

## COMMITTEE REPORT

**Committee:** East Area  
**Date:** 8 May 2008

**Ward:** Fishergate  
**Parish:** Fishergate Planning Panel

**Reference:** 08/00317/FULM  
**Application at:** 180 Fulford Road York YO10 4DA  
**For:** Conversion of existing vacant offices to 12no apartments with associated parking, amenity space, landscaping, refuse storage and cycle parking  
**By:** Mr Christopher Gillam  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 15 May 2008

### 1.0 PROPOSAL

1.1 This application is a full application for the conversion of 180 Fulford Road (known as Consort House) into 12 apartments.

1.2 The property is a grade II listed building located on the west side of Fulford Road within Fulford Road Conservation area. The original building dates from the late 18th century but has been the subject of much alteration and addition, and has most recently been used as office accommodation.

1.3 The application is to convert the building into 8 x one bedroomed and 4 x two bedroomed apartments. The proposal includes car parking for 12 cars, cycle and bin storage and alterations to the external area to provide a small amount of external amenity space.

1.4 The application is supported by a design and access statement.

1.5 A similar application to that now submitted was withdrawn at the end of last year to enable the details to be reconsidered. Planning permission was refused for the use of the building as a medical centre in 2006 because of inadequate access to the site. (The access from Fulford Road was to be used for this scheme) . Permission was also refused for the use of the site for a day nursery in 2000 on the basis of the impact of the use on residential amenity, parking and access.

1.6 Although the application is for a conversion scheme and therefore the way in which the site is developed is dictated by the existing building the density of the development equates to 138 dwellings to the hectare

1.7 Members will note that there is a listed building consent application for the proposal also on the agenda.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Fulford Road 0039

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Listed Buildings Grade 2; 180-182 Fulford Road York YO1 4DA 0098

## 2.2 Policies:

CYHE4  
Listed Buildings

CYGP1  
Design

CYH12  
Conversion of redundant offices

CYL1C  
Provision of New Open Space in Development

CYE3B  
Existing and Proposed Employment Sites

## 3.0 CONSULTATIONS

INTERNAL

HIGHWAYS NETWORK MANAGEMENT

3.1 It is noted that this amended scheme involves the conversion of these former offices into 12 no. apartments. A total of 12 car parking spaces are to be provided (one per property) which accords with highway standards. Access to all but one of these spaces will be via Alma Terrace and then to the rear of the building. The current vehicular access off Fulford Road would in future serve only a single space for a vehicle - this change is supported since there is restricted visibility at the point where the drive connects with the public footway along Fulford Road.

3.2 Cycle parking is to be provided for future residents in the form of new units serving apartments one, two and three and an existing garage would be converted to provide the remaining cycle spaces required.

3.3 Highways Network management raise no objections to the development subject to conditions relating to the cycle parking, turning areas and surfacing of the car park

LIFELONG LEARNING AND LEISURE

3.4 As there is no on site amenity space a commuted sum will be required for the site in accordance with the commuted sum payments for open space in new developments guidance approved in April 2007.

## CITY STRATEGY

3.5 If it is concluded that the site at 180 - 182 Fulford Road is not required as part of York's employment land supply then in principle the proposed residential use on the site is acceptable in policy terms. However DC officers must be satisfied that this proposal is of appropriate scale and density to surrounding development and it would not have a detrimental effect on existing landscape features.

## CONSERVATION OFFICER

3.6 The original house dates from the late eighteenth century, but has been the subject of much alteration and addition, and most recently has been in use as office accommodation.

3.7 The setting of the listed building has been substantially eroded through the development of flats at Arncliffe Mews to the south, within close proximity of the principal façade of the listed building. The curtilage of the listed building is greatly altered, with concrete paving in front of the principal elevation, tarmac surfaces to the side and rear and only a small area of lawn and trees to the side to Fulford Road, where sections of the original boundary wall and railings remain.

3.8 The revised proposals include hard and soft landscaping works that should improve the setting of the listed building within the wider context of the conservation area. Subject to appropriate conditions covering the detail of the implementation of the scheme the conservation officer raises no objections to the application.

## ENVIRONMENTAL HEALTH

3.9 No objections in principle. However the site is adjacent to Fulford Road and there are concerns that the noise from the road may cause a loss of amenity for future residents. A condition is suggested to require acoustic insulation to achieve maximum internal noise levels of 35 dB(A) during the day and 30d(B)A at night time. A condition about the hours of construction work is also suggested. The site is near land that has been used for military purposes in the past and a contaminated land condition is therefore proposed.

