within a secure area to the rear of the site, set aside for the maximum level of food and green waste recycling.

INFRASTRUCTURE AND DEVELOPER CONTRIBUTIONS

5.18 The proposed development envisages the provision of 13 units of accommodation which causes the requirements of Policy H10 of the Publication Draft Local Plan to apply in terms of the provision of affordable housing. Within the submitted Allocations Policy and subsequent discussions with Housing Services the applicant has identified their business model as providing accommodation for a form of affordable rent that would fall within the definition in the NPPF of affordable housing that would cover all the accommodation initially. 2 of the flats have specifically earmarked to comply with the requirements of Policy H10 in terms of affordability with the support of Housing Services. This may be secured for the lifetime of the development as part of a Section 106 Agreement.

5.19 At the same time a deficit has been identified in terms of the level of all types of open space provision in the immediate locality. This may also be addressed in terms of commuted sum payments of £3775 to cover amenity open space, £6312 to cover play space and £5325 to cover sports provision. The monies to cover sports provision would earmarked to be used in projects in the local area including the

Crombie Road MUGA and opening up the adjacent school field, the York Sports Club Clifton Park and the Clarence Gardens Bowls Club. The monies for open space have been earmarked for the Bootham allotments close by the site and for children's play for the Ashton Avenue Children's play area again close to the site. This is in line with the requirements of Policy HW3 of the Publication Draft Local Plan and may be secured by means of a Section 106 Agreement.

5.20 These proposed planning obligations to be secured by means of a Section 106 Agreement would meet the statutory tests set out in Regulation 122 of The Community Infrastructure Levy Regulations 2010 (as amended).

6.0 CONCLUSION

6.1 The proposal involves the conversion of the former Morrell House EPH into a mix of 12 apartments together with a 6 bed HMO. External works are confined to rendering the existing building, replacing the existing fenestration in timber, provision of solar pvs at roof level and reorganisation of external areas to provide amenity and horticultural space for those residents on the site. The scheme is felt to be acceptable in terms of its impact upon the visual amenity of the wider street scene and the residential amenity of neighbouring properties. It would provide a total of 13 affordable units which will contribute towards the requirement of the Authority to provide an NPPF compliant five year housing land supply. Subject to the submission and prior approval of a sustainable travel plan the proposal is felt to be acceptable in highway terms and approval is recommended subject to conclusion of a Section 106 Agreement securing affordable housing and the allocation of accommodation in the development and £15,412 in commuted sum payments covering off site open space and recreation and leisure provision in the locality.

7.0 RECOMMENDATION: Approve subject to Section 106 Agreement

1 TIME2 Development start within three years

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

Drawing Refs:21_02-301 ; 21_02-302 ; 21_02-305 ; 21_02-306 ; P22-00156-MET-EXT-UMS-M2-GU-001-01 ; P22-00156-MET-EXT-XX-TOP-M2-G-001-01 ; 21_02303A ; 21_02304A ; 21_02-100A

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

3 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the construction of

the development commences beyond site clearance and shall be provided in accordance with the approved details before the development is occupied.

Reason: In the interests of the visual amenities of the area and the amenities of neighbouring properties.

4 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external render including colour and the window units to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development beyond site clearance works. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices sample materials should be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

5 LAND1 IN New Landscape details

6 Prior to the development coming into use, all areas used by vehicles shall be surfaced clearly marked, sealed and positively drained within the site, in accordance with the approved plans.

Reason: To prevent the egress of water and loose material onto the public highway.

7 Prior to the development coming into use the sight lines shown on the approved plans shall be provided free of all obstructions which exceed the height of the adjacent carriageway by more than 1.0m and shall thereafter be so maintained.

Reason: In the interests of road safety.

8 Prior to the development commencing beyond site clearance works details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The development 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 use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

9 The development shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles and 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: In the interests of highway safety.

10 LC4 Land contamination - unexpected contam

11 The development hereby approved shall not be occupied until a Full Travel Plan for the site has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan should be developed and implemented in line with Local and National guidelines. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan as approved.

Within 12 months of first occupation of the development approved a first year travel survey shall have been submitted to and approved in writing by the LPA. Results of yearly travel surveys shall then be submitted annually to the authority's travel plan officer for approval.

Reason: To ensure the development complies with local and national transportation and planning policies to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site, together with parking on site for these users.

