

COMMITTEE REPORT

Committee: West and City Centre
Date: 17 August 2006

Ward: Guildhall
Parish: Guildhall Planning Panel

Reference: 06/01226/FUL
Application at: 2 Millers Yard Gillygate York YO31 7EB
For: Change of use from offices (B1 Use) to clinic/consulting rooms (D1 Use) at No 2 Millers Yard and non-residential educational/ training use (D1) at No 4 Millers Yard.
By: Mr D Glasper
Application Type: Full Application
Target Date: 26 July 2006

1.0 PROPOSAL

1.1 This application is presented to the West and Central Planning Sub-Committee at the request of Councillor Simpson-Laing due to access issues to the yard from Gillygate.

1.2 The application concerns two separate properties (Nos. 2 and No 4) that form part of an " L" shaped courtyard development. There is a pedestrian and vehicular access situated between Nos. 25 and 29 Gillygate. The premises were formerly a bakery, cafe and offices and are currently in partial use as offices, with No 1 being a dwelling at the south west end of the development. Miller's Yard also provides access to the rear of the Exhibition Hotel on Bootham. No 4 is attached to the boundary wall of an existing three/four storey dwelling at No 29 and its garage. The Gillygate frontage comprises the Barclay Lodge Hotel, two shops and a terrace of 4 storey houses. The car parking spaces within Miller's Yard are not associated with the buildings but a pedestrian access leads to the adjacent Bootham Row car park. The yard also contains cycle stands.

1.3 It is intended that the buildings be converted into a therapy/health centre for complementary health care and to establish a college of excellence, training individuals in Chinese Medicine and Complementary Therapy. The supporting Mission Statement states that the aim is to provide a wide range of health related activities, treatment and tuition. No 2 Millers Yard would consist of treatment rooms and a small office. No 4 consists of 2 attached buildings. No. 4a is a single storey building with fixed rooflights on the courtyard elevation. It is intended that this building would be used as a training room. No 4b would provide a larger communal/ reception area on the ground floor with the upper floors used for training and educational use. This part of the building was initially proposed as a gymnasium but this use was deleted following concerns about the impact that such a use would have on the surrounding residential property. The applicants also advise that the Centre would bring self-employed people to work out of the premises, as once a person has been trained as a practitioner at the centre they would then be able to hire out rooms to take their own sessions.

1.4 The site is situated in the Central Historic Core Conservation Area.

1.5 There is an extant planning permission to change the use of Nos. 2-5 Millers Yard from offices to 4 No. dwellings. This application (Planning Ref. 04/02103/FUL) was approved by the City Centre Sub-Committee on 1 July 2004 and has not been implemented.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

2.2 Policies:

CYHE3

Conservation Areas

CYT4

Cycle parking standards

CYGP1

Design

CYE3B

Existing and Proposed Employment Sites

3.0 CONSULTATIONS

3.1 INTERNAL

Environmental Protection Unit- Following changes to the applicant proposals there are concerns that the noise associated with the operation of ventilation equipment affecting the amenity of local residents; noise during any demolition, construction and refurbishment work; and concerns that the use of the conference facilities may affect the amenity of local residents. Conditions are accordingly recommended to overcome these concerns.

Highway Network Management- No objections but further cycle parking should be installed to give a total of 8 Sheffield stands if Members are minded to approve the application.

Urban Design and Conservation- No comment.

3.2 EXTERNAL

Guildhall Planning Panel- No objections

The application was advertised by a press advert, a site notice, and by letters to neighbouring properties and no representations have been received to date.

4.0 APPRAISAL

4.1 KEY ISSUES

- Land use
- Impact on the visual amenity of the conservation area/ property
- Car parking/ Highway safety/ Pedestrian safety
- Impact on the living conditions of the neighbours

4.2 RELEVANT SITE HISTORY

00/01861/FUL Change of use of bakery/ cafe and offices to general offices PER 27.9.2000

00/02103/FUL Change of use from offices to 4 dwellings including partial demolition and erection of two single storey extensions. PER 1.7.2005

4.3 POLICY CONTEXT

The POLICY CONTEXT for this application is contained in the City of York Draft Local Plan-Incorporating the Proposed 4th Set of Changes; the adopted development plan policies contained in the North Yorkshire County Structure Plan; and government guidance contained in Planning Policy Guidance Note 15 and Planning Policy Statement 1 " Delivering Sustainable Development ". The following policies are relevant to this application.-

POLICY T4 requires appropriate standards of cycle parking within new developments.

