

COMMITTEE REPORT

Date: 7 February 2019 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 18/02444/FUL
Application at: Hazelwood Guest House, 24 - 25 Portland Street, York
YO31 7EH
For: Change of use from hotel (use class C1) to 8no. flats (use
class C3) with management office and single storey
extension to side/rear
By: Mr Matt Cullen
Application Type: Full Application
Target Date: 12 February 2019
Recommendation: Approve

1.0 PROPOSAL

1.1 The proposal is for the change of use of the existing guesthouse (C1 use) in to 8 flats (C3 use class) and a management office. Internal alterations are included within the proposal and a small single storey rear extension.

1.2 The applicant's intention is to use the property as a supported living facility with office space for staff. There are 4 parking spaces to the rear.

1.3 The scheme has been brought forward by the applicant who is working in partnership with City of York Council Adult Social Care to provide the accommodation. Future residents are likely to be individuals diagnosed as being on the autistic spectrum who have predominantly been living at home. The individuals have the potential to live more independently but do not have the appropriate skills. It is hoped that the site on Portland Street will allow residents to learn the life skills needed to move on to independent living. The support package includes 24 hour on site support as well as 1:1 support where appropriate.

1.4 The application has been called in by Councillor Craghill who has reiterated neighbour concerns about overdevelopment, impacts on traffic and parking, and residential amenity.

SITE AND SURROUNDINGS

1.5 The site is currently used for a guesthouse with 14 letting rooms, communal rooms and an attic flat.

1.6 The property is within the Central Historic Core Conservation Area within character area 5 (Gillygate). Portland Street dates back to the late 19th Century and consists of terraces of attractive 3 storey dwellings with small front gardens. Some of the properties have been subdivided in to flats although it appears that the majority are still single dwellings. The application site is notable for having large modern box dormers to front and rear unlike other properties within the streetscene.

1.7 Portland Street is a cul-de-sac leading to Bootham School. It is part of a Residents Parking Zone and is heavily parked to both sides. There is also vehicular access to the rear of the property from Claremont Terrace.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area
Conservation Area Central Historic Core

2.2 Policies:

Emerging Local Plan

D1 Placemaking
D4 Conservation Areas
DP3 Sustainable Communities
DP4 Approach to Development Management
T1 Sustainable Access

Development Control Local Plan (DCLP) 2005

GP1 Design
HE3 Conservation Areas
H7 Residential extensions
H8 Conversions

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development

3.1 No comments.

Public Protection

3.2 No objections or conditions recommended in relation to the proposal.

EXTERNAL

Guildhall Planning Panel

3.3 Insufficient information provided to assess the impact on the local community

Neighbour notification and publicity

3.4 Three representations have been received making general comments in relation to the proposal and twenty three letters objecting to the scheme. The issues raised in the representations are:

- There may not always be staff on site
- Insufficient staffing particularly at night
- The building could end up being used as open market flats
- Fire safety issues
- Could the range of health needs of residents change to require more intensive care?
- Parking issues
- Refuse storage
- Impact on children walking to Bootham School
- Disruption from building work
- Concern about anti-social behaviour
- Inappropriate development in a residential area and near a school
- City centre noise not conducive to providing residents with a quiet environment
- Security concerns for students at Bootham School
- Transient nature of residents will be harmful to community spirit in local area
- No external space for residents
- Large increase in population on street
- Increase in traffic from visitors both private and care providers
- The proposed change of use is contrary to a deed relating to the property
- Confirmation required that the site will be well managed
- Access for emergency vehicles
- Noise and disturbance to existing residents - impact on amenity
- Impact on character of conservation area from change to multiple occupation
- Property should be returned to family housing
- Contrary to the 'Subdivision of Dwellings' Draft SPD
- Over-development of the site
- Contrary to 'HMO' Draft SPD
- Loss of internal staircase harmful to character of property and Conservation Area - would also result in the property being difficult to convert back to a dwelling
- Proposal will bring the concentration of HMO's above guidance levels
- Risk of sewer flooding

4.0 APPRAISAL

4.1 KEY ISSUES

- Principle of the development;
- Impact on the character and appearance of the Conservation Area;
- Amenity issues;
- Highways considerations.