12 The development of 13 Community Build units hereby authorised shall not be carried out unless as "self build and custom build development as defined in the glossary in Annex 2 of the National Planning Policy Framework 2021 or any subsequent replacement document and by:

- a) an individual
- b) associations of individuals or
- c) persons working with or for individuals

in the apartments to be occupied by those individuals and thereafter the development shall not be first occupied by anyone else other than by those same individuals as a principal residence for a continuous period of not less than three years starting from the date of occupation.

Reason: To ensure that the development is carried out and occupied as a "self build and custom build" development for which permission was granted.

8.0 INFORMATIVES:

Application Reference Number: 22/01504/FULM

Item No: 4a

Notes to Applicant

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) 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:

Sought clarification in terms of the management of vehicle and cycle parking

2. HMO LICENCING

From the 1st October 2018 any house in multiple occupation which has 5 or more tenants who make up more than one household, regardless of the number of storeys it has, must be licensed with the local authority.

In addition the Government has introduced mandatory conditions in licences to regulate the size and use of rooms as sleeping accommodation in licensed HMOs as well as requiring the licence holder to comply with the local authority scheme for providing facilities for the disposal and storage of domestic refuse.

It is an offence not to licence a house in multiple occupation which should be licensed. Landlords face prosecution or a Civil Penalty Notice of up to £30,000.

Visit the Council's webpage for more details of these conditions. You can also register your details to be kept updated.

<https://www.york.gov.uk/HMOLicensingChanges>

3. ELECTRIC VEHICLE CHARGING:

In line with paragraph 112 of the National Planning Policy Framework, developments should be designed to 'enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations'.

In line with Building Regulations, Electric Vehicle (EV) charge point provision ('active provision') is required for all residential developments in York, unless the development has no parking. To prepare for increased demand for charging points in future years, appropriate cable routes ('passive provision') should also be included in the scheme design and development.

Approved Document S: infrastructure for charging electric vehicles outlines the required standards and provides technical guidance regarding the provision of EV charge points and cable routes.

From 15th June 2022, Approved Document S applies to new residential and non-residential buildings; buildings undergoing a material change of use to dwellings;

residential and non-residential buildings undergoing major renovation; and mixed-use buildings that are either new or undergoing major renovation.

CYC Building Control should be consulted on all proposals for EV charge point provision (active and passive) to ensure compliance with current Building Regulations.

4. CONSTRUCTION MANAGEMENT

1. All demolition and construction works and ancillary operations, including deliveries to and dispatch 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.

2. The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228-1:2009 + A1:2014 and BS 5228-2:2009 + A1:2014, a code of practice for "Noise and Vibration Control on Construction and Open Sites".

3. Best practicable means shall be employed at all times in order to minimise noise, vibration, dust, odour and light emissions. Some basic information on control noise from construction site can be found using the following link.

https://www.york.gov.uk/downloads/download/304/developers_guide_for_controlling_pollution_and_noise_from_construction_sites

4. 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.

5. There shall be no bonfires on the site.

5. WORKS IN THE HIGHWAY:

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Works in the highway - Section 171 streetworks@york.gov.uk

6. CONTACT UTILITIES

You are advised that this proposal may have an effect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the

equipment and any requirements they might have prior to works commencing.

7. AVOIDING DAMAGE TO THE HIGHWAY GRASS VERGE

Applicants/Developers are reminded that great care should be taken to ensure that no damage to the surface or structure of the public highway is caused, by activities relating directly to the approved development (e.g. delivery of building materials via HGV's). The Council is particularly concerned at the increasing impacts and damage occurring to grass verges. This is detrimental to residential amenity, can present safety issues and places an unreasonable financial burden on the Council, if repairs are subsequently deemed necessary. Therefore, applicants/developers are strongly advised to work proactively with their appointed contractors and delivery companies to ensure that their vehicles avoid both parking and manoeuvring on areas of the public highway (grass verges) which are susceptible to damage. The council wishes to remind applicants that legislation (Highways Act 1980) is available to the authority to recover any costs (incurred in making good damage) from persons who can be shown to have damaged the highway, including verges. If the development is likely to require the temporary storage of building materials on the highway, then it is necessary to apply for a licence to do so. In the first instance please email highway.regulation@york.gov.uk, with details of the site location, planning application reference, anticipated materials, timelines and volume. Please refer to the Council website for further details, associated fees and the application form.

Contact details:

Case Officer: Erik Matthews

Tel No: 01904 551416