

COMMITTEE REPORT

Date: 5 May 2016 **Ward:** Fishergate
Team: Major and **Parish:** Fishergate Planning
 Commercial Team Panel

Reference: 15/02888/FULM
Application at: 71 -73 Fulford Road York YO10 4BD
For: Conversion of guesthouse to 10no.flats (use class C3)
By: Skelwith Group
Application Type: Major Full Application (13 weeks)
Target Date: 21 April 2016
Recommendation: Approve

1.0 PROPOSAL

APPLICATION SITE

1.1 The application relates to two mid-terrace properties located on the eastern side of Fishergate currently in use as a guesthouse. The facility has 15 guestrooms and there are 2 flats within the building at the rear, which are for staff use only. The hotel has off-street parking at the rear, accessed via a shared passageway which runs underneath the adjacent block of flats; Ellwood House.

1.2 To each side of the application site Ellwood Court is made up of two blocks of flats with one on the frontage with Fishergate and one at the rear, 69 Fulford Road is also in use as flats. The grounds of St.George's Primary School bound the site to the rear.

1.3 The site is outside of conservation area. It is one of the main routes into the city centre.

PROPOSALS

1.4 A change of use is proposed to convert the guesthouse into 10 dwellings/flats. There would be living space within the roof and roof-lights/dormers are proposed. The plans also show a building to accommodate 12 cycles and refuse bins within the rear courtyard. There would 6 car parking spaces in the yard (one privately owned).

SITE HISTORY

1.5 An application for a change of use of the building to a House in Multiple Occupancy was withdrawn in 2014 - 14/00165/FUL

1.6 Permission for rear extension at first floor level and self-contained flats, one of which is in the basement, were approved in 2011 - 11/01658/FUL.

The permission required that the self-contained flats were for manager's accommodation only, in particular because there was a car parking space immediately outside the light-well to the basement flat.

2.0 POLICY CONTEXT

2.1 Policies:

CYGP1	Design
CYT4	Cycle parking standards
CYH7	Residential extensions
CYED4	Developer Contributions Towards Educational Facilities
CYL1C	Provision of new open space in Development

3.0 CONSULTATIONS

Highway Network Management

3.1 Officers ask for covered and secure cycle parking provision and advise that it would be acceptable if there were a reduction in car parking provision.

3.2 The property as its current use as two guest houses will be eligible for guest house permits within the R20 zone. As such they will only be able to access the limited number of guest house permit bays within that zone currently. The change of use to residential will have an impact on residents parking bays which are oversubscribed in the vicinity of this property, as each flat would be eligible for multiple permits. It is considered that in line with other development proposals, it would be appropriate to remove the proposed site from R20. This will mean that the occupants of the (flats/ dwellings) will not be eligible to apply for permits for either personal or visitor use and thus the parking scheme will not be placed under further pressure.

3.3 To encourage sustainable modes of transport officers recommend future residents are provided with city car club membership (£160 per dwelling) and either a 6 month bus pass or cycle vouchers to the value of £160 per dwelling.

Public Protection

Noise

3.4 Due to traffic noise officers seek a planning condition to ensure internal noise levels comply with World Health Organisation regulations

Air Quality

3.5 The building itself is located outside of the AQMA and set back from the road by approximately 6 metres. As a result Public Protection do not have concerns regarding poor air quality affecting the health of any occupants of the proposed flats. Officers would welcome the installation of any electric vehicle charging points on-site.

Construction

3.6 An informative is recommended to advise the developer about requirements within the Control of Pollution Act, which relate to demolition/construction.

Education

3.7 Officers are not requesting a contribution in this case due to the regulations and restrictions on pooling. The amount that could be secured would not make a meaningful contribution to a particular infrastructure project.

Yorkshire Water

3.8 It is proposed to use the existing drainage system and therefore YW have no objection/comments to make.

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3.9 No response.

