

COMMITTEE REPORT

Committee: East Area
Date: 10 June 2010

Ward: Fulford
Parish: Fulford Parish Council

Reference: 10/00178/FUL
Application at: Townends Accountants Harlington House 3 Main Street Fulford York. YO10 4HJ
For: Change of use from office (use class B1) to residential care home (use class C2) with internal and external alterations, two storey rear extension and dormers to rear roof slope
By: Milewood Healthcare Ltd
Application Type: Full Application
Target Date: 2 April 2010
Recommendation: Approve

1.0 PROPOSAL

1.1 **SITE:** The application site is located on the western side of Main Street, within the village of Fulford. It comprises a three storey detached unlisted period property, Harlington House, with a part one storey and part two storey flat-roofed rear extension beyond which are various single storey ancillary buildings. A driveway leads from Main Street along the northern elevation of the main building to a car parking area at the rear of the site. Harlington House was last used for offices and the rear structures for various employment and industrial uses. The frontage building falls within the Fulford Village Conservation Area, though the rear buildings fall outside the boundary.

The site lies within an area of primarily residential uses. There are dwelling houses to the north, east and south, a guest house also to the south fronting Main Street and a large residential home and almshouses to the west on the opposite side of Main Street. The access road to the site also serves a single storey residential property to the east, 1 Main Street.

1.2 **PROPOSAL:** The application proposes the conversion and extension of the frontage property to accommodate a care home falling within Use Class C2 (Residential Institutions). The existing rear extensions would be replaced with a two storey extension the length of the existing single storey addition. The care home would provide living space for 11 residents in single bedrooms with shared kitchen, living and dining facilities. Staff facilities would also be provided within the extended building. Eight parking spaces are shown adjacent to the driveway with the remainder of the space at the rear being given to garden following the demolition of the existing buildings.

1.3 **APPLICANT'S CASE:** The following documents have been submitted with the application and form the applicant's case.

Design, Access and Sustainability Statement: This confirms the proposed use of the building as a care home to house 11 residents being cared for at the proposed residence. It states that the proposed operators manage many other care homes in the region with a care home in Strensall providing highly individual specialist care. The whole site is currently vacant, but the frontage building has been used as an accountant and financial services practice and more recently as a similar B1 office and the huts to the rear for various industrial businesses including a shirt factory and computer repairs.

Statement from Milewood Healthcare: The company was established in 2004 and operates nine homes in Yorkshire. It cares for clients who come from the local area and have a learning disability requiring support from a qualified team while living in the community. The residents live quite normal lives accessing the local colleges, etc. The company's home in Strensall has had no issue from any neighbours or community. Harlington House will be focused on providing learning disabled services for the city of York. The activities will have less impact locally than the site originally did and the proposal will improve what is a fairly run down industrial site.

The application has been amended to remove the proposed dormers on the rear roof slope and propose obscure glazing to new windows.

1.4 HISTORY: No relevant planning history for site recorded.

Application also before Council for erection of detached building at rear to provide additional accommodation for the proposed care home (10/00519/FUL).

1.5 The application has been called in for a Committee decision by Councillor Aspden, principally due to the impact on Fulford Conservation area, including the impact on views and the overdevelopment of the site. In addition, the amenity of local residents would be negatively affected by the development, and this includes traffic safety concerns.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Fulford CONF

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYSP6
Location strategy

CYGP1
Design

CYGP3

Planning against crime

CYGP4A
Sustainability

CYGP11
Accessibility

CGP15A
Development and Flood Risk

CYHE2
Development in historic locations

CYHE3
Conservation Areas

CYT4
Cycle parking standards

CYH12
Conversion of redundant offices

CYH17
Residential institutions

CYE3B
Existing and Proposed Employment Sites

3.0 CONSULTATIONS

3.1 PUBLICITY:

The application was advertised by way of press and site notices as well as letters being sent to the parish council, adjacent residents and internal and external consultees. The consultation period has expired.

