

COMMITTEE REPORT

Committee: East Area **Ward:** Fishergate
Date: 9 November 2006 **Parish:** Fishergate Planning Panel

Reference: 06/02074/FUL
Application at: 3 Wenlock Terrace York YO10 4DU
For: Conversion of building from 4 no. flats to 9 no. flats with external alterations including new store in the rear yard
By: P M Yorkshire Ltd
Application Type: Full Application
Target Date: 15 November 2006

1.0 PROPOSAL

This application seeks permission for the conversion of this 19th century terrace property from 4 flats to 9 flats with external alterations including new store to the rear garden.

The property at present appears to be unoccupied but is shown on the existing plans to be divided into four/five flats/bedsits over five floors. The proposal intends to subdivide the property further to create flats one and two to basement, 2 studio flats to ground floor, flat 5 and studio flat 6 on first floor, flat 7 and studio flat 8 on second floor with flat 9 to the roof space.

Members are advised that there is currently a separate application running tandem to this for the change of use from residential to office including formation of vehicular access and car park to rear. These two applications are unrelated and each is being considered on its individual merits.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYGP1
Design

CYH8
Conversion to flats/HMO/student accom

3.0 CONSULTATIONS

Internal

Highway Network Management - Highway Officers have no objections to the scheme subject to standard Highway condition 19.

Education - No contribution required.

EPU -

The Environmental Protection Unit have concerns with this application, Our concerns are over the loss of amenity for the residents of the proposed development through noise. 3 Wenlock terrace was originally designed as a single dwelling, this property was subsequently adapted to incorporate 4 flats. This application incorporates another 5 dwellings into a house which although large was initially designed as an individual property. If this application were to be successful we would see 9 individuals living within close proximity of one another.

The amount of noise generated in this scenario can not be predicted, different people have different lifestyles. An average person however would watch TV, listen to music have occasional gatherings with friends. If internal adjoining walls, floors / ceilings are left in there original state, these were not designed to attenuate noise from individual properties, only to separate rooms within one household, we can foresee that noise even at a reasonable level will impact on amenity of surrounding properties. This coupled with the fact that the development is for studio apartments, where one room is used for all activities will only escalate the problem as cooking, eating, sleeping and socialising will be conducted in the same area of each property rather than different rooms.

As a result of these concerns we recommend the following condition be placed onto the application, it will provide information to assess if this application is feasible with regards to better attenuation measures of internal / external party walls. Better insulation of the properties will only better the amenity of those who live within the proposed development.

The second condition is to ensure minimal disruption is experienced by the surrounding properties through noise as a result of the of the development.

Open Space - An open space contibution of £760 will be required as a commuted sum payment.

External

Parish/Planning Panel Response - No response at time of writing.

Neighbour Response - No Objections from consulted neighbours.

Additional Consultation - A site notice was posted at the site on the 22nd October. In light of the time limits involved officers request delegated authority to deal with any subsequent objections should the application be approved.

4.0 APPRAISAL

Key Issues

- the principle of the change of use
- the external appearance of the building
- the parking and open space

Policy H8 of the City of York Deposit Draft Local Plan states that Residential Conversions will only be granted where i) the dwelling is of sufficient size (min 4 bedrooms) and the internal layout is shown to be suitable for the number of households or occupants and will protect residential amenity for future occupiers. ii) External alterations to the building would not cause harm to the character or appearance of the building or area; and iii) adequate off and on street parking and cycle parking is incorporated; and iv) it would not create an adverse impact upon neighbouring residential amenity, particularly through noise disturbance or residential character of the area by virtue of the conversion alone or cumulatively with a concentration of such uses. And v) where adequate provision is made for the storage and collection of refuse and recycling.

THE APPLICATION SITE. - The application property is a Victorian terrace property that was once used as a single dwelling house but has since followed other properties within this street and converted to flats. The makeup of the street has now changed to a street of flats and guest houses.

The existing numbers of flats are shown below;

2 Wenlock Terrace - Guest house
4 Wenlock Terrace - 7 Flats
5 Wenlock Terrace - Guest house
6 Wenlock Terrace - 5 Flats
7 Wenlock Terrace - 5 Flats
8 Wenlock Terrace - 5 Flats
9 Wenlock Terrace - 5 Flats
10 _ 11 Wenlock Terrace - 16 Flats
12 Wenlock Terrace - Guest House
13 Wenlock Terrace - 5 Flats
14 Wenlock Terrace - 7 Flats
15 Wenlock Terrace - 7 Flats
16 Wenlock Terrace - 5 Flats
17 Wenlock Terrace - 5 Flats
(Information supplied by applicant and checked on site)

Wenlock Terrace has good links and is located close to the City centre and main transport routes into the city. To the rear good sized rear gardens back onto a rear lane.

Principle of increase of accommodation - This issue is the key issue to consider. Environmental Protection have concerns regarding the noise created by residents but have not formally objected and instead have added the conditions below to address their concerns. The internal dimensions of flats are of some concern and

could create a precedent that the rest of Wenlock terrace may follow. The smallest internal studio measures 18.7m sq and consists of a single room with open plan kitchen and wc off the main room. This is one of three studios one of which is of a very similar size.

Officers have limited authority to deal with the internal sizes of rooms and based upon this, on balance, Officers recommendation is approval.

Appearance - The external appearance of the building will be largely unaltered and will not harm the character or the architectural character of the building.

Parking and open space - The rear lane is difficult to access and the provision of two or three car parking spaces could be made available at the rear but at the expense of a communal rear yard for residents. New cycle and bin stores are indicated but more and better design work is required to show that 16 secure and covered bicycle stores could be made available together with the bin stores. Consequently further details of the bike and bin stores will be required.

5.0 CONCLUSION

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 impact upon residents and the streetscene. As such the proposal complies with Policies H7 and GP1 of the City of York Deposit Draft Local Plan.

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 PLANS1 Approved plans
- 3 VISQ9 IN Rebuilding details to match existing
- 4 HWAY19 Car and cycle parking laid out
- 5 The floors and walls between each of the proposed flats and the adjacent dwellings shall be so adapted as to achieve a reasonable resistance to airborne / impact sound. Insulation shall be in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works. Details of the floor and ceiling construction and proposed sound insulation measures, together with a composite sound reduction index for the new floor/ceiling will be required. The

development shall be undertaken in accordance with the agreed submitted scheme.

Reason: To ensure a satisfactory standard of residential amenity for future occupiers.

- 6 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	

Reason: To protect the amenity of the local residents.

- 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.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

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2. 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 £760.

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.

3.

Demolition and Construction - Informative

The developer's attention should also 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.

4. The applicant must ensure that all of the proposed flats meet the requirements of the 1985 Housing Act, with particular reference to natural lighting and ventilation to the basement flats.

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