

COMMITTEE REPORT

Date: 5 January 2012 **Ward:** Hull Road
Team: Major and **Parish:** Hull Road Planning
Commercial Team Panel

Reference: 11/02760/FUL
Application at: 77 Lawrence Street York YO10 3DZ
For: Conversion of shop (use class A1) to 10 bedroom house in multiple occupation with external alterations including two front dormers
By: Reynolds Homes
Application Type: Full Application
Target Date: 9 December 2011
Recommendation: Approve

1.0 PROPOSAL

1.1 The application seeks planning permission to convert a shop (Use Class A1) with rooms above to a 10-bedroom house in multiple occupation (sui generis) with external alterations including (a) replacement of one existing dormer on the front elevation with two dormer windows (b) removal of shop front and reinstatement of front bay to ground floor (c) form two new window openings in the side gable elevation facing Lansdowne Terrace (d) removal of a single-storey rear extension to form a yard with seating, cycle storage and bin storage (e) reinstatement of boundary wall and railings.

1.2 The application has been called in by Cllr Brian Watson due to parking issues and loss of retail premises.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

2.2 Policies:

CYGP1
Design

CYH8

Conversion to flats/HMO/student accommodation

CYT4

Cycle parking standards

CYL1C

Provision of New Open Space in Development

3.0 CONSULTATIONS

3.1 INTERNAL

Highway Network Management - No objections subject to details being submitted to show useable, easily accessible, secure, covered storage for six cycles.

Environmental Protection Unit - No objections. Add conditions requiring noise insulation and restricting hours of construction.

3.2 EXTERNAL

Hull Road Planning Panel - Objection. The scheme does not provide good amenities for future residents; It will add to existing traffic and parking problems.

Public consultation - The consultation period expired on 26 November 2011. One letter of objection has been received from a local resident who raises the following issues:

- Inadequate on-street parking;
- Noise nuisance from the outdoor seating area;
- Hygiene issues from waste;
- Traffic congestion;
- Inadequate cycle storage.

4.0 APPRAISAL

4.1 KEY ISSUES

- Principle of development;
- Character and appearance;
- Occupier and neighbour amenity;
- Highway issues;
- Open space; and
- Recycling/refuse storage.

The Town and Country Planning (Use Classes) Order 1987 was amended in 2010. It introduced a new C4 Use Class for Houses in Multiple Occupation (HMO). These comprise small dwelling houses occupied by between 3 and 6 people who share basic amenities. Larger houses to be used for multiple occupation, such as the application site, do not fall into the C4 category and are regarded as "sui generis" (of its own kind). Such applications are judged against Policy H8 of the Draft Local Plan.

4.2 POLICY CONTEXT

Draft Local Plan Policy GP1 - Development proposals should be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and local character; respect or enhance the local environment; provide/protect amenity space; protect residential amenity; accord with sustainable design principles; include refuse facilities; and include, where appropriate, landscaping.

Policy H8 - Planning permission will only be granted for the conversion of a dwelling to flats or multiple occupation where: the dwelling is of sufficient size (min 4 bedrooms) and the internal layout is suitable for the proposed number of households or occupants; external alterations would not harm the appearance of the area; adequate on and off road parking and cycle parking is incorporated; it would not create an adverse impact on neighbouring amenity through noise disturbance or residential character by virtue of the conversion alone or cumulatively with a concentration of such uses; adequate provision is made for the storage and collection of refuse and recycling.

Policy T4 - Seeks to promote cycling and states that all new development should provide storage for cycles in accordance with the standards in appendix E of the Local Plan.

Policy L1c - Requires that all housing sites make provision for the open space needs of future occupiers. For sites of less than 10 dwellings a commuted payment will be required towards off site provision.

PRINCIPLE OF DEVELOPMENT

4.3 The site lies in a mixed commercial/residential area in a sustainable location close to public transport and local services. The retail shop is not a protected local shop nor is it in a protected retail frontage. The principle of use as an HMO is considered to be acceptable.

