

COMMITTEE REPORT

Date: 6 June 2019 **Ward:** Clifton
Team: Major and **Parish:** Clifton Planning Panel
 Commercial Team

Reference: 19/00108/FULM
Application at: Hotel Noir Ltd 3 - 5 Clifton Green York YO30 6LH
For: Conversion of hotel to 10 Residential Units (use class C3)
By: Morrell
Application Type: Major Full Application (13 weeks)
Target Date: 12 June 2019
Recommendation: Delegated Authority to Approve subject to Section 106 Agreement

1.0 PROPOSAL

APPLICATION SITE

1.1 The application relates to Hotel Noir at 3-5 Clifton Green and 1 Clifton Dale (assumed address) which consists of a terrace of three three-storey houses which are likely to date from the early nineteenth century and an attached villa which is part of the Clifton Dale development of c.1890s/1900. These buildings have been extended to the rear. The hotel has car parking behind. The primary access to the car park is from Clifton Dale however there is also a vehicle entrance from Clifton Green, by the side of the neighbouring public house.

1.2 The public house to the east of the site is grade II listed. The site is within the Clifton Conservation Area. The Conservation Area includes the green and its surrounding buildings. The area appraisal advises as follows -

- When first designated in 1968, the conservation area was focused on the nucleus of the original village around Clifton Green. This still retains its essential rural character, with mainly small scale dwellings and local shopping clustered around the village green. The uses around this open space do not conflict with the predominately residential character of the area.
- The area is characterised by late Georgian town houses and Regency villas fronting onto Clifton, and Victorian and Edwardian terraces and semis in the new suburban residential streets often developed in the garden grounds of frontage properties.

PROPOSALS

1.3 The application has been revised since submission and the number of proposed dwellings reduced to 10 (from 15). The changes revert 1 Clifton Dale to a single dwelling and it is no longer proposed to convert the out-building in the south corner of the site to a dwelling. The car park access remains as existing; 11 car parking spaces are proposed.

1.4 The scheme also involves the following works -

- First floor rear extension to no.3.
- Replacement windows to front elevation.
- New windows to side (east) elevation.
- External alternations at rear of nos. 4 and 5.
- Roof-lights.
- Replacement single storey building to the rear of 1 Clifton Dale.
- Demolition of garage.
- Replacement tree adjacent Clifton Dale entrance.

2.0 POLICY CONTEXT

2.1 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012.

2.2 Key relevant Publication Draft Local Plan 2018 Policies are as follows -

SS1 Delivering Sustainable Growth for York
H3 Balancing the Housing Market
D1 Placemaking
D4 Conservation Areas
EC4 Tourism
GI6 New Open Space Provision

2.3 Relevant policies of the Draft Local Plan 2005 are as follows -

GP1 Design
HE2 Development in Historic Locations
HE3 Conservation Areas

3.0 CONSULTATIONS

Design, Conservation and Sustainable Development (Conservation Officer)

3.1 Comments on the original scheme -

Side elevation

3.2 Proposed bay windows on the side elevation were objected to because side elevations generally have a relatively blank aspect, with any openings being incidental and subservient in nature. Single width sash windows instead were suggested. This arrangement is particularly characteristic of Georgian houses and is evident at 3 Clifton Green, as well as to the Old Grey Mare where the blank west flank wall faces the site.

Front elevation

3.3 The existing ground floor bay window at no.3 appears to be of modern construction. The scheme proposed extended the bay. As an alternative it was suggested the bay not be extended or the bay be re-built replicating the original details and proportions as at no.5.

Windows

3.4 Replacement/new windows should be traditional vertical sash. The fenestration pattern to the north elevation (gable) of 1 Clifton Dale (where render is being removed and windows replaced) should be restored to the original arrangement with tripartite sash windows to the lower two floors rather than paired sashes.

Roof-lights

3.5 Roof-lights to the principal north and south roofslopes should be specified to be metal framed fixtures to replicate the appearance of traditional cast iron roof-lights.