Policy E3 aims to protect existing land or premises in employment use to ensure that there is a sufficient supply of sites for employment use to meet both immediate and longer term requirements over the plan period. Planning permission for other uses will only be granted where there is a sufficient supply of employment land to meet requirements, no environmental harm would result, there would be significant benefits to the local economy from the alternative use, and the use is ancillary to an employment use.

Policy HE3 of the Local Plan reflects the guidance contained in Planning Policy Guidance Note No. 15 " Planning and the Historic Environment " in requiring Local Planning Authorities to consider the role played by the site and its proposed change of use in the historic character and visual appearance of the conservation area. The prime consideration is to ensure that the proposal would not detract from the character and appearance of the conservation area as a whole. Any new development will only be permitted where there is no adverse effect on the character and appearance of the conservation area. This reflects development plan Policy E4 of the North Yorkshire County Structure Plan.

Policy GP1 and Planning Policy Statement 1 " Delivering Sustainable Development " expects proposals to respect the local environment, avoid harm to neighbours, and encourage sustainable developments.

4.4 LAND USE It is considered that the loss of this small office site in the city centre has been established in the previous application that allowed conversion to residential use. As the existing employment use would be transferred to spare office space within the Exhibition Hotel, it is considered that the retention of the premises for employment use would not be required to meet the immediate and long-term employment requirements in the City. The intention of Policy E3 is to protect larger employment and office premises. The introduction of small scale consulting rooms in this development would be compatible with surrounding land uses, especially the adjoining residential property at No 2 Millers Yard. The introduction

of training and educational uses to No 4 would also re-use an existing structure, and it is considered that subject to conditions that would protect adjoining residential property, that the uses on this scale would not conflict with the office and residential use within the site, and the surrounding retail and residential uses. The proposed change of use of the buildings would therefore comply with Policies E3 of the Local Plan. No external changes are proposed but it should be noted that a small change to the external area would be required as cycle provision would have to be increased to meet cycle parking standards. It would appear that this could be accommodated without harming the local environment.

4.5 VISUAL IMPACT The buildings, which were formerly a bakery, cafe and offices, are of a domestic scale and appearance with an attractive courtyard frontage. They could be converted to the proposed uses with minimal alterations have no impact on the character of the conservation area. Planning policy would support the re-use of the buildings. As such would comply with planning policies HE3 of the Local Plan and Policy E4 of the Structure Plan.

4.6 CAR PARKING /ACCESS /PEDESTRIAN SAFETY The proposal does not include any on- site car parking. There are approximately 12 car parking spaces within the courtyard and these car parking spaces would not be associated with the proposed change of use. Neighbouring residents and businesses use this current provision. It is likely that the nature of the uses would generate more visitors by car than the existing office use but it is anticipated that Bootham Row car park that adjoins the site would accommodate this increase in traffic. Public transport facilities are available close and it is considered that the absence of off-street car parking would be acceptable in this city centre location. The existing level of cycle parking would be required to be increased to 8 spaces to meets the standard for the development, and this could be controlled by an appropriate planning condition if Members wish to grant planning permission. Pedestrian access to the car park and vehicular access to the rear of the public house would be maintained without harming pedestrian safety as there should be no change to the existing layout of Millers Yard .

4.7 LIVING CONDITIONS Nos. 2 and 4 abut residential properties raising concerns about the impact that the proposed uses would have on the occupiers of these properties. The uses of No 2 as 3 treatment rooms and an office would be unlikely to have a detrimental impact on the adjoining dwelling at No. 1 Millers Yard but it is considered that weekend use should be restricted to no later than 21.00 hours on a Saturday and 18.00 hours on a Sunday. Millers Yard is a pleasant courtyard situated behind Gillygate and it would be reasonable to expect that residents could anticipate a quieter time over these evening hours.

