

## **COMMITTEE REPORT**

**Date:** 8 March 2012                      **Ward:** Hull Road  
**Team:** Householder and              **Parish:** Hull Road Planning  
                 Small Scale Team                      Panel

**Reference:** 12/00045/FUL  
**Application at:** 77 Lawrence Street York YO10 3DZ  
**For:** Conversion of shop (use class A1) to an 8 bedroom house in multiple occupation with external alterations including two front dormers (resubmission)  
**By:** Mr Joe Reynolds  
**Application Type:** Full Application  
**Target Date:** 8 March 2012  
**Recommendation:** Approve

### **1.0 PROPOSAL**

1.1 The application seeks planning permission to convert a shop (Use Class A1) with rooms above to an 8-bedroom house in multiple occupation (sui generis) with external alterations including (a) replacement of one existing dormer on the front elevation with two dormer windows (b) removal of shop front and reinstatement of front bay to ground floor (c) formation of two new window openings in the side gable elevation facing Lansdowne Terrace (d) removal of a single-storey rear extension to form a yard with cycle storage and bin storage (e) reinstatement of boundary wall and railings.

1.2 The application is a resubmission of 11/02760/FUL for the conversion of the building to a 10-bed HMO. The application was refused at committee on 5 January 2012 due to over-intensive use with inadequate facilities particularly in relation to the minimal external amenity space to serve the number of occupants. The main changes from the refused scheme are (a) two bedrooms on the first floor have been combined to form one larger bedroom (b) a ground-floor bedroom now becomes a second lounge (c) the cycle storage area in the rear yard has been enlarged.

### **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

City Boundary GMS Constraints: York City Boundary 0001

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

## 2.2 Policies:

CYGP1 -Design

CYH8 - Conversion to flats/HMO/student accommodation

CYT4- Cycle parking standards

CYL1C -Provision of New Open Space in Development

## 3.0 CONSULTATIONS

### INTERNAL

3.1 Environmental Protection Unit - No objections. Add conditions requiring noise insulation and restricting hours of construction.

3.2 Design Conservation and Sustainable Development (Archaeology) - This site lies in the AAI and on the site of the medieval church and graveyard of St Edward. Include condition ARCH2 requiring an archaeological watching brief on any groundworks associated with the development.

### EXTERNAL

3.3 Hull Road Planning Panel - Objection. The revised scheme is still over-occupancy, in particular due to the number of bedrooms and concerns over lack of parking and outdoor amenity space for future residents. The ground floor lounge could be converted to an additional bedroom. The development will add to existing traffic and parking problems.

3.4 Public consultation - The consultation period expired on 22 February 2012. One letter of objection has been received from a local resident raising the following issues:

- Inadequate on-street parking;
- Inadequate amenity space;
- Noise nuisance;
- The 8 bedrooms could be occupied by 16 people;
- Hygiene issues from waste;
- Traffic congestion;
- Inadequate cycle storage.

## 4.0 APPRAISAL

### 4.1 KEY ISSUES

- Principle of development;
- Character and appearance;
- Occupier and neighbour amenity;
- Highway issues;
- Open space; and
- Waste Management.

### POLICY CONTEXT

4.2 Draft Local Plan Policy GP1 - Development proposals should be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and local character; respect or enhance the local environment; provide/protect amenity space; protect residential amenity; accord with sustainable design principles; include refuse facilities; and include, where appropriate, landscaping.

4.3 Policy H8 - Planning permission will only be granted for the conversion of a dwelling to flats or multiple occupation where: the dwelling is of sufficient size (min 4 bedrooms) and the internal layout is suitable for the proposed number of households or occupants; external alterations would not harm the appearance of the area; adequate on and off road parking and cycle parking is incorporated; it would not create an adverse impact on neighbouring amenity through noise disturbance or residential character by virtue of the conversion alone or cumulatively with a concentration of such uses; adequate provision is made for the storage and collection of refuse and recycling.

4.4 Policy T4 - Seeks to promote cycling and states that all new development should provide storage for cycles in accordance with the standards in appendix E of the Local Plan.

4.5 Policy L1c - Requires that all housing sites make provision for the open space needs of future occupiers. For sites of less than 10 dwellings a commuted payment will be required towards off site provision.

### PRINCIPLE OF DEVELOPMENT

4.6 The site lies in a mixed commercial/residential area in a sustainable location close to public transport and local services. The retail shop is not a protected local

shop nor is it in a protected retail frontage. The principle of use as an HMO is considered to be acceptable.

## VISUAL AMENITY

4.7 The existing building is in poor condition and has an unattractive commercial shop front out of keeping with the character of the area. The proposed works would remove the shop front, which faces Lansdowne Terrace as well as Lawrence Street. The traditional bay window on the ground floor would be reinstated, as would the boundary wall and railings. The utilitarian rear addition would be demolished and the side gates replaced. The result of these alterations would be a building much more in keeping with the character of the area.