3.2 INTERNAL

Environmental Protection Unit - Raises some concerns regarding noise as set out below and recommend conditions to address:

- noise from early morning and late night deliveries to and from the site may have a detrimental effect on the amenity of nearby residents;
- noise from any air conditioning units or kitchen extraction units, which can affect neighbouring residential amenity;
- noise from the road may affect the amenity of future occupants of the development;
- noise associated with demolition and construction affecting neighbouring residents.

Highway Network Management - No objections to principle of this proposal, though highlight potential over-provision of car parking. Changes required to cycle parking, which could be secured by condition.

Environment and Conservation (Conservation) - Harlington House is of good architectural quality and appears unaltered. It is much taller than those around it, and consequently is prominent in the street scene. It makes a positive contribution to the special architectural or historic interest of the conservation area. The roof lights set high in the roof slope will be unduly prominent, with few others in the street scene. The dormers to the rear are disproportionately large and sit uncomfortably with the proportions of the building. By virtue of their location, scale and the prominence of the building in the street scene, they will be very prominent to the point of being obtrusive. Proposed alterations to windows on north west side elevation enhance the appearance of the building and its contribution to character of the conservation area. The rear extension is appropriate in scale and design (consideration to be given to roof oversail). The outbuildings are of no special architectural or historic interest. Due to the undue prominence of the roof lights to the front elevation and the obtrusive, overbearing dormers to the rear, the proposal fails to preserve the character of the conservation area.

York Consultancy (Drainage) - The development is in low risk Flood Zone 1 and should not suffer from river flooding. No objections, as the proposed development represents a reduction in impermeable hard paved area and subsequent reduction in surface water run-off.

3.3 EXTERNAL

Conservation Areas Advisory Panel - The panel felt that the extension was acceptable, however it was considered that the roof lights on the front were too visible in the street scene as were dormers on the rear elevation. The panel felt that conservation roof lights on the rear elevation would be acceptable.

Fulford Parish Council - Objects on following grounds:

- Regret loss of offices with weekday and office hour only operation;
- Proposed use will result in around the clock activity, transforming the quiet character of the area and causing disturbance and loss of amenity to neighbours;
- Changes to Harlington House would be out of scale in the conservation area and surrounding area and the dormer windows would be a further intrusive and uncharacteristic feature;
- Windows in extension will result in overlooking and loss of privacy to occupants of nos. 38-42 Anson Drive;
- Potential for increased noise and disturbance;
- Vital security lighting will increase the lighting pollution in area adversely affecting neighbours amenity and character of conservation area;
- Concerned about vehicles from house at rear reversing down drive onto A19;
- Parking provision is inadequate for numbers of residents and on-street parking will be lost by A19 road corridor scheme.

Representations from local residents and business owners of eight properties raising following concerns and objections:

- Insufficient information submitted about type of person to be cared for;
- Query re: level of car parking;
- Highway safety on A19 and shared driveway from increased traffic and vehicles reversing out because of loss of turning area in existing car park;
- On street parking hazard to A19 and affect ability of passing traffic to park;
- Private issues re: waste water and surface water drainage;
- Loss of light-industry and office uses with daytime working and minimum footfall and vehicle noise;
- 24 hour residential operation would result in impact on quiet residential area in terms of privacy, feeling of being overlooked and disturbance from increased traffic and noise from activity within the building and garden;
- Affect on house value and appeal due to type of care offered, increased activity and disturbance and change to outlook and privacy;
- Safety and security of area compromised due to accommodation of adults with learning difficulties and those that could be accommodated under Class C2 or from use as bail hostel;
- Conversion of building to four storeys results in unacceptable change in its appearance resulting in overbearing impact and property that is not in-keeping with other properties in area;
- Misleading statements and errors contained in supporting statements re: sustainability, disabled access;
- Reduces number of people that could be employed at the premises to 6 resulting in loss to the local economy;
- The site does not have the amenities for care and to serve the young people and their needs;
- Proposal, together with the building in grounds, will result in gross overdevelopment.

4.0 APPRAISAL

4.1 KEY ISSUES

- loss of employment premises;
- compatibility of use;
- affect on residential amenity;
- affect on heritage assets;
- impact on visual amenity;
- access, parking and highway safety;
- drainage issues.