The main concern relates to the change of use of No. 4.as this property is a substantial building that abuts approximately 15.5metres of the rear garden and garage of the dwelling at 29 Gillygate. This would be a larger facility where the applicants intend to have activities that would have the potential to disturb the occupiers of this property. The proposed first floor lecture room would be in close proximity to the rear elevation of the dwelling. The single storey " training " room would be used for a variety of activities and would abut the office at No. 3 Millers Yard and a detached garage at the back of the rear garden at No 29 Gillygate. The two buildings that comprise No. 4 would allow groups of people to meet for training and educational use, and the comings and goings close to this residential property could be harmfully intrusive and more noticeable in the evening. It is therefore suggested that the hours of operation over the evenings of the weekends be reduced. Similarly, it is anticipated that a range of therapies would be carried out within No 4 and some may be noisier than others. It is therefore considered that conditions should be imposed on any planning approval to ensure that noise break-out would not have an adverse impact. This relates to the uses themselves, the comings and goings associated with the uses, any additional equipment or measures that may be required as a result of the uses (e.g. ventilation), or any changes that may result in a more noisy activity.

According to the client's description of the intended activities, it would appear that the proposed uses would appear not to be noisy in their own right and would be compatible with the existing office and residential use in Millers Yard. The properties are situated close to the city centre where background noise levels would be expected to be high at certain times. It is considered that conditions would be required to limit the type of activities carried out within the buildings, limit the hours of operation, and avoid noise break-out to protect the living conditions of adjacent and nearby neighbours if Members were disposed to approve this application.

5.0 CONCLUSION

5.1 It is considered that the proposed change of use of Nos. 2 and 4 would be acceptable in terms of their impact upon the visual amenity of the conservation area. The uses would allow the partially vacant premises to be occupied, enhancing the vitality and viability of the area. The loss of smaller scale office premises would not be significant, the existing employment use would be retained in the area, and a further 5 people would be employed as a result of the proposal. It is considered that the proposal would not increase traffic generation to a level that would harm highway safety. The proposal would be in a sustainable location, largely compatible with surrounding developments and the existing complementary therapies that operate on Gillygate. It would be reasonable to restrict the use of the buildings to the specified use and to control the use by conditions to ensure that noise breakout does not harm the living conditions of the occupiers of the abutting residential properties. The proposal would comply with planning policy and approval is recommended.

6.0 RECOMMENDATION: Approve

1 TIME2

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

Drawings received on 31.5.2006

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 consulting use hereby permitted shall be confined to the following hours:

Monday to Friday	08:00 to 23:00
Saturday	09:00 to 21:00
Sundays and Bank Holidays	10:00 to 18:00

Reason: to protect the amenity of local residents from noise during operation

- 5 The conference facility at No 4 Miller's Yard hereby permitted shall be confined to the following hours:

Monday to Friday	08:00 to 20:00
Saturday	08:00 to 19:00
Sundays and Bank Holidays	10:00 to 16:00

Reason: to protect the amenity of local residents from noise during operation

- 6 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible outside of the site boundary when in use, shall be submitted to the local planning authority for approval. These details shall include maximum (L_{Amax}(f)) and average sound levels (L_{Aeq}), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use and shall be appropriately maintained thereafter.

Reason: To protect the amenity of local residents from noise during operation.

- 7 HWAY18

- 8 The site shall not be used for any purpose other than that approved, and no other use (including any use within the same use class as defined by the Town and Country Planning (Use Classes) Order 1987 as amended) shall be carried out without the formal consent of the local planning authority.

Reason: Any use other than that approved might be detrimental to the amenities of nearby property.

7.0 INFORMATIVES:

Notes to Applicant

1. CONSTRUCTION/ DEMOLITION PRACTISES

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:

- 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.

2. You are advised that the development may involve building work covered by the Party Wall etc Act 1996 that is separate from planning or building regulations control. Do not commence work on the development until you comply with the provisions of this Act. An explanatory booklet may be obtained from the Department of Development and Environment Services, alternatively it is available on the ODPM website:<http://www.safety.odpm.gov.uk/bregs/walls.htm>.

3. 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 vitality and viability of the city centre, the visual amenity and historic character of the conservation area, the residential amenity of the neighbours, and highway and pedestrian safety. As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies HE3, T4, and E3 of the City of York Draft Local Plan; Planning Policy Guidance Notes No. 15 " Planning and the Historic Environment " and Planning Policy Statement No.1 " Delivering Sustainable Development. "

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