Removal of render to 1 Clifton Dale

3.6 This was recommended by officers at pre-application.

Public Protection

Noise

3.7 A noise assessment has been provided that includes a specification to allow adequate internal noise levels. These should be secured through condition.

Electric vehicle charging facilities

3.8 In accordance with NPPF paragraph 110 officers ask for each of the car parking spaces to have EV charging facilities.

Land contamination

3.9 A site investigation has been carried out. Officers advise that conditions would be needed to investigate (and deal with if necessary) contamination is new soft landscaping were proposed.

Conservation Areas Advisory Panel

3.10 "The Panel had no objection to the proposed use and applauded the use of new timber windows although true sash windows would have been preferred to the casements specified."

York Civic Trust

3.11 Hotel Noir is a C19 building that was formerly a series of three houses before being converted into a hotel during the C20. It has a prominent position on Clifton Green, is within the Clifton Conservation Area. The Conservation Area consists predominantly of C18 and C19 townhouses and villas. Though the interior of the original buildings has been linked, much of the individual facades of the component buildings are still evident under the modern white paint. While the Trust commends the proposed removal of the white paint from the No.1 Clifton Dale component of the former hotel complex, we believe this is a missed opportunity to restore all or at least the majority of the building into its respective original residential dwelling units, which would offer a positive contribution to the local character and Conservation Area.

3.12 A lack of proposed parking and minimal bicycle storage in an area already known to experience car parking overflow, and increased waste management needs arising from multiple residents, would likely prove incompatible with the needs of future residents if converted into 15 residential units.

3.13 There is very little information within the application about what types of materials will be used for elements of the conversion, such as the proposed flat roof extension to replace the existing conservatory, or the appearance of the window replacements (other than the change from a uPVC frame to timber).

Publicity/Neighbour Notification

3.14 There were 13 comments from neighbours on the original scheme and these are detailed below. The scheme has been revised in response to these comments, specifically regarding the reduced number of dwellings proposed and amount of car parking.

Residential / visual amenity

- Wish for the new properties to be suitably managed and used for "permanent" residents not transient visitors i.e. short term lets, AirBnB etc. Airbnb type visitors can be extremely disruptive, as well as meet and greet from owners/representatives and cleaning for frequent turnarounds.
- The proposed 1st floor window on the South elevation of Flat 7 (existing outbuilding) will overlook the neighbouring property at 3 Clifton Dale. The proximity of the bin store will also lead to disturbance.
- There are concerns over the amount of waste storage required and how this will be appropriately managed; to avoid an adverse impact on the appearance of the street.

Disturbance during the construction period

- Concerns over future management and upkeep of the development; clarity should be provided on the leasehold/freehold arrangements. There is a strong preference for "Share of Freehold" and a management company rather than Leasehold - to maintain local control, ownership and pride in the development.
- Provision should be made within the leases for a requirement to redecorate externally and internal communal areas, at least every 5 years.
- The large sycamore is recommended for felling. At present it has amenity and environmental value and does contribute very positively to the visual streetscape of Clifton Dale. If it has to be felled, we strongly support its replacement by an appropriate medium-sized specimen tree that can be seen from the street.

Highway safety

- There is a parking issue in this locality and there is insufficient space to accommodate the likely number of vehicle permanently based at, or visiting, the proposed apartments. There will also be access issues related to the proposed car park which exits on to the Clifton Dale Cul de Sac. The amount of car parking is informed by car ownership levels in the ward but neighbours consider there should be more than 1 space per apartment. The overall amount of spaces is too low and due to the layout 3 of these spaces are unworkable.
- Preference for the vehicle access to be from Clifton Green rather than Clifton Dale. Clifton Dale is a 'home zone' a street developed primarily to meet the needs of people over vehicles consequently where the speeds and dominance of cars are minimal. The scheme proposes removal of the Clifton Green site

access. There is a concern this status could be compromised as a consequence of increased traffic.