4.2 POLICY CONTEXT

Relevant Central Government planning policy is contained in Planning Policy Statement 1: Delivering Sustainable Development (PPS1), Planning Policy Statement 3: Housing (PPS3), Planning Policy Statement 5: Planning for the Historic Environment (PPS5) and Planning Policy Statement 25: Development and Flood Risk (PPS25). PPS1 encourages good design that takes the opportunity to improve

the character of the local environment. PPS3 seeks to create sustainable, inclusive, mixed communities in all areas. PPS5 sets out the planning policies on the conservation of the historic environment. It requires local planning authorities to take into account the desirability of sustaining and enhancing the significance of heritage assets and ensure that new development makes a positive contribution to the character and local distinctiveness of the historic environment. It establishes the presumption in favour of the conservation of designated heritage assets. PPS25 outlines the approach to be taken in new developments to reduce flood risk.

The City of York Development Control Local Plan policies outlined in section 2.2 are material to the consideration of this application. Of particular relevance are policies HE2 and HE3 relating to development within conservation areas, E3b and H12 relating to loss of employment premises, and H17 relating to the provision of residential institutions.

4.3 LOSS OF EMPLOYMENT PREMISES

Local Plan Policy E3b seeks to protect land currently in use for employment from other forms of development. The site has previously been used for offices in the frontage building and a variety of employment uses in the units to the rear, including a shirt factory and computer repair business. There appears to have been no planning permission for these uses, but have become established and evolved over time. The last users of the site vacated approximately a year ago. Since this point, the site has been advertised for sale, though further confirmation is awaiting on this from the previous owners of the site as it has now been purchased by the applicant.

However, regardless of this, it is considered that the retention of industrial and office premises at the site is not necessary to meet the City's supply of employment land, in either quantitative or qualitative terms.

The industrial units (likely to be for light industrial uses falling under B1c, though could be general industrial B2) are not suitably located, due to the proximity to residential properties and the potential for noise disturbance from activity associated with their reuse. The buildings themselves are dated and may need rebuilding to offer facilities that meet modern requirements. Furthermore, the Employment Land Review undertaken on behalf of the Council, though it did not include this site, suggests that there is sufficient existing sites for light and general industrial sites to meet the City's requirements.

The Employment Land Review also suggests that there is adequate office space provision for the City's requirements and confirms that the policy impetus is for office premises to be provided within or adjacent to the City Centre. Again, there is the issue of the appropriateness of this building for modern office requirements.

Therefore, in light of the above, despite the lack of evidence regarding marketing of this site, it is considered that there are insufficient grounds to refuse the application on the basis of loss of industrial and office accommodation.

4.4 PRINCIPLE OF CONVERSION

The site is located within a sustainable location with good accessibility to the City Centre. The surrounding area is largely residential with dwellinghouses around the site and a bed and breakfast to the south at no. 5. Across the road are the Sir John Hunt Memorial homes and further south than this, the entrance into the Royal Masonic Benevolent Institute site, which comprises a care home and sheltered accommodation. The proposed use as a home providing residential accommodation for individuals in need of care but integrated into the community, is considered to be, in principle, an appropriate and compatible use. It accords with the aim of PPS3 to create sustainable, inclusive and mixed communities and with the general approach of 'care in the community'.

4.5 RESIDENTIAL AMENITY

Concern has been expressed by local residents and the owners of the business to the south, supported by the parish council, about the potential erosion of their amenity due to the 24/7 operation of the home. This is in terms of loss of privacy and disturbance associated with activity outside the hours of operation of those businesses that previously occupied the buildings on site and through the intended and potential future residents. The impact of a proposed development on residential amenity is a material consideration as can the fear of anti-social behaviour.

The main bulk of the building is already present. Any reuse of it would allow overlooking of surrounding properties and a degree of disturbance, including residential accommodation or offices. The only new windows facing the main objectors properties are to be obscure glazed, at an oblique angle, and with a separation distance of over 19m. As a result of this distance and the sheer size of the main building, any overshadowing is likely to be minimal.

