

## COMMITTEE REPORT

**Committee:** West/Centre Area                      **Ward:** Guildhall  
**Date:** 20 December 2007                      **Parish:** Guildhall Planning Panel

**Reference:** 07/02275/FULM  
**Application at:** The Warehouse Hursts Yard York YO1 9TL  
**For:** Conversion and change of use to form 10no. apartments 2no. 3 bed houses and 2no. ground floor B1 office and/or A1 retail unit(s) with associated external alterations  
**By:** S Harrison Developments  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 21 December 2007

### 1.0 PROPOSAL

1.1 The existing warehouse building on this site is currently used as a retail shop/showroom with ancillary storage and workshops for a kitchen equipment company. The building is proposed to be a mix of varying sized residential units with two office/retail units on the ground floor of the larger of the two parts of the building. The proposal comprises of 1 no. two bedroom house and 1 no. 3 bed house in the two storey element of the building as well as the refuse and cycle stores for the development is a whole. Within the larger part of the building the ground floor is entirely taken up with the two office/retail suites. The further 3 floors provide 4 studio flats, 4 no. 1 bed flats and 2 no. 2 bed flats with the main bedroom provided on a 'sleeping deck' within the roof space accessed via an internal spiral staircase.

1.2 No relevant planning history.

1.3 The site area is 0.03ha with 12 residential units proposed, as well as 2 office/retail units on the ground floor). This is a density of 400 units per hectare provided within an existing large building already built up hard to the site boundaries.

1.4 Very few external alterations are proposed to facilitate the conversion mainly relating to the insertion of rooflights and new doors in existing openings on the front elevation of the building and the creation of two 'Juliet balconies' on the front of the two houses (in the two storey element of the building).

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

## 2.2 Policies:

CYSP6

Location strategy

CYSP8

Reducing dependence on the car

CYSP10

Strategic Windfalls

CYGP1

Design

CYGP4A

Sustainability

CYGP6

Contaminated land

CYGP15

Protection from flooding

CYHE2

Development in historic locations

CYHE3

Conservation Areas

CYHE4

Listed Buildings

CYT4

Cycle parking standards

CYT7C

Access to Public Transport

CYL1C

Provision of New Open Space in Development

CYH4A

Housing Windfalls

### **3.0 CONSULTATIONS**

#### INTERNAL

##### 3.1 Learning, Culture and Children's Services:

Education will be seeking a total contribution of £16,270 (in respect of 1 pupil at Fulford Secondary School).

##### 3.2 City Development:

Brownfield location of development and lack of parking with high cycle provision satisfies policies SP8, SP10 and T4.

The proposed location is highly sustainable being within walking/cycle distance of the city centre and on a major bus route. The conversion of a building is preferable in terms of energy efficiency and also because of its location in the city centre conservation area. The design is simple and incorporate few changes to the external appearance of the building.

Due to previous uses on the site, a preliminary assessment for contaminated land should be undertaken in line with policy GP6. Policy GP15a addresses development and flood risk, The proposed development is in close proximity to the River Foss and so the Strategic Flood Risk Assessment should be consulted.

##### 3.3 Environmental Protection Unit:

No objection. Suggest standard demolition and construction informative conditions included on any decision notice.

##### 3.4 Highway Network Management:

Following the submission of additional information - no objections raised. Payment of £1920 towards car club in the vicinity of the site will need to be secured with the use of a condition.

##### 3.5 Lifelong Learning and Culture:

Commuted sums should be paid to the Council for amenity open space (such as St. Nicholas Fields or Hull Rd Park), play space (such as St. Nicholas Fields or Hull Rd Park) and sports pitches within the East Zone of the Sport and Activity Leisure Strategy. The contribution of £7,488 should be secured through the use of a Section 106 agreement.

##### 3.6 Conservation, Design and Sustainable Development:

The building is situated within the central Historic Core conservation area. It is C19th warehouse of 2 builds: 4 storeys with grain silo and 2 storeys. It is unlisted but of historic value, representing one of the few surviving structures of the recent industrial past of the area. The internal layout has been configured to avoid damage to the interior whilst making the most of existing opening and this has resulted in few changes to the exterior. It is considered that the new doors and reduced balconies would be acceptable as minor changes to this unlisted building to signal the new use. A range of conditions are suggested to ensure the survival of the internal traces of the former use and a satisfactory external appearance to the completed conversion.