## STRUCTURES AND DRAINAGE

3.10 No objections

## ECONOMIC DEVELOPMENT

3.11 Do not wish to make any comment on the application as it is not of strategic significance

## EXTERNAL

## FISHERGATE PLANNING PANEL

3.12 Do not object to the application but wish to make comments and seek safeguards as follows:-

1. Surrounding area - the list of amenities i.e. shops is inaccurate - there is no newsagents or hairdressers; there is a barber but no ladies hairdressers as was the case until recently. The bakery is now largely a sandwich shop
2. Access - existing- we note that the deeds contain an easement that grants shared rights over parking spaces for neighbouring Arncliffe Mews during hours 9am - 5pm. Parking during business hours will be of little use to residents. Members of the committee recall that when the previous plans were submitted for use as a nursery there was considerable objection to both access and parking from the residents of Arncliffe Mews.
3. Fulford Road Traffic - there is currently consultation regarding congestion in Fulford Road. This development will add further vehicles to this congestion. Access to Fulford Road from Alma Terrace is already difficult especially in early morning and early evening. An increase in static vehicles waiting to enter the stream of traffic will increase the pollution in the area.
4. The plans - The design of these apartments is very similar to many others in the area. The developers seem sure that there is a demand for yet more units of this type. There does not seem to be grounds for objecting to the development on grounds of design, though units of this size do not add to quality of life of the owners.

3.13 Three letters of objection have been received covering the following points:-

- concerned that the planned conversion will cause much noise and disruption to the residents of Arncliffe Mews.
- If completed the parking situation will also cause major problems to the residents because of the increase in the number of vehicles driving through the area
- it is envisaged that there will not be enough parking spaces and because of this vehicles will block entrances to garages
- there is an existing problem with cars parking too close to the junction of Fulford Road with Alma Terrace. It is only a matter of time before an accident happens.
- The flats should be entered via Fulford Road

## PUBLICITY

3.14 The application has been advertised by means of a site notice posted on the 3rd March 2008, a press notice posted 5th March 2008 and via neighbour notification letters sent on the 26th February 2008.

## 4.0 APPRAISAL

### 4.1 Key Issues

- Policy background
- Loss of existing employment use
- Impact on the Listed Building and Fulford Road Conservation Area
- Traffic, highways and access issues
- Residential amenity
- Provision of open space
- Sustainability

## POLICY BACKGROUND

4.2 Policy E3b of the Draft Local Plan states that any site or premises either currently or previously in employment use will be retained within their current use class. Planning permission for other uses will only be given where there is sufficient supply of employment land to meet both immediate and long term requirements over the plan period in both quantitative and qualitative terms and unacceptable environmental problems exist or the development of the site for other appropriate uses will lead to significant benefits to the local economy or the use is ancillary to an employment use.

4.3 Policy H12 states that planning permission will be granted for the conversion of redundant office space to residential use where there is a sufficient supply of offices to meet both immediate and longer term requirements, the proposal will not have an adverse impact on the vitality and viability of the city and district centres and it has no adverse impact on residential amenity.

4.4 Planning Policy Statement 3 'Housing', sets out government policy on housing development and encourages more sustainable patterns of development through the reuse of previously developed land and the more efficient use of land.

4.5 Policy H4a 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. Policy H5a outlines appropriate densities for new residential developments. Densities of 40 dwellings are encouraged for developments in urban areas.

4.6 Policy GP1 of the Local Plan states that development proposals will be expected to respect or enhance the local environment and ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.7 Policy L1c requires that all new housing sites make provision for the open space needs of future occupiers.

4.8 Policy HE2 states that within and adjoining conservation areas and in locations which affect the setting of Listed Buildings 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 existing views which contribute to the character or appearance of the area. Policy HE3 says within conservation areas, changes of use will only be permitted where there is no adverse effect on the character and appearance of the area. Policy HE4 with regard to listed buildings says change of use will only be granted where there is no adverse effect on the character, appearance or setting of the building. These policies reflect guidance within Planning Policy Guidance note15 'Planning and the Historic Environment'.