4.0 APPRAISAL

4.1 The Keys Issues are as follows

- Principle of the proposed use
- Character and Appearance of the Conservation Area and setting of the neighbouring grade II listed building
- Amenity of surrounding occupants
- Amenity of future occupants
- Highways
- Affordable housing

Principle of the proposed use

4.2 According to section 5 of the NPPF the Government's objective is to significantly boost the supply of homes. Section 11 promotes the effective use of land. It states "Planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions". It goes on to state that planning decisions should "promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively".

4.3 The section on Promoting Sustainable travel, in paragraph 103, states "significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health".

4.4 Due to housing need the change of use from hotel to dwellings accords with NPPF policy on delivering housing. The site is also in a suitable location; the centre of Clifton has a mix of uses and is well located in terms of transport links and proximity to the city centre. The apartments are spacious and 7 of the 10 have 2 or 3 bedrooms. The housing mix is consistent with housing need as identified in Draft Local Plan 2018 policy H3.

4.5 With regards the loss of the hotel section 6 of the NPPF states that planning policies should set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration.

4.6 The relevant policy of the 2018 Draft Local Plan in this respect is EC4: Tourism. EC4 states that tourism in York will contribute to a diverse economy. This will be achieved by supporting proposals that relate to maintaining and improving the choice and quality of visitor accommodation to encourage overnight stays, particularly by higher spending visitors.

4.7 Given the growth of the hotel sector, in particular recent and current schemes for accommodation in the city centre and giving due weight to the need for housing there is no objection on policy grounds to the loss of this hotel, which is outside of the city centre and accommodates 28 guest rooms.

Character and Appearance of the Central Historic Core Conservation Area and setting of Listed Buildings

4.8 The site is within the Clifton Conservation Area. The Council has a statutory duty (under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to consider the desirability of preserving or enhancing the character and appearance of designated conservation areas.

4.9 The NPPF in section 16 explains how to assess the impact on heritage assets and when identified harm can be out-weighed by public benefits. It states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Local policies on conservation areas are HE2 and HE3 in the 2005 Draft Local Plan and D4 of the 2018 Publication Draft Local Plan.

4.10 The public house to the east of the site is grade II listed. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 advises that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall pay special regard to the desirability of preserving the building or its setting or exercise of any features of special architectural or historic interest which it possesses.

Conservation Area

4.11 The application relates to a terrace of three three-storey houses which are likely to date from the early nineteenth century and an attached villa which is part of the Clifton Dale development of c.1890s/1900. No.1 Clifton Dale demonstrates high aesthetic design value and is characteristic of development of the period in the Clifton and Bootham vicinity. 2 Clifton Dale on the opposite side of the street is of near matching appearance.

4.12 At the rear the buildings have been subject to later extensions and there is car parking for the hotel.

4.13 The contribution the building makes to the character and appearance of the Clifton Conservation Area has been eroded by recent alterations including the addition of window openings; the replacement of sash windows with poorly-detailed top-hung casements (for which no approval appears to have been granted); and the painting of the main elevation.

4.14 The proposals will have a beneficial impact on the character and appearance of the building and consequently the conservation area due to the following sympathetic works -

- Legibility of separate houses not lost.
- 1 Clifton Dale - re-instated as single dwelling and white paint removed.
- Existing bay window to no.3 to be replaced with bay to match the original at no.5.
- Timber framed sliding sash windows re-instated to main elevation.

4.15 The proposed roof-lights due to their size and location will preserve the character and appearance of the conservation area. On the east side elevation of the (original) building it was sought that windows be subordinate to the main facade, considering their amount, scale and detailing and this has been achieved in the revised plans.

4.16 The scheme allows for more external amenity space compared to the existing layout; in principle this will benefit the setting. Other works at the rear of the building would be largely screened from public views by the rear wing of 1 Clifton Dale and would preserve the character and appearance of the conservation area.

4.17 The tree by the access is already under stress which explains its lack of vigour. The tree does not justify a preservation order and the preferable course of action is its replacement. A mountain ash has been recommended as a replacement.