## EXTERNAL.

### 3.7 Guildhall Planning Panel:

No objections.

### 3.8 Police Architectural Liaison Officer (Crime Prevention Design Advisor):

No comment.

### 3.9 Environment Agency:

No objection

### 3.10 English Heritage:

The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

### 3.11 Representations.

No representations concerning this application have been received.

## **4.0 APPRAISAL**

4.1 Key Issues: suitability of proposed uses, physical alterations proposed as part of the conversion, sustainable transport issues, flooding, impact on the conservation area.

4.2 Planning Policy Statement 3 'Housing' (PPS3) sets out Government policy on housing development and encourages more sustainable patterns of development through the reuse of previously developed land, more efficient use of land, reducing dependency on the private car and provision of affordable housing. It also requires Local Planning Authorities to adopt an evidence based approach to housing delivery. Policies should be informed by housing need and demand, through housing market and housing land availability assessments.

4.3 Policy SP6 focuses development on brownfield land within the built up urban area of the City and urban extensions, followed by surrounding settlements and selected existing & proposed public transport corridors. Outside defined settlement limits, planning permission will only be given for development appropriate to the Green Belt or the open countryside. The Strategy seeks to protect sensitive areas from development by focusing development in areas of greatest need, maximising the use of previously developed land, whilst conserving the natural environment and quality of life for the City's citizens.

4.4 Policy SP8 (Reducing Dependence on the Car) requires that applications for large new developments, such as housing, shopping, employment, health or leisure proposals, must be able to demonstrate that they will reduce dependence on the private car by providing for more environmentally friendly modes of transport including adequate provision for car and cycle parking in accordance with the standards set out in the Local Plan. To complement this approach it is proposed that new housing schemes will be at a higher density than in the past (policy H5) and mixed residential and employment schemes will be encouraged. New development will be directed to areas served by public transport and footpath and cycle links will be a requirement within and between new developments.

4.5 Policy GP1 'Design' of the City of York Local Plan Deposit Draft includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

4.6 Policy GP4a 'Sustainability' of the Draft Local Plan requires all proposals for commercial or residential development to be accompanied by a 'sustainability statement'. The policy includes a list of criteria against which proposals should be judged which include: accessibility by means other than the car, whether the proposal would contribute to the social needs of the community, the contribution to the economy of the city, design quality, minimising the use of non-renewable resources, minimising pollution, conserving and enhancing natural areas and landscape features, maximising the use of renewable resources and making adequate provision for cycle storage and recycling.

4.7 Policy GP6 (Contaminated Land). Planning applications for development on, or adjacent to, land which may have been contaminated by a previous use should, as a minimum, include a preliminary assessment (desk study) of the potential for contamination. Planning conditions will normally be used to secure site remediation and where appropriate post remediation monitoring and validation, for sites affected by contamination. However, in some cases, applicants may be expected to sign an agreement under Section 106 of the Town and Country Planning Act 1990 to secure appropriate remediation of the site.

4.8 Policy GP15a: Development and Flood Risk. There will be a presumption against built development (except for essential infrastructure) within the functional floodplain outside existing settlement limits. Proposals for new built development on previously undeveloped land outside defined settlement limits will only be granted where it can be demonstrated that the development will not result in the net loss of floodplain storage capacity, not impede water flows and not increase flood risk elsewhere. All applications in the low to medium risk(2) or high risk(3) areas should submit a Flood Risk Assessment (FRA) providing an assessment of additional risk arising from the proposal and the measures proposed to deal with these effects. Developers must satisfy the Local Planning Authority that any flood risk will be successfully managed with the minimum environmental effect and ensure that the site can be developed, serviced and occupied safely.

4.9 Policy L1c is concerned with the provision of new open space in developments and states that for sites of less than 10 dwellings a commuted sum will be required towards off site provision.