PLANNING POLICY

National Planning Policy Framework (NPPF)

4.2 The National Planning Policy Framework (NPPF) sets out the Government's overarching planning principles. Para.11 refers to the presumption in favour of sustainable development and requires that where there are no relevant development plan policies or the policies are out of date then permissions should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Para.59 states that, to support the Government's objective of boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Publication Draft York Local Plan 2018

4.3 The Publication Draft Local Plan ("2018 Draft Plan") was submitted for examination on 25 May 2018. The emerging Local Plan policies contained within the 2018 Draft Plan can be afforded some weight at this stage of its preparation subject to their conformity with the NPPF and the level of outstanding objection to the policies in accordance with paragraph 48 of the NPPF. The evidence base underpinning the emerging Local Plan is capable of being a material consideration in the determination of planning applications.

4.4 It is considered that in accordance with paragraph 48 of the NPPF, taking account of the stage of preparation of the 2018 Draft Plan, the lack of significant objection and the degree of consistency with the NPPF the policies outlined in paragraph 2.1 carry more than limited weight.

The Development Control Local Plan 2005

4.5 The Development Control 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 but are of very limited weight.

APPRAISAL

Principle of the development

4.6 The site is within a residential side street off a shopping street located just outside the city centre and is unallocated within the emerging Local Plan. The change of use from guesthouse to a C3 residential use is considered appropriate to the character of the area and as such the change of use is considered acceptable in principle subject to other material planning considerations.

4.7 The applicant has provided detail on the proposed operation of the property in order to evidence that the use falls within the C3b use class. This use class allows for up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems. In this instance 8 flats are to be provided, mostly single occupancy flats but also a 2 bed and a 3 bed flat. Each flat is self contained and will have living and cooking facilities and is typical of the layout of a residential unit. Carers will not live-in but will support residents according to their personal needs and will provide assistance to residents in completing day to day tasks as required rather than completing tasks themselves on behalf of residents. An office is provided as a base for carers and to provide a full time support for residents on a shift basis. The scale of the office has been determined by the layout of the existing building and is relatively large as a result of this. It is not intended to provide on-site living accommodation for staff who will visit on a shift basis.

4.8 The C3 'Dwellinghouses' use class also includes C3a 'Use of a dwellinghouse by a single person or by people to be regarded as forming a single household' and C3c 'Use of a dwellinghouse by not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4 'Houses in multiple occupation')'. The layout of the property clearly allows for occupation within any of the C3 use class sub-divisions.

4.9 Given the prevailing residential character of Portland Street and the proposed layout of the properties, clearly C3a and C3c use would also be acceptable. It is therefore not considered appropriate to restrict the use solely to C3b; the description of the proposal reflects this and use of the property, like most residential properties, could move freely between C3a, b and c.

4.10 Para.59 of the NPPF states that the needs of groups with specific housing requirements should be addressed. This proposal seeks to provide housing to address a specific need and which accords with the character of the locality in a sustainable location.

Impact on the character and appearance of the Conservation Area

4.11 External changes to the building are minimal. To the front no changes are proposed. To the rear the existing wood clad lean-to outbuilding will be replaced by a small brick built extension of a similar design. The extension will be approximately 0.5m higher and will extend further towards the rear elevation of the main building. The extension remains subordinate to the host building and is of an appropriate design. The use of matching materials will be a visual improvement on the existing wood clad structure.

4.12 Policy D4 of the emerging Local Plan requires that development within Conservation Areas preserves or enhances the special character and appearance of the Conservation Area. As a result of the location, scale and form of the proposed extension it is considered that the proposal meets the requirements of policy D4 and preserves the character and appearance of the Conservation Area.

4.13 Internally, revised plans have been received retaining the staircase for 25 Portland Street which would allow for easier conversion of the site back in to two properties if required. A number of properties within the locality have already been subdivided into flats. In addition, the proposed change of use to C3 is considered in keeping with the character of the Conservation Area in this locality and the character of the properties which were clearly originally built as residential properties.

Amenity issues

4.14 The proposal provides acceptable amenity for future residents and flats will benefit from good levels of light. There is little external amenity space associated with the property but this is typical of a city centre location, and given the generous floor areas of the flats, should not impact detrimentally on residents' amenity. The basement flat will be served by existing lightwells with large bay windows to the front providing adequate light levels.