Setting of neighbouring listed building

4.18 The Old Grey Mare is a public house. It dates from the late C17, with late C19 additions and alterations by WG Penty. It is two storey plus attic. The site has external space to its western side and also a single storey outbuilding with mono-pitched roof sloping upwards towards the application site.

4.19 On the rear wing on the south-east side (opposite the public house) of the host building a first floor extension is proposed. Due to the scale and design of the proposed extension the rear wing would remain as a subordinate addition to the main building. This approach would be in character with the pattern of development in the setting. The extension and the other works to Hotel Noir would not have a material impact on the setting of the listed building.

Amenity of surrounding occupants

4.20 The NPPF states that developments should create places with a high standard of amenity for all existing and future users. It goes on to state that decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

4.21 The bin storage area would remain in its current location. It has adequate capacity for the proposed use.

4.22 The out-building is no longer proposed to be on one of the apartments. This overcomes the objection from the neighbour on Clifton Dale regarding overlooking of their property.

4.23 Where the host building would be extended new windows would face either the out-building and garden beyond of the neighbouring public house or they would be inward looking. This extension due to its height (2-storey) and location (there is the side access and outbuilding at the neighbour between the proposed extension and the garden to the public house) would not be over-bearing or over-dominant.

4.24 New windows on the side elevation would also look towards the side garden of the public house and towards Clifton Green

Amenity of future occupants

4.25 The plans have been revised so each dwelling has convenient access to the bin and cycle store. The change of use proposed will introduce more outside amenity space and the apartments would be spacious - the smallest being 57 sq m.

4.26 Policy GI6 of the Draft Local Plan 2018 relates to new open space in conjunction with development proposals. It states that all residential development proposals should contribute to the provision of open space for recreation and amenity. It goes on to explain circumstances where off site provision would be appropriate and refers to the supplementary planning guidance on open space dated 2014. This policy is reasonably consistent with the approach required in the NPPF, in section 8 which relates to promoting healthy and safe communities, in particular paragraph 96 regarding open space and recreation.

4.27 The site only has amenity space on site for the ground floor dwellings and the amount does not fulfil the need as detailed in supplementary guidance. Homestead Park has been identified as a local facility which could be enhanced and is within walking distance of the site. A contribution is sought towards this facility. Based on the mix of dwellings proposed the obligation would be £16,100. This obligation would be compliant with the CIL regulations (part 11) being directly related to the

development, reasonable and necessary. Also there have not been more than 5 contributions towards Homestead Park (CIL Pooling Regulations).

Highways

4.28 The NPPF states that in assessing applications for development, it should be ensured that:

- appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
- safe and suitable access to the site can be achieved for all users; and
- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

4.29 The NPPF goes on to state that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

4.30 The hotel has 28 guest rooms and will employ staff. The proposed use is 10 apartments. The main access to the car parking on site is unchanged. The potential traffic generation associated with the proposed, compared to the existing use would not lead to a significant impact on the highway network and nor would there be an increased demand for vehicle parking off site. There would be 11 car parking spaces within the curtilage and covered and secure cycle storage. The amount of parking accords with local standards (last detailed in the 2005 Draft Local Plan). Electric Vehicle charging facilities will be provided as recommended by the NPPF. The scheme is considered to be acceptable on highways grounds.

Affordable Housing

4.31 Based on policy H10 of the Draft Local Plan 2018 affordable housing requirements only apply when 11 or more houses are proposed (or a residential scheme would provide over 1,000 sq m floorspace). As 10 dwellings are proposed here no affordable housing contribution is required.

5.0 CONCLUSION

5.1 Approval is recommended, subject to conditions and completion of a legal agreement to secure a contribution towards open space, to make the scheme compliant with the policies contained within the NPPF.

- In principle this change of use is consistent with the Government's objective (as detailed in NPPF section 5 to delivering a sufficient supply of homes.

- The scheme will enhance the character and appearance of the Clifton Conservation area.
- In accordance with section 9 of the NPPF the scheme will promote sustainable travel, provide adequate access and would not have a severe impact on the highway network.
- There is no undue effect on residential amenity.