Neighbour Notification and Publicity

3.10 There have been objections from 9 of the residents of Ellwood Court and the management company. The concerns are that no.71 has no right to use the rear access which belongs to Ellwood Court and that any extra activity in the rear courtyard would cause noise disturbance. The concerns raised are as follows -

- Comings and goings and intensified use of the application site, in particular cars and residents in the rear courtyard area, would cause noise disturbance and have an adverse effect on residential amenity. It is recommended that the primary entrances at the front of the premises should be used, and only the front entrance at 71 as those residents do not have a right of access over the rear courtyard.
- The rear access is owned by the management company for Ellwood Court, which is opposite. They advise they would not permit the occupants of 71 Fulford Road access and nor would they allow access for construction. 73 currently has permission to use the access, but only in conjunction with the use of the property as a guest house.

- Concerns about noise, dust and disturbance during construction.
- By allowing this change of use the council would be encouraging more students to overwhelm Fishergate and jeopardise the community for long-term residents.
- A purpose built bin area should be built and only a few parking spaces made available for the residents of 73 Fulford Road.
No parking spaces should be provided for the residents of 71 Fulford Road because the occupants do not have right of access over the land.
- There would be inadequate car parking for visitors and car parking provision would be abused.

4.0 APPRAISAL

KEY ISSUES

4.1 The key issues are as follows -

- Principle of the proposed use
- Residential Amenity
- Highway Network Management
- Planning Gain

Principle of the proposed use

4.2 National Planning Policy requires local planning authorities to boost, significantly, the supply of housing. National Planning Policy Framework paragraph 49 states that in dealing with applications for housing, there should be a presumption in favour of sustainable development. Paragraph 51 states local planning authorities should normally approve planning applications for change to residential use and any associated development from commercial buildings where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate. York does not have an up to date 5 year housing land supply which is compliant with the NPPF. There are no Local Plan policies or a local evidence base which specifically identifies the need to retain existing guest houses.

4.3. Due to housing need in the city and the lack of an adopted Local Plan which identifies supply to meet demand, policy is strongly in favour of allowing applications for residential development. There are no material considerations to justify retention of the guesthouse.

Residential Amenity

4.4 The National Planning Policy Framework requires that developments always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Local Plan policy GP1: Design requires that development proposals ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures.

4.5 The application proposes a reduction in the amount of car parking spaces; 5 are now proposed.

The parking spaces have been re-configured so they are now all of a size which meets current standards. Currently parking is informal and the spaces, as shown on the existing block plan, would not be workable on site. Both 71 and 73 would have front doors onto Fulford Road. In relation to the existing guest house use, there is no evidence that there would be an increase in activity within the courtyard, and consequently no material impact on neighbour's amenity in this respect.

4.6 Dedicated bin storage and screening are proposed and the installation of such can be secured through a planning condition. The structures based on their location and scale would not have a material impact on neighbour's amenity. The only external alterations to the existing building are the addition of roof-lights, two of which would project beyond the roof plane. The rear roof-lights would look towards the school grounds. There would be 4 small roof-lights at the front, spaced evenly over the two houses. The roof-lights would not unduly overlook neighbouring houses. The roof-lights due to their location scale and amount would have an acceptable impact on the appearance of the building.

4.7 Planning conditions currently restrict the use of the flats within the building at the rear. They are permitted to be used as manager's accommodation only. The basement flat proposed would be 55 sq m. The site plan proposes a garden area by the light-well on the south-east side, to prevent car parking in front of the window. The presence of car parking immediately outside the light well previously raised concerns over future occupant's level of amenity. The flats proposed on the upper floors are larger than those shown in the previously approved scheme; they occupy 2 levels and have more floor space than the basement flat. All the flats are of a reasonable area and whilst outlook is limited from the basement flat, outlook alone is not grounds to prevent its use for independent occupation in this case.

Highways Considerations

4.8 The National Planning Policy Framework advises that developments should:

- Provide safe and suitable access to the site for all people and minimise conflicts between traffic and cyclists or pedestrians.
- Maximise sustainable transport modes and minimise the need to travel.

- Incorporate facilities for charging plug-in and other ultra-low emission vehicles.

4.9 The application is for re-use of existing buildings. The buildings were originally used as separate properties and the two front doors would be re-used.

4.10 Car parking is at the rear. There are 5 spaces proposed. Neighbours objections state that the applicants have no legal right to the proposed vehicle access. Should the applicant be unable to negotiate access, a car free development would be acceptable in this case. Car parking standards in the Local Plan are maximums, which allows flexibility depending on location factors, the type of development proposed and the need to reduce high emission vehicles, as explained in paragraph 39 of the NPPF.