4.15 The site is currently occupied by a guesthouse with a flat in the roofspace. There are approximately 14 guest rooms within the guesthouse. The proposal represents a reduction in bed spaces within the building and as such is not considered to result in any intensification of use likely to impact on neighbouring residents.

4.16 Concerns regarding noise and disturbance from large numbers of support staff related to the proposed C3b use are noted. The guesthouse currently employs 2 fulltime and 3 part time workers while the proposed supported living facility will be staffed with 2 workers in the day time and 1 overnight. Residents will already have a certain level of independence and staff will provide additional support as residents move to more independent accommodation. It is not considered that the level of

staffing proposed will result in significant increases in comings and goings over and above the existing situation.

Highways considerations

4.17 The site provides off-street parking to the rear. This will provide some parking for staff. The city centre location with good access to public transport should reduce the reliance on private vehicles.

4.18 The site is within a Residents Parking Zone (RPZ) which is currently over-subscribed. The guesthouse would be eligible for permits to allow visitors to use the community spaces on Lord Mayors Walk while as a C3 use residents would be eligible for multiple parking permits to parking anywhere within the RPZ. While it is unlikely residents of the proposed supported living facility will own cars, it is recognised that the RPZ cannot accommodate further vehicles and therefore a condition is recommended for submission of a scheme to remove the site from the RPZ so residents are not eligible for parking permits. This would be funded by the developer.

4.19 Cycle and bin storage is required and will be secured by condition.

Other considerations

4.20 Matters of child safeguarding have been considered but it is not considered that there is anything inherent in the scheme which raises concern in this regard.

4.21 The change of use raises no drainage concerns as it does not represent any significant intensification of use in drainage terms. The extension does not result in an increase in impermeable surface and should therefore not impact on surface water flooding.

4.22 Residents have drawn attention to the Council's supplementary planning documents 'Subdivision of dwellings' and 'Houses in multiple occupation'. The HMO SPD is not relevant to this scheme which does not propose an HMO; similarly consideration of the concentration of HMOs in the area is not relevant. The 'Subdivision of dwellings' SPD relates primarily to the subdivision of existing dwellings but there is also some relevance to subdivision of other buildings which is relevant to consideration of this proposal. The issues raised in the SPD relate predominantly to amenity concerns for future residents and existing neighbours of the development and are issues which are covered elsewhere in this report.

4.24 A number of objections relate to the applicant's operation of the site and are not material planning considerations relevant to consideration of this planning application.

5.0 CONCLUSION

5.1 The proposal is for a change of use of the existing guesthouse (use class C1) to a residential C3 use, specifically the applicant has indicated that the use will fall within the C3b sub-division. The subdivision of the property results in 8 flats with 11 bedrooms in total, and a management office. The proposed use is considered to support the Government's objective to boost the supply of homes and address the needs of groups with specific housing requirements (para.59 NPPF) and contribute to the achievement of sustainable development through supporting strong, vibrant and healthy communities and by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations (para.8 NPPF). Changes to the use of the property and minor extension to the rear are considered to preserve the character and appearance of the Conservation Area.

5.2 The proposal meets relevant policy within the Local Plan and NPPF and is therefore recommended for approval subject to planning conditions.

COMMITTEE TO VISIT

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 and other submitted details:-

Location plan

Proposed and existing elevations 44 RevA

Proposed basement and ground floors 200 RevB

Proposed first, second and third floors 201 RevC

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

3 VISQ1 Matching materials

4 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

Measures to remove the site from the Residents Parking R14 zone.

Reason: The change to residential units will have an impact on residents parking bays which are heavily oversubscribed in the vicinity of this property. It is considered that it would be necessary to remove the proposed site from the resident's parking zone prior to occupation so that it will not be placed under further pressure.

5 Prior to first occupation details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building 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.

6 Prior to first occupation details of the bin storage areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the bin storage 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 storage of bins.

Reason: In the interests of visual and residential amenity.

7.0 INFORMATIVES:

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:

Requested further information on the proposed use.
Imposed appropriate planning conditions.

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