4.10 Policy HE2: Development in Historic Locations. Within or adjoining conservation areas, and in locations which affect the setting of listed buildings, scheduled monuments or nationally important archaeological remains (whether scheduled or not), development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials. Proposals will be required to maintain or enhance existing urban spaces, views, landmarks, and other townscape elements, which contribute to the character or appearance of the area.

4.11 Policy HE3 states that within conservation areas, proposal for the following type of development will only be permitted where there is no adverse effect on the character and appearance of the area: demolition of a building (whether listed or not); external alterations; changes of use which are likely to generate environmental or traffic problems.

4.12 Policy HE10: Archaeology. Planning applications for development that involves disturbance of existing ground levels on sites within York City Centre Area of Archaeological Importance will be granted provided suitable mitigation measures are put in place.

4.13 Policy T4: Cycle Parking Standards. In all new developments, cycle parking provision will be required in accordance with the standards set out in Appendix E of the local plan.

4.14 Policy H4a 'Housing Windfalls' of the Local Plan states that permission will be granted for new housing development on land within the urban area providing: it is vacant/derelict/underused or involves infilling, redevelopment or conversion; has good access to jobs, shops and services by non-car modes; and, is of an appropriate scale and density to surrounding development and would not have a detrimental impact on existing landscape features.

4.15 Policy H3c of the draft Local Plan asks for a mix of housing on all sites.

## SUITABILITY OF PROPOSED USES.

4.14 The residential use of this building suits its excellent location within the city walls in close proximity to a wide range of facilities, shops, public transport links as well as employment and entertainment opportunities. The nature of the building means that it can be converted with a minimum of external alterations. The site is surrounded by a mix of uses ranging from retail units and existing residential accommodation to two schemes for a large amount of student accommodation (currently under construction), including a recent scheme on a former bus depot accessed from Navigation Road. Either of the proposed uses (office/retail) for the ground floor units are considered acceptable as either, or a combination of both uses, can meet the Local Plan Policy requirements. A ground floor employment use is considered acceptable as based on the limited size of the two units this would not detrimentally effect the vitality and viability of the broader area in retail terms. Similarly retail uses in this location would complement the range of uses in the wider area.

## SUSTAINABLE TRANSPORT ISSUES

4.15 This large warehouse conversion scheme satisfies the requirements of the Local Plan relating to promoting sustainable transport based on its highly sustainable location. The scheme has limited car parking (3 spaces) provided for the office/retail element of the scheme, but if both ground floor units were to become retail units they would require 1 space each with the third then becoming available for one of the residential units. Cycle parking is provided to meet the standards contained with Appendix E of the development Control Local Plan. The permanent use of the 3 parking spaces by the occupiers of the retail/office units is proposed to be secured by condition. The submitted transport assessment indicates that using nationally available information (in the form of the TRICS 2007(a) database) the number of trips associated with the proposed uses would actually represent a reduction from the vehicle activity currently generated from the retail use.

## HOUSING MIX

4.16 The Council has carried out a Strategic Housing Market Assessment (SHMA), adopted by the Council for Development Control purposes on the 27 September 2007. The report is comprehensive and up to date, and looks at what is appropriate in York in terms of housing tenure, size and type, in order to help create mixed and balance communities. The Study reveals a demand for a range of dwelling sizes, with 21% looking for 1 bed, 29% for 2 bed, 29% for 3 bed, and 21% for 4 bedrooms. Over 60% of households are looking for houses rather than flats. A range of sized dwellings is proposed on this site and given the constraints of converting an existing building and the lack of outdoor space it is considered that this broadly complies with the aims of the SHMA and policy H3c.

## FLOODING

4.17 The Environment Agency has no objections to the proposed development (in flooding terms) and indicates that a suitable method of foul water disposal would be via the foul sewer.

## PHYSICAL ALTERATIONS PROPOSED AS PART OF THE CONVERSION

4.18 The limited alterations to the external appearance of the building ensure that, despite this building's non-listed status, the historic value of the building is maintained. The internal layout has been configured to avoid damage to the interior whilst making the most of the existing openings. It is considered that the new doors and reduced balconies would be acceptable as minor changes to this unlisted building to signal the new use. The external alterations essentially extend to the newly proposed roof lights that allow the full utilisation of the roof space of the building. The range of unit sizes provides a range of dwelling types from studio flats to a three bedroom house.