5.2 The S106 will secure £16,100 towards off site open space to be used at Homestead Park.

COMMITTEE TO VISIT

6.0 RECOMMENDATION:

(i) Permission be granted subject to:

- a. Prior completion of a Section 106 Agreement to secure £16,100 towards off site open space to be used at Homestead Park.
- b. The conditions outlined in the officer's report (and any update)

(ii) The Assistant Director be granted delegated powers to finalise the terms and details of the Section 106 Agreement

Conditions of approval -

- 1 TIME2 Development start within three years
- 2 PLANS1 Approved plans - MOR/534/01 - 03B and 04B
- 3 Replacement windows

Large scale details of the replacement timber windows (and their surrounds) to the Clifton Green (north) elevation of 3-5 Clifton Green and 1 Clifton Dale shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby approved and the works shall be carried out in accordance with the approved details. As specified on the approved plans the bay window proposed to no.3 shall be of matching proportions and detailing to the bay window at no.5.

Reason: In the interests of good design and the character and appearance of the conservation area, in accordance with NPPF paragraphs 127 and 185.

- 4 New windows to side elevation

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

- New/replacement windows and their surrounds proposed on the east (side) elevation of 3 Clifton Green
- Rear extensions at nos. 4 and 5, to include details of parapet wall and details of materials for the frame of the roof lantern.
- Rear extension to 1 Clifton Dale

Reason: In the interests of good design and the character and appearance of the conservation area, in accordance with NPPF paragraphs 127 and 185.

5 New brickwork

The infill brickwork and brickwork to the rear extensions hereby approved shall match the original brickwork of the host building in all respects i.e. bonding, size, colour and texture of bricks and the colour and finished treatment of mortar joints, to the satisfaction of the Local Planning Authority.

Reason: In the interests of good design and the character and appearance of the conservation area, in accordance with NPPF paragraphs 127 and 185.

6 Cycle storage

The covered and secure cycle parking facilities and storage facilities shall be provided in accordance with the approved plans prior to first occupation of the development hereby approved. The cycle storage shall have lockable doors and the internal space shall have facilities for locking cycles (using Sheffield type stands or similar).

External doors to the cycle store shall be illuminated with vandal resistant security lighting, operated by a photocell sensor.

Reason: In the interests of visual and residential amenity and to promote sustainable travel in accordance with paragraphs 108 and 127 of the NPPF.

7 Electric vehicle charging facilities

Prior to occupation of the development hereby permitted each off street parking space shall incorporate a suitably rated electrical socket to allow 'Mode 2' charging of an electric vehicle using a standard 13A 3 pin socket and a 3m length cable.

Reason: To provide facilities for charging electric vehicles in line with NPPF

paragraph 110.

INFORMATIVE: All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015).

8 Landscaping

The development shall not be occupied until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme that shall include the following -

- A method statement for removal of the tree by the Clifton Dale entrance, including stump removal.
- Details of the precise location and stock size of the replacement Mountain Ash tree.
- Details of areas to be hard-landscaped and confirmation of materials.
- Clarification of areas to be soft landscaped.
- Details of any alterations to the Clifton Dale access.

This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and highway safety.

9 Noise

The building envelope of the residential accommodation shall be constructed so as to achieve internal noise levels in habitable rooms of no greater than 35 dB LAeq (16 hour) during the day (07:00-23:00 hrs) and 30 dB LAeq (8 hour) during the night (23:00-07:00 hours). These noise levels shall be observed with windows open in the habitable rooms or if necessary windows closed and other means of ventilation provided.

Reason: To ensure a satisfactory standard of residential amenity for future occupants. Such works are required prior to construction work as any such insulation will be integral to the structure of the building.

10 Reporting of Unexpected Contamination

In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and

where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11 Hours of Construction

The hours of construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays.

Reason: To protect the amenities of adjacent residents.

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: sought revised plans in order to make the scheme policy compliant and through the use of S106 obligation and planning conditions.

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