Local residents perceive that the occupation of the building as a care home may result in disturbance from noise and anti-social behaviour. However, it is noted that this is a managed facility with a high staff to client ratio and therefore any issues arising would be able to be dealt with at source. Likewise, there would be a 24 hour staff presence at the site, which would highlight any issues of crime or anti-social behaviour around the building. There is also concern about light pollution and noise from vehicles moving at night when staff change shift. Whilst no external lighting is shown on the plans, a condition could be attached to control any such lighting that is to be installed in order to avoid glare and pollution. The number of staff stated is low and any disturbance from vehicles arriving or leaving at shift changes in the morning and late evening would be unlikely to cause significant harm over and above what can reasonably be expected in an urban area due to the numbers of vehicles involved, likely short time period of activity and presence of high boundary enclosures.

The Environmental Protection Unit has requested conditions to address the potential of noise disturbance to surrounding residents and future residents of Harlington House.

4.6 CONSERVATION AREA

Harlington House itself falls within, and makes a positive contribution to, the Fulford Village Conservation Area. Both the Conservation Area Advisory Panel and the Council's Conservation Officer raised concerns about the rear dormers and front roof lights. Revised plans have been submitted to remove the dormers to the rear, though retain the two conservation roof lights. Whilst their introduction is unfortunate, they would be positioned high in the roof slope on a tall building within the street scene. The side elevation and replacement extension would improve the appearance of the building and consequently the appearance of the conservation area. The use itself is residential in nature and there are examples of other care homes and sheltered accommodation in the vicinity and within the conservation area. As such, it is not considered that its character would not be unduly affected.

4.7 SUSTAINABILITY

One of the main themes of Central Government planning policy relates to the need to deliver sustainable development, as set out in Planning Policy Statement 1. The proposal involves conversion of an existing building in a sustainable location, close to the City Centre, local facilities and services, bus routes and the City's cycle network. The supporting statement submitted with the planning application considers the proposal against the Local Plan Policy GP4a (Sustainability) and confirms the sustainable location of the site.

4.8 PARKING, ACCESS AND HIGHWAY SAFETY

The existing vehicular access to the site is to be retained. This serves the site and a single dwelling house to the rear. The number of parking spaces to serve the use exceeds the Council's maximum parking standards though these are for sheltered accommodation not care homes. The Council's Highway Engineer has been consulted and raises no highway objection in principle, but queries the parking levels. The number of spaces takes account of the associated application for the ancillary building to the rear (10/519/FUL). A condition could be attached to require a revised parking scheme with reduced numbers in the event that the ancillary accommodation is not granted planning permission, which could include the provision of a turning area to avoid vehicles having to reverse along the shared drive onto the A19.

The revised plan shows a relocated cycle parking area that satisfies the Highway Engineer, subject to details being submitted via a condition.

4.9 FLOOD RISK

The site lies in Flood Zone 1 (Low Probability of Flooding) and as such is unlikely to suffer from river flooding. The proposal would reduce the extent of hard surfacing on site and would therefore be unlikely to increase surface water run-off.

The issue of drainage raised by the neighbour to the rear is a private matter and has been referred to the agent, who has confirmed that all new drainage to serve the site will take account of that from the neighbouring property and addressed accordingly.

4.10 OTHER MATTERS

The application submitted relates to the conversion and extension of Harlington House to a care home falling within Use Class C2 'Residential Institutions'. The applicant is Milewood Healthcare Ltd, who has confirmed in writing that the service they provide is for individuals with learning disabilities from the local area who are supported by a qualified team. However, and as pointed out by local residents, Use Class C2 includes other forms of residential institutions and facilities offering care to people in need of care.

The implications of the permitted change within Class C2 to other forms of residential care homes and whether it is possible to restrict this through condition is being investigated further and Members will be updated at the Committee. It is not usual, however, for such a restriction to be added as it would prevent care homes with similar characteristics and planning implications being able to operate from the site. Such conditions are, therefore, normally considered not to meet the test of reasonableness required of conditions, unless there are strong planning reasons to justify such a restriction.