This site is on a public transport route and within walking distance of amenities and the city centre. In this urban location 1 and 2 bed flats without parking would comply with the thrust of the NPPF.

4.11 Preferably cyclists would be able to use the entrance via neighbouring Elwood Court. However if this is not permitted by the landowner as a fallback cycles could be brought through the building.

4.12 Highway Network Management advise that the residents parking zone in which the site is located has limited capacity to accept further vehicles. As such future occupants would not be eligible for permits. An informative can advise the developers and future residents of this, but the required amendment to the existing Traffic Regulation Order would be carried out under the Highways Act.

Public Open Space

4.13 The application of Local Plan policy L1c would require a contribution towards amenity space and sports provision in the area subject to consideration of the Local Plan Evidence Base: Open Space and Green Infrastructure Final report September 2014. Any contribution sought must meet national guidance and CIL Regulations 122 and 123; the contribution must be necessary to make the development acceptable in planning terms and the council cannot ask for more than 5 contributions towards any single infrastructure project.

4.14 There have not been any projects towards open space in the locality identified towards which a contribution is required to make the scheme acceptable.

Education

4.15 A contribution towards primary school provision could potentially be requested based on council policy ED4 as 4 of the flats proposed would have 2 or more bedrooms.

Any contribution sought must meet national guidance and CIL Regulations 122 and 123; the contribution must be necessary to make the development acceptable in planning terms and the council cannot ask for more than 5 contributions towards any single infrastructure project. Supplementary planning guidance advises that only a contribution towards 1 primary school place could be sought based on the amount of 2 bedroom flats proposed. National regulations require that no more than 5 contributions can be made towards any project. The contribution which could be sought as a consequence of this development would not make a meaningful contribution towards any project and is therefore not requested.

5.0 CONCLUSION

5.1 The development proposed is acceptable in principle and compared to the extant use there is no evidence there would be harm on neighbour's amenity or highway safety. There would be adequate levels of amenity for future occupants. The entrance to the car park is owned by a third party. This was the situation previously; if there were no car parking, there would not be grounds for refusal as the site is within a sustainable location and the type of dwellings proposed would not necessarily require its own parking. The scheme does not conflict with policies within the NPPF and approval is therefore recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 PLANS1 Approved plans - revised plans 004C and 005B
- 3 Cycle storage shall be provided on site in accordance with the approved plans prior to first occupation of the development hereby approved.

Reason: To ensure adequate space for, and to encourage cycle use in accordance with Local Plan policies GP1 and T4 and section 3 of the National Planning Policy Framework.

- 4 Bin storage shall be provided on site in accordance with the approved plans prior to first occupation of the development hereby approved.

Reason: To ensure adequate space for waste recycling and litter collection in accordance with policy GP1 of the City of York Draft Local Plan and design guidance for housing in the National Planning Practice Guidance.

5 The courtyard / car parking area shall be laid out in accordance with the approved block plan 004 revision C, with landscaping provided outside the light-well to flat 1 (which is located in the basement) prior to first occupation of flat 1.

Reason: To ensure that there is no car parking outside the light-well window, and to ensure an acceptable level of amenity for future occupants.

6 The building envelope of all residential accommodation shall be constructed to achieve internal noise levels of 30 dB LAeq (8 hour) inside bedrooms at night (23:00 - 07:00 hrs) and 35 dB LAeq (16hour) in all other habitable rooms during the day (07:00 - 23:00 hrs) unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

7 Roof-lights on the front elevation of the building shall be conservation type.

Reason: In the interests of visual amenity, in accordance with paragraphs 56, 57, 58 of the National Planning Policy Framework.

7.0 INFORMATIVES: Notes to Applicant

1. 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 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

2. RESIDENTS PARKING ZONE

The applicant is asked to note that the development/property (as proposed), is not considered eligible for inclusion within the Residents Parking Zone, and it will be removed from such under the Traffic Regulations 1984. Upon commencement of development on the site the applicant is requested to contact the Council's Network Management Section (tel 01904 551450), in order that the amendments to the Residents Parking Scheme can be implemented prior to the occupation of the development.

3. 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 (paragraphs 186 and 187) 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 and through the use of planning conditions.

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