VISUAL AMENITY

4.4 The existing building is in poor condition and has an unattractive commercial shop front out of keeping with the character of the area. The proposed works would remove the shop front, which faces Lansdowne Terrace as well as Lawrence Street. The traditional bay window on the ground floor would be reinstated, as would the boundary wall and railings. The utilitarian rear addition would be demolished and the side gates replaced. The result of these alterations would be a building much more in keeping with the character of the area.

OCCUPIER AMENITY

4.5 The accommodation would mainly comprise a bedroom for each of the 10 occupiers, a lounge and kitchen in the basement, two shared bathrooms and a small outdoor seating area. Sound insulation would be provided to protect occupiers from internal and external noise. The Housing Act provides safeguards for occupiers in that the HMO would require a license to ensure that the facilities are adequate and the HMO is well managed. The site fronts onto one of the city's main arterial roads. Its location and lack of significant amenity space makes the building unsuitable for family accommodation.

NEIGHBOUR AMENITY

4.6 The rear seating area would be small and contained by buildings/walls. Its use by occupiers is unlikely to cause a noise nuisance to adjacent residents. The impact of the HMO on adjacent dwellings and the area generally is likely to be small and not significantly different to the use of the building as self-contained flats.

HIGHWAY ISSUES

4.7 No off-street parking would be provided, which is acceptable bearing in mind the location of the site close to local shops, public transport and the city centre. Secure storage for six cycles would be provided in the rear yard. However the cycle storage area shown on the submitted plans is too small to accommodate six cycles. Revised details are awaited. The development is unlikely to have a material impact on traffic levels in the area.

WASTE MANAGEMENT

4.8 Adequate refuse/recycling facilities would be located in the rear yard, which is enclosed, with direct access onto Lansdowne Terrace. These facilities are unlikely to cause a health hazard for neighbouring residents as long as the premises are adequately managed.

PUBLIC OPEN SPACE

4.9 A financial contribution of £3,400 would be required for the provision of public open space in accordance with Policy L1 of the Draft Local Plan. This has been accepted by the applicant and can be secured by condition.

5.0 CONCLUSION

5.1 The proposal is considered to accord with Policy H8 of the local plan and is recommended for approval, subject to appropriate conditions. Revised cycle storage details are awaited. An open space contribution of £3,400 would be required.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

2 VISQ1 Matching materials -

3 The development hereby permitted shall be carried out in accordance with the approved drawings numbered JR/LS/11/11/A and JR/LS/11/12/A received 13 October 2011.

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

4 The development shall not be occupied until the cycle storage facilities shown on drawing have been provided. Once provided these facilities shall be maintained clear of any obstruction and shall be retained for their intended purpose at all times. [Members to be updated at the committee meeting]

Reason: To promote the use of cycles thereby reducing congestion on adjacent roads and in the interests of the amenity of neighbours.

5 Development shall not be occupied until details of boundary walls and railings have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

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

6 Details of provision for public open space facilities or alternative arrangements shall be 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 alternative arrangements agreed in writing by the local planning authority and thereafter implemented, within three months of the date of this permission.

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 £3,400.

You are reminded of the local planning authority's enforcement powers in this regard.

7 NOISE8 Restricted hours of work -

8 Within four weeks of the grant of planning permission details shall be submitted to the local planning authority and approved in writing demonstrating that the building envelope, internal walls and floors shall be constructed so as to achieve internal noise levels of no more than 30 dB LAeq 8 hour (23:00 to 07:00) with a 45 dB LAmax in bedrooms, and 35 LAeq 16 hour (07:00 - 23:00) in all other habitable rooms. The measures so approved shall be implemented prior to the occupation of the development.

Reason: To protect the amenity of residents from noise.

INFORMATIVE

These noise levels shall be with either (a) windows open or (b) windows shut and alternative means of ventilation provided i.e. acoustic trickle vents.

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 the principle of development, character of the area, occupier amenity, neighbour amenity, refuse/recycling, provision of open space and highway issues. As such the proposal complies with policies GP1, H8, T4 and L1c of the City of York Local Plan Deposit Draft.

2. DEMOLITION AND CONSTRUCTION

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) 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".

(b) 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.

(c) 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.

(d) 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.

(e) There shall be no bonfires on the site

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