## IMPACT ON THE CONSERVATION AREA

4.19 The conversion of this building to mainly residential accommodation (with two retail/office units on the ground floor) is considered a suitable use for an existing building in the Central Historic Core Conservation Area. The conversion of the building to this use has the potential to reduce commercial activity in the area with the loss of existing ancillary workshops linked to its current use for the trade and retail sales of kitchen equipment. The physical alterations to this unlisted building and the proposed uses are considered compatible with the site location in a conservation area.

## 5.0 CONCLUSION

5.1 Based on the above summary, the application is considered acceptable in terms of its impact on the surrounding area and on this unlisted building in the Central Historic Core Conservation Area, complying with the relevant provisions of the Development Control Local Plan.

5.2 Conditions will be used in this instance to secure the financial contributions towards education, highways and open space provision. A condition requiring the three proposed car parking spaces to be permanently linked to the use of the rest of the building is also included. In addition a range of conditions relating to the physical conversion of the building are proposed.

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

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

46556/WARDS/P/001 (proposed car parking layout), H115/01/05 (proposed floor plans) and H115/01/06 (proposed elevations);

and associated supporting documents submitted as an integral part of this



application;

Topographical Survey, Desktop Environmental Report and Audit, Design and Access Statement, Transport Statement, Archaeological Brief, Background Noise Report, Sustainability Statement, Flood Risk Assessment and the Planning Support Statement;

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

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

3 No development shall commence unless and until a scheme to ensure the provision of adequate additional foundation and secondary school places within the local catchment area has been submitted to and approved by the local planning authority.

Reason: The education provision within the catchment area of the development has insufficient capacity to take more pupils, such that additional places are required in the interests of the sustainable development of the city in accordance with Policy C6 of the Development Control Local Plan and the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated January 2005.

**INFORMATIVE:**

The provisions 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, The obligation should provide for a financial contribution calculated at £16,270;. The basis for this calculation is contained within the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated January 2005.

No development can take place on this site until the condition has been has been discharged and you are reminded of the Local Planning Authority's enforcement powers in this regard.

4 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 £7,488;.

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.

5 No development shall commence unless and until details of the provision of car club membership/provision for the future occupiers of the site have been submitted to and approved in writing by the Local Planning Authority. The provision 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 GP13 (Planning Obligations) of the Development Control Local Plan.

#### INFORMATIVE:

The 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 the provision of car club membership/provision in the vicinity of the site. The obligation should provide for a financial contribution calculated at £1,920.

No development can take place on this site until the car club membership/provision in the vicinity of the site 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.

6 Car/cycle parking provision in accordance with the approved plans must be provided before the use commences and thereafter retained for the sole use of the occupants of, and their visitors to, the development hereby approved.

Reason: To comply with the Local Planning Authority's parking standards.

7 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.

The following matters and outstanding details shall be approved in writing by the Local Planning Authority prior to the commencement of building works.

- 1) treatment of signage on side of silo
- 2) pulley structure and equipment to be retained in place at high level (otherwise justification for removal)
- 3) details of any mechanical and electrical equipment and ducts showing how this integrates with existing structure
- 4) large scale details of windows also showing how they are positioned within existing openings
- 4) large scale details of doors also showing how they will be positioned within

existing openings  
5) large scale details of external balustrades

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works based on the sites location in a Conservation Area.

## **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 the character and appearance of the Central Historic Core Conservation Area, the residential amenity of neighbouring property occupiers, transport provision, housing mix provision and the wider character of the surrounding area. As such the proposal complies with Policies SP6, SP8, GP1, GP4a, GP6, GP15a, L1c, HE2, HE3, HE10, T4, H4a and H3c of the City of York Development Control Local Plan.

### **2. Demolition and Construction - Informative**

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a remediation scheme to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

The developer's attention should also be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be attached to any planning approval, 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 Friday	08.00 to 18.00
Saturday	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:**

**Author:** Emma Militis Planning Officer

**Tel No:** 01904 551493