The impact of the development on house values for surrounding properties raised by their occupants is unfortunately not a matter that can be taken into account as part of the consideration of this planning application.

5.0 CONCLUSION

5.1 The proposal involves the conversion and extension of a substantial unlisted building that is currently not occupied to a care home falling within Use Class C2. The building fronts and is accessed from the A19. It falls within the Fulford Village Conservation Area and is largely surrounded by residential properties.

5.2 Concern has been expressed by Fulford Parish Council and the local community in the vicinity of the site regarding the impact that a 24/7 operation as a care home could have on the character of the area and amenity of its residents. However, the application proposes a managed residential facility to allow supported care in the community for 11 individuals in 11 bedrooms with shared communal areas. The comments of residents are noted and whilst it is accepted that the operation of the facility would differ to that of office and light industrial uses, it is considered that the proposed use would be compatible with the residential uses and the level of activity generated unlikely to significantly erode the amenity that can be expected in an urban area.

5.3 On balance, the application is recommended for approval subject to 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:-

MIL/221/01 002 Rev.B dated 1.4.2010;
MIL/221/01 003 Rev.B dated 1.4.2010;

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

3 The premises shall be used for a residential care home and for no other purpose, including any other purpose in Class C2 in the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: So that the Local Planning Authority may re-assess alternative uses which, without this condition, may have been carried on without planning permission by virtue of Article 3 of the Town and Country Planning (Use Classes) Order 1987.

4 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

New windows and roof lights;

Reason: So that the Local Planning Authority may be satisfied with these details.

5 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of all external materials, including hard surfacing, to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

6 Notwithstanding the details shown on the approved plans, an amended scheme for vehicle parking shall be submitted to and approved in writing by the Local Planning Authority, before commencement of the use of the extended building as a care home. The building shall not be occupied until the areas shown on the revised plan for parking and manoeuvring of vehicles have been constructed and laid out in accordance with the plan, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

7 HWAY18 Cycle parking details to be agreed

8 All deliveries to and despatch from the site shall be confined to 08:00 to 18:00 Monday to Friday, 09:00 to 18:00 on Saturday and not at all on Sundays and Bank Holidays.

Reason: To protect the amenity of local residents form noise.

9 Details of all machinery, plant and equipment to be installed in or located on the site as part of the use hereby permitted, which is audible outside the site boundary when in use, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include maximum (L_{Amax}) and average sound levels (L_{Aeq}), octave band noise levels, the position of plant, equipment and machinery and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the Local Planning Authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed first use and shall be appropriately maintained thereafter.

Reason: To protect the amenity of the local residents and occupants of the development.

10 Prior to the commencement of the development, a scheme shall be submitted to and approved in writing by the Local Planning Authority, demonstrating that the building envelopes shall be constructed to achieve internal noise levels of 30 dBA Leq 1 hour and 45 dB(A) L_{max} (between 23:00-07:00) in bedrooms and 35 dB(A) Leq 1 hour (between 07:00-23:00) in all other habitable rooms. These noise levels are with windows shut and other means of acoustic ventilation provided. Once approved in writing this scheme shall be implemented before the use hereby approved is occupied.

Reason: To protect the amenity of the residents.

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:

- loss of employment premises;
- compatibility of use;
- affect on residential amenity;
- affect on heritage assets;
- impact on visual amenity;
- access, parking and highway safety;
- drainage issues and flood risk

As such the proposal complies with national planning advice contained within Planning Policy Statement 1: Delivering Sustainable Development (PPS1), Planning Policy Statement 3: Housing (PPS3), Planning Policy Statement 5: Planning for the

Historic Environment (PPS5) and Planning Policy Statement 25: Development and Flood Risk (PPS25) and policies SP6, GP1, GP4A, GP15A, HE2, HE3, T4, H12, H17 and E3b of the City of York Development Control Local Plan.

Contact details:

Author: Hannah Blackburn Development Control Officer

Tel No: 01904 551477