## LOSS OF EXISTING EMPLOYMENT USE

4.9 The building was last occupied as offices in 2003. Since that time it has been actively marketed for office use and remains on the market at the moment. Interest was expressed to use the premises as a medical centre but the conversion of the property proved too costly. The agents marketing the property consider that the principal reason for not achieving a new tenancy is the layout of the building which consists of a complicated layout over three floors. In many cases evidence that the property has failed to sell/let for a period of six months has been accepted by the Local Planning Authority as sufficient to consider other options for the site. This property has now been marketed for a period of 5 years and officers are satisfied that it is now reasonable for alternative uses for the site to be considered. The economic development unit have been consulted on the proposals and have confirmed that they raise no objections to the proposals as the site is not large enough to be of strategic importance. In terms of the requirements of policy H12 officers are satisfied that the new residential use will not adversely impact on the vitality and viability of the city centre or adversely affect residential amenity (see paragraph below).

## IMPACT ON THE LISTED BUILDING AND FULFORD ROAD CONSERVATION AREA

4.10 The Conservation Officer considers the setting of the listed building has been substantially eroded through the development of the flats at Arncliffe Mews and that the curtilage of the listed building has been greatly altered. It is considered that the proposed development which includes hard and soft landscaping works should improve the setting of the listed building within the wider context of the conservation area and the erection of cycle storage buildings will not detract from the setting of the building.

4.11 The scheme has allowed the character and layout of the principal rooms to the ground and first floors of the original building to be retained and the level of subdivision of the original compartments is kept to a minimum. Subject to a condition which deals with the detail of the interior works to the building there are no objections to the development in terms of its impact on the listed building or the effect of the development on the character or appearance of the conservation area.

## TRAFFIC, HIGHWAYS AND ACCESS ISSUES

4.12 The proposal includes one parking place for each dwelling unit plus cycle parking. Access to all but one of the car parking spaces will be from Alma Terrace. Highways Network Management consider this arrangement to be preferable to the use of the Fulford Road access as the main entrance because of restricted visibility at this access point. Highways Network Management are satisfied with the details of the application subject to conditions relating to the cycle parking, turning areas and surfacing of the car park.

4.13 The letters of objection that have been received to this development principally relate to the access to the site via Alma Terrace. Residents of Arncliffe Mews consider access is already difficult because of the parking along Alma Terrace and outside the shops on Fulford Road. The parking outside the shops restricts visibility

at the junction of Alma Terrace with Fulford Road. In the absence of any highways objection on these grounds and having regard to the traffic that could be generated by the lawful use of the site as offices, it is not considered that these concerns form a basis to refuse the application.

## RESIDENTIAL AMENITY

4.14 The nearest existing residential properties are flats known as Arncliffe Mews located to the immediate south of the site. There are two potential impacts of the development on these residents. Firstly the coming and going of vehicles to the site past the Arncliffe Mews development and secondly the impact of the development on the privacy of existing residents who have windows on the north side of the flats which face the south side of the building.

4.15 The lawful office use, when occupied, already has the potential to generate traffic movements to the site. Although residential traffic movements tend to occur at different times, officers are satisfied that the levels of traffic will not be significant and will not cause disturbance to existing residents . Any concerns about parking within the site outside designated areas is a matter for the management of the site .

4.16 The south elevation of the building is set approximately 12 metres from the north elevation of the Arncliffe Mews which has main windows facing the site. There is a degree of overlooking between buildings and officers note on site that many of the properties on the Arncliffe Mews site have heavy net curtains. The proposed scheme will alter the pattern of occupation of the site but given the existing relationship between the buildings the proposed development is considered to be acceptable. However, a condition is proposed to require the applicant to submit details of measures to obscure views from the bottom half of the windows on the south elevation of the listed building to aid the privacy between the two sites. It is anticipated that the use of a frosted window film will be the best solution to achieve the privacy measures without impacting on the qualities of listed building.

## PROVISION OF OPEN SPACE

4.17 The building stands within a relatively small area of land given the size of the building consequently there is very little external amenity space within the site, although the applicant has tried to provide small areas where occupiers could sit out or hang out washing. Given the proximity of the site to city centre amenities and the constraints imposed by the listed status of the building the lack of on site amenity space is considered to be a tolerable constraint in this instance. In accordance with the requirement of policy L1(c) of the Local Plan a contribution towards the provision of off site amenity space is required. The commuted sum payment will be £6966.

## SUSTAINABILITY

4.18 The ability of the applicant to comply with GP4 (a) is restricted by the listed status of the building, however, the applicant points out that the building is accessible by alternative modes of transport and is close to the city centre. The re-use of the building is in itself sustainable. Within the limitations of the site it is considered that the proposal complies with policy GP4 (a).