## OCCUPIER AMENITY

4.8 The accommodation would mainly comprise a bedroom for each of the eight occupiers, a lounge/kitchen/diner in the basement, a lounge on the ground floor and three shared bathrooms. The rear yard would mainly be used for cycle/bin storage but would also function as a small outdoor seating area. Sound insulation would be provided to protect occupiers from internal and external noise. The Housing Act provides safeguards for occupiers in that the HMO would require a license to ensure that the facilities are adequate and the HMO is well managed. Whilst the rear amenity space is very small the demand for such space tends to be low. This is reflected in national and CYC standards which do not require any external amenity space for HMOs. The council's housing standards officer has confirmed that the facilities would comply with the council's HMO licensing standards. The lounge could not be used as an additional bedroom, as feared by the parish council. If planning permission were granted the number of bedrooms would be limited to the number specified in the description of development, i.e. eight. Nor could the number of occupiers be increased to 16. The number of occupiers would be restricted by the terms of the license from the council. The applicant states that he will be seeking a license for just eight occupiers.

4.9 Environmental protection officers recommend that planning conditions be attached requiring noise insulation to be provided to ensure that noise inside the property are within acceptable limits. The applicant has submitted some noise data but it is insufficient to ensure compliance with the council's maximum noise levels, in which case mechanical ventilation could be required. A further condition should therefore be attached requiring details of such measures to be submitted for approval.

## NEIGHBOUR AMENITY

4.10 The rear yard would be small and contained by buildings/walls. Its use by occupiers is unlikely to cause a noise nuisance to adjacent residents. The impact of the HMO on adjacent dwellings and the area generally is likely to be small and not significantly different to the use of the building as self-contained flats.

## HIGHWAY ISSUES

4.11 No off-street parking would be provided, which is acceptable bearing in mind the site's location close to local shops, public transport and the city centre. A secure cycle shelter with Sheffield stands for six cycles would be provided in the rear yard. Details should be made a condition of approval. The development is unlikely to have a material impact on traffic levels in the area.

## WASTE MANAGEMENT

4.12 Adequate refuse/recycling facilities would be located in the rear yard, which is enclosed, with direct access onto Lansdowne Terrace. These facilities are unlikely to cause a health hazard for neighbouring residents as long as the premises are adequately managed.

## PUBLIC OPEN SPACE

4.13 A financial contribution of £3,400 would be required for the provision of public open space in accordance with Policy L1c of the Draft Local Plan. This has been accepted by the applicant and can be secured by condition.

## 5.0 CONCLUSION

5.1 The reduction in the number of bedrooms/occupiers from 10 to 8 significantly reduces the intensity of the use and improves the facilities for the occupiers. The constraints of the site prevent further amenity space being provided - without compromising the provision of bin/cycle storage. However the site is within the urban area close to the city centre, where minimal (frequently none) on site amenity space is anticipated. The proposal would provide much-needed accommodation and improve the appearance of the street scene. The layout complies with national and local standards for HMOs. The application is therefore recommended for approval subject to conditions, including an open space contribution of £3,400.

## 6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

2 The development hereby permitted shall be carried out in accordance with the approved drawings numbered JR/LS/12/10, JR/LS/12/11, JR/LS/12/12 and JR/LS/11/17.

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

3 VISQ1 Matching materials -

4 ARCH2 Watching brief required -

5 Notwithstanding the approved plans no development shall take place until details of cycle storage have been submitted to and approved in writing by the local planning authority. These facilities shall be provided in accordance with the approved details before the house in multiple occupation hereby approved is occupied and shall thereafter be retained and used for no other purpose except with the written consent of the local planning authority.

Reason: In the interests of sustainable transport and visual amenity.

6 The development shall not be occupied until the boundary walls and railings shown on JR/LS/12/10 and JR/LS/11/17 have been provided. They shall be permanently retained thereafter.

Reason: In the interests of the character and appearance of the area.

7 Details of provision for public open space facilities or alternative arrangements shall be 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 alternative arrangements agreed in writing by the local planning authority and thereafter implemented, within three months of the date of this permission.

Reason: In order to comply with the provisions of Policy L1 of the City of York Draft Local Plan.

#### 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 £3,400. You are reminded of the local planning authority's enforcement powers in this regard.

8 Within four weeks of the grant of planning permission details shall be submitted to the local planning authority and approved in writing demonstrating that the building envelope, internal walls and floors shall be constructed so as to achieve internal noise levels of no more than 30 dB LAeq 8 hour (23:00 to 07:00) with a 45 dB LAmax in bedrooms, and 35 LAeq 16 hour (07:00 - 23:00) in all other habitable rooms. The measures so approved shall be implemented prior to the occupation of the development.

Reason: To protect the amenity of residents from noise.

#### INFORMATIVE

These noise levels shall be with either (a) windows open or (b) windows shut and alternative means of ventilation provided i.e. acoustic trickle vents.

9 Details of any mechanical ventilation to be installed in or located on the use hereby permitted, which is audible outside the site boundary when in use, shall be submitted to the local planning authority for approval. These details shall include maximum (LAmax (f) and average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. All such approved mechanical ventilation shall not be used except in accordance with the prior written approval of the local planning authority. The mechanical ventilation shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of residents from noise.

10 NOISE8 Restricted hours of work -

### **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: use as a house in multiple occupation; design and street scene; neighbour amenity; transport and highway safety; waste management; and provision of open space. The application therefore complies with policies GP1, H8, T4 and L1c of the City of York Local Plan Deposit Draft.

## 2. CONTROL OF POLLUTION

The developer's attention is 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 adhered to; failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Fridays 08.00 to 18.00; Saturdays 09.00 to 13.00; Not at all on Sundays and Bank Holidays.

(b) 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".

(c) 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.

(d) 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.

(e) 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.

(f) There shall be no bonfires on the site

### **Contact details:**

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