

COMMITTEE REPORT

Date: 5 January 2012 **Ward:** Fulford
Team: Major and **Parish:** Fulford Parish Council
 Commercial Team

Reference: 11/03053/FUL
Application at: Fantasy World 25 Main Street Fulford York YO10 4PJ
For: Conversion of shop to 8 bedroom house in multiple occupation.
Alterations to building including replacement of shop frontage and
insertion of new windows/doors. Alterations and extension of
existing garage and use as self-contained dwelling. Provision of
vehicle and cycle parking area within rear garden. (resubmission)
By: Mr Justin Heaven
Application Type: Full Application
Target Date: 11 January 2012
Recommendation: Delegated Authority to Approve

1.0 PROPOSAL

THE SITE

1.1 The application site is located on the east side of Main Street, Fulford, south of the signal controlled junction with Heslington Lane, and within the Fulford Conservation Area. It comprises a linear plot running east from the road with a late Victorian frontage building that is part of a terrace of similar properties fronting onto Main Street at the back of footpath. The building provides accommodation over three storeys (second floor in roof space) and within a single storey rear extension. A detached outbuilding with conservatory is located at the rear next to a parking area. Vehicle access is via a shared covered passageway between 23 and 25 Main Street that gives right of access to the rear parking area and large garden. There is a pedestrian gate at the end of the garden giving access to a pedestrian lane serving 6-12 School Lane at the rear of the site. It is currently in use as a fancy dress shop on all floors. The surrounding area is a mix of residential and commercial. The properties on either side of the application site are in residential use as are the terraced houses at the end of the garden - these are mainly private dwellinghouses with the exception of no. 23, which is a house in multiple occupation. The rear garden is adjoined to its south by Fulford Social Hall and related buildings.

THE PROPOSAL

1.2 The application proposes the conversion of the property into a house in multiple occupation (HMO) with 8 bedrooms and the creation of a self contained unit in the rear outbuilding. The house would have its communal area - kitchen, dining and living space - on the ground floor of the original building. The bedrooms, which would be en- suite, would be on the upper floors and in the rear extension. The converted garage would provide a self contained unit with a bedroom living area and separate kitchen and bathroom within a new single storey extension to replace an existing conservatory. Three parking spaces would be created beyond this unit with turning space. A garage is proposed within the rear attached extension. Secure cycle parking area would be provided adjacent to the rear vehicle parking area. Beyond the parking area, the existing garden would be retained as an amenity space for residents. To allow the conversion, physical works would be required including blocking up openings and creating new windows, roof lights and doors, removing an existing link between the house and its extension, enlarging an existing single storey link on the boundary with no.27.

The application is supported by the following documents:

1.3 Statement by applicant - Confirms the history of the site and his family's involvement and the reasoning behind the proposal. It states that the applicant's company has outgrown the premises and the problem with parking in the vicinity due to the proximity to the junction.

1.4 Design and Access Statement - Concludes that the current unit does not serve the local needs of the immediate community and therefore its loss will not be significant. Considers that the size of the property lends itself to multi-occupancy and the student need in the area. The application would involve improvements to the fabric of the building. It is accompanied by an old street photograph showing the building as a residential property. Confirms that the proposal is for conversion into a HMO residence, primarily targeted at students due to the sites location near the University of York.

1.5 Flood Risk Assessment - Confirms that the site is in Flood Zone 1 (low risk) and has no history of flooding.

RELEVANT HISTORY

1.6 The building was originally in residential use, being converted into a commercial unit in the 1950s. The current use has operated from the site for 16 years. Planning permission was granted for the conversion of no. 23 from a shop to a HMO for 12 occupants including a self-contained bedsit in 1996 (96/2267/FUL).

1.7 Planning permission was refused in August 2011 for conversion to a 9 bedroom HMO and self contained accommodation at the rear. It was refused on the three grounds: 1. insufficient off street parking; 2. insufficient width of vehicular access; 3. detrimental cumulative impact from two HMOs on the character of the area and residential amenity. The previous application was called-in to Committee by the Ward Member, Councillor Aspden, hence the referral of the revised application for a Committee decision.

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

Schools GMS Constraints: St. Oswald's CE Primary 0228

2.2 Policies:

CYGP1
Design

CYGP3
Planning against crime

CYGP4A
Sustainability

CYGP4B
Air Quality

CYGP6
Contaminated land

CYHE2
Development in historic locations

CYHE3
Conservation Areas

CYT4
Cycle parking standards

CYH4A
Housing Windfalls

CYH8
Conversion to flats/HMO/student accommodation

CYS9
No loss of local or village shops

CYL1C
Provision of New Open Space in Development

3.0 CONSULTATIONS

PUBLICITY

3.1 The application was advertised in the press and a site notice was posted at the site. Letters were sent to statutory consultees and local residents. The consultation period expires on 6.1.2012.

INTERNAL

Environmental Protection Unit (EPU)

3.2 Serious concerns on grounds of air quality affecting occupiers' health and noise affecting occupiers' amenity. EPU recommends that application be refused. However, request conditions should Council be minded to approve.

3.3 Air quality - site is within AQMA. To prevent exposure of future residents to poor air quality, advise either: 1. Relocate habitable rooms to rear, or, 2. Ensure windows to front habitable rooms are non-opening and provide ventilation through continuous mechanical supply and extract with heat recovery.

3.4 Noise - No noise report has been submitted, but assumed no change in noise environment since last application when one was submitted. Development falls within Noise Exposure Category D. PPG24 states that proposals within this category should normally be refused. That being said the acoustic report submitted with the previous application demonstrated that by using suitable glazing it would be possible to ensure acceptable internal noise levels.

3.5 Contamination - No objection on grounds of potential contamination of land.

Environment and Conservation (Conservation)

3.6 Revised scheme preserves character and appearance of the conservation area. Requests conditions be as per previous scheme, with addition of details of new door case and details of surfacing materials.

EXTERNAL

3.7 North Yorkshire Police (Safer York Partnerships): No comment.

3.8 3 letters of objection to proposal from residents of Main Street:

- Use by students would under-utilise good accommodation;
- Use as student housing would go against the character of Main Street, which is principally owner occupier/family properties;
- Would be better converted to flats for professional tenants;
- Inadequate parking for existing HMO and business properties, resulting in parking on Heslington Lane.

3.9 Two letters of support from previous occupiers of the property when it was a lodgings house in the late 1950s:

- The building is suited to HMO;
- Provides accommodation for young people in the village;
- No.23 has operated as rented rooms for students for a decade without complaint or incident.

4.0 APPRAISAL

4.1 KEY ISSUES

- loss of shop;
- principle of residential use;
- suitability of building to residential use;
- amenity issues;
- impact on conservation area;
- highway safety;
- crime;
- contamination.

POLICY CONTEXT

4.2 Central Government advice is contained in Planning Policy Statement 1: Delivering Sustainable Development, Planning Policy Statement 3: Housing, Planning Policy Statement 5: Planning for Historic Environment and Planning Policy Guidance note 24: Planning and Noise.

4.3 PPS1 puts the creation of sustainable communities at the heart of the planning system, with accessibility, design and safety being instrumental to this. 'The Planning System: General Principles', the companion document to PPS1, advises of the importance of amenity as an issue.

4.4 PPS3 encourages more effective and efficient use of land and mixed communities. It supports PPS1 with regards high quality and sustainable housing.

4.5 PPS5 sets out policies that seek to protect designated heritage assets. Policy HE9 establishes the presumption in favour of the conservation of designated heritage assets, including elements that contribute to the significance of a conservation area as a whole.

4.6 PPS24 gives advice on the approach to be taken with regards noise exposure categories for residential development to be taken into account in the consideration of applications for residential development near transport-related noise sources.

4.7 City of York Draft Local Plan policies are material to the consideration of the application and are summarised in section 2.2.

PRINCIPLE OF RESIDENTIAL USE

4.8 In the case of the previous application, the loss of the retail premises and conversion to residential use were not reasons for refusal; it was noted that the building is located within a mixed use area, where there are alternative shops and that the existing long-standing retail use does not provide for the local convenience needs of the local population. The building itself is large with accommodation over three floors and a good-sized rear garden. It is located on a busy main arterial route in a mixed use area. As such, the principle of the conversion to residential use is considered to be acceptable.

4.9 Issues were raised previously in relation to noise and air quality, although the application was not refused on these grounds and the Environmental Protection Unit have requested conditions to address their concerns in the event the application is approved. As a result, the proposed is not considered to be contrary to the aims of PPS3 and Local Plan policies S9 and H4a.

AMENITY ISSUES

4.10 The previous application was refused partly on the basis of the cumulative impact of the proposal, taken together with the existing HMO at 23 Main Street, would result in a detrimental impact on the character of the area and the amenity of adjacent occupiers due to increased levels of activity, noise and disturbance. The proposal has been revised to reduce the number of bedrooms within this three storey property from nine to eight. It is also noted that the site is located on a busy

main road with a mix of residential and commercial uses where the general activity levels are higher than a primarily residential area. The Council's Environmental Protection Unit has not raised concern about the potential for noise disturbance from the property to the neighbouring dwelling at 27. Access into and out of the property would be from a newly created doorway at the front of the building adjacent to the passageway rather than no.27. There is already a parking area and garden at the rear and whilst there would be an intensification of use of these, it would be unlikely to result in significant harm to the amenity of adjacent residents.

4.11 There is no specific Local Plan policy relating to the conversion of a shop into a residential use, whether that be a single dwelling or HMO. Local Plan Policy H8 relates specifically to the conversion of existing dwellings into multiple occupation uses. However, the general reasoning behind the policy, including the impact of concentration of such uses, can be applied to the consideration of the proposal. It is noted that the proposal would result in a larger than average HMO adjacent to a similarly large HMO at no.23. However, it is also noted that the existing use is not a dwelling in a quiet suburban location, but a shop on a main arterial road into and out of the City, which is characterised by a mix of residential and commercial uses.

4.12 Sufficient private amenity space exists to serve the HMO even with the creation of a larger parking area. In accordance with Local Plan Policy L1c, a financial contribution towards provision of public open space in lieu of provision on site is required. This would be based on amenity open space and sports provision only and would equate to £1,700.

4.13 In light of the above, the proposal is considered to accord with Central Government advice in PPS3, in that it encourages a mixed community, and the general thrust of Policy H8.

HIGHWAY SAFETY

4.14 The previous application (11/00523/FUL) was refused in part because of insufficient parking to serve the HMO and the narrow width of the shared passageway resulting in pedestrian and vehicle conflict. The revised application makes provision for one additional parking space (integrated within the existing single storey rear extension), making four spaces in total, along with a secure cycle store to serve the HMO and self-contained unit. The existing entrance door in the passageway that was previously proposed to serve as the main entrance to the HMO, is to be relocated to the front elevation in order to reduce the potential conflict between pedestrians and vehicles in the passageway.

4.15 The Local Highway Authority raise no objection to the previous or revised scheme. The site is located on a main public transport into the City Centre and is close to the City's cycle network and local facilities. The access already exists and serves the parking areas of no. 23 and 25 Main Street. The proposed use would be unlikely to generate a significant increase in traffic movements, given the sustainable location of the site. Further details of the proposed cycle storage facility are required and can be dealt with through condition.

4.16 In light of the above, it is considered that no objection can be sustained to the proposal on highway safety grounds.

CRIME

4.17 North Yorkshire Police has been consulted and wishes to make no comment on the application further to the comments made under the previous application. This previous comment referred to the location of the site in an area of low risk in respect of crime and disorder. A high standard of security and enclosed/lockable cycle store was requested. As such, the proposal accords with advice in Local Plan Policy GP3.

CONSERVATION OFFICER

4.18 When determining planning applications within Conservation Areas, the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character and appearance of the area. The building forms part of a terrace of mid Victorian properties of similar design and, because of its location at back of footpath, is characteristic of properties along this historic route into the City. Despite alterations to the property, it makes a positive contribution to the character and appearance of the conservation area. The proposal would help ensure a longer term use for the building and one that is compatible with its original purpose. The changes to the front elevation, involving removal of the existing modern shop front and replacement with the original arrangement of front entrance door and sash window, as well as the replacement of the upper floor uPVC windows with timber sash windows, would preserve and improve the contribution the building makes to the streetscene. The Council's Conservation Officer raises no objection to the scheme, subject to details of materials and windows that can be suitably dealt with by the imposition of conditions. As such, the proposal accords with Central Government advice in PPS5 and Local Plan policies HE2 and HE3.

CONTAMINATION

4.19 Whilst a contamination assessment has not been submitted with the current application, that submitted to support the previous application showed that the building had been in domestic use from 1890 to 1950 and then in either domestic or commercial use from 1951 to the present day. In light of this, and the fact that there have been no reported or unreported pollution incidents, there are no issues with regards to contamination at the site. The proposal complies with GP4b.

5.0 CONCLUSION

5.1 The previous application was recommended to Committee for approval, but was refused at Committee on the following grounds:

- insufficient off street parking resulting in conflict in vehicles being parked on the highway;
- insufficient width of vehicular access resulting in conflict between pedestrians and vehicles;
- over intensification of HMO's in the area to the detriment of the character of the area and residential amenity.

5.2 This revised application seeks to address these by reducing the number of bedrooms in the frontage property from 9 to 8 and increasing the number of vehicle parking spaces from 3 to 4. The width of the side passageway cannot be altered, but the main entrance door is proposed to be relocated from this side passageway to the front elevation to reduce conflict between pedestrians and vehicles.

5.3 In light of the previous Officer recommendation for approval, and as this application relates to a revised and reduced scheme, the application is recommended for approval subject to conditions.

5.4 The public consultation period does not expire until 06.01.2012. Therefore, if the Committee is minded to approve the application, delegated approval is sought for Officers to issue the decision to approve after the consultation period has expired and subject to no new material objection being raised within the consultation period.

6.0 RECOMMENDATION: Delegated Authority to Approve

1 TIME2 Development start within three years -

2 The development hereby permitted shall be carried out in accordance with the following plans:-

Drawing no. 11002-200 C 'Site location plan and block plan' dated 07/09/11 and received 15 November 2011;

Drawing no. 11002-201 C 'Plans as proposed' dated 3/11 and received 15 November 2011;

Drawing no. 11002-202 B 'Plans/ele's and sections as proposed' dated 3/11 and received 15 November 2011;

Drawing no. 11002-203 A 'Ele's and sections as proposed' dated 3/11 and received 15 November 2011;

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

3 Prior to commencement of development, a scheme demonstrating that the building envelope shall be altered to achieve internal noise levels of 30 dB LAeq 1 hour and 45 dB L_{Amax} (23:00-7:00) in bedrooms and 35dB LAeq 1 hour (07:00 - 23:00) in all other habitable rooms shall be submitted to and approved in writing by the Local Planning Authority. These noise levels are with windows shut. The approved scheme shall be implemented prior to occupation of the building.

Reason: To protect the amenity of residents from noise.

INFORMATIVE: The noise assessment report suggests double glazing be installed with a 4mm thick glass pane, a 12mm gap followed by a 4mm pane. This will ensure that the internal noise levels will comply with BS8233 and World Health Organisation Guidelines. Please note that trickle vents and hit and miss vents are not suitable in any facade onto Main Street for air quality reasons.

4 Prior to the commencement of development, details of a scheme of ventilation and extraction for the main building shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall provide ventilation through mechanical methods and shall draw air from the rear of the property. The scheme of extraction relates to the kitchen area only. The approved scheme shall be implemented prior to occupation of the building.

Reason: To protect future occupants' health from poor air quality.

INFORMATIVE: All ventilation must comply with the requirements of building regulations.

5 Details of all machinery, plant and equipment to be installed shall be submitted and approved in writing by the Local Planning Authority. These details shall include maximum (LA_{max}) and average sound levels (LA_{eq}), 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 and machinery 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 local residents and occupants of the development during operation of any noise emitting machinery, plant and equipment.

6 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of all external materials to be used, including surfacing materials, 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 and in the interests of preserving the character and appearance of the Fulford Conservation Area.

7 A sample panel of the brickwork to be used on this building shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location within the Fulford Conservation Area.

8 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.

- Vertical cross section through front elevation at scale of 1:20 illustrating rebuilt front elevation, sill profile and set back of windows in reveals;

- Vertical cross section at 1:10 through entablature and pilaster of new door case to front elevation;

- Vertical cross section at 1:10 through entablature, door frame and door including door panel mouldings, for new door to front elevation;
- Section drawings of windows at scale of 1:10;
- Full details of proposed replacement windows;
- Design and materials for arches forming window head to ground floor front elevation;

Reason: So that the Local Planning Authority may be satisfied with these details, in the interests of preserving the character and appearance of the Fulford Conservation Area.

INFORMATIVE: Please note that the profile of the upper sash to the attic window should be restored rather than the top of the pane blanked off. Painting of brickwork should be avoided.

9 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

10 Prior to the development commencing details of the cycle parking areas, including means of enclosure and method of securing both cycles and the 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.

11 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 L1c of the Development Control Local Plan which requires that all new housing sites make provision for the open space needs of future occupiers.

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 £1,700.

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.

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 shop; principle of residential use; suitability of building to residential use; amenity issues; character and appearance of the conservation area; highway safety; crime; public open space provision and contamination.

As such the proposal complies with advice in Planning Policy Statement 1: Delivering Sustainable Development, Planning Policy Statement 3: Housing, Planning Policy Statement 5: Planning for the Historic Environment and Policies GP1, GP3, GP4A, GP4B, GP6, HE2, HE3, T4, H4A, H8, S9 and L1c of the City of York Development Control Local Plan.

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