## 5.0 CONCLUSION

5.1 It is considered that the proposed conversion of the building to residential use constitutes an acceptable re-use of this former office building. As such, subject to conditions, the proposal is considered to be acceptable. The proposed development, subject to conditions, would not cause undue harm to interests of acknowledged importance, with particular reference to the character and appearance of the Fulford Road Conservation Area, the listed status of the building, the residential amenity of neighbouring property occupiers, transport provision, and the wider character of the surrounding area. As such the proposal complies with Policies GP1, GP4 (a) L1c, HE2, HE3, HE4, H12, E3(b), H4a and H5a of the City of York Development Control Local Plan.

## COMMITTEE TO VISIT

**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:-

Drawing No. BS1616 - PL211 rev A

Drawing No. BS1616 - PL212

Drawing No. BS1616 - PL213

Drawing No. BS1616 - PL214

Drawing No. BS1616 - PL215

Drawing No. BS1616 - PL216 rev A

Drawing No. BS1616 - PL217 rev A

Drawing No. BS1616 - PL206

Drawing No. BS1616 - PL218

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 Notwithstanding the details shown on the submitted plans, large scaled 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:

- method of 'closing off' original internal door openings and re-use of original internal doors;
- proposed surface to ground floor entrance hall or retention of existing tiles;
- retention of existing timber sash and case windows and associated sound/draught proofing measures supported by large scale drawings;
- fire separation measures between floors within the listed building;
- any proposals for dry lining to interior;

- location of flues associated with heating systems for each apartment;
- location and design of new fire surrounds;
- removal of lowered ceilings and reinstatement of original ceiling heights to specific rooms.

Reason: So that the Local Planning Authority may be satisfied with these details are in the interest of the historic character of the Listed Buildings.

4 The building envelope with a facade onto Fulford Road shall be acoustically insulated so as to provide maximum internal daytime noise levels of 35dB(A) and maximum night time noise levels of 30dB(A), in line with the World Health Organisation Community Guidelines. All mechanical ventilation systems should also be acoustically attenuated to comply with these guidelines. The details shall be approved by the local planning authority and fully implemented before occupation.

Reason: To protect the amenity of future occupants

5 All demolition and construction works and ancillary operations, including deliveries to and dispatch 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	

Reason - To protect the amenity of local residents

6 a. A desk study shall be undertaken in order to identify any potentially contaminative uses, which have or are currently occurring on the site. This shall include a site description and a site walkover and shall be submitted to and approved by the local planning authority prior to development of the site. Informative: This should, where possible date back to 1800.

b. A site investigation shall be undertaken based upon the findings of the desk study. The investigation shall be carried out in accordance with BS10175: Investigation of potentially contaminated land: code of practice. The results of the investigation shall be submitted to and approved by the local planning authority in writing prior to any development commencing on the site.

c. A risk-based remedial strategy shall be developed based on the findings of the site investigation. The remedial strategy shall be submitted to and approved by the local planning authority in writing. The approved strategy shall be fully implemented prior to any development commencing on site. Informative: The remedial strategy shall have due regard for UK adopted policy on risk assessment and shall be developed in full consultation with the appropriate regulator(s).

d. A validation report shall be submitted to and approved by the local planning authority, detailing sample locations and contaminant concentrations prior to any development commencing on site.

e. Any contamination detected during site works that has not been considered within the remedial strategy shall be reported to the local planning authority. Any

remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development of the site.

Reason: To protect human health and the wider environment.

- 7      HWAY9      Vehicle areas surfaced
- 8      HWAY19     Car and cycle parking laid out
- 9      HWAY21     Internal turning areas to be provided

10     Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used in the construction of the cycle store and bin storage areas 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.

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 L1 of the City of York Draft Local Plan.

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 £6966

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.

12     Prior to the commencement of the development details of measure to obscure views from the bottom half of windows on the north side of the building shall be submitted to and approved in writing by the local Planning Authority. Thereafter this detail shall be implemented to the satisfaction of the Local Planning Authority before any part of the development is occupied.

Reason: In the interests of the residential amenity of properties on Arncliffe Mews and future occupiers of the development site

13     No development shall take place until there has been submitted and approved

in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. 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: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

14 Within 2 months of the first occupation of any dwelling at the site the new paved and grassed areas shown on Drawing no.BS1616 - PL216 rev A shall be implemented to the satisfaction of the Local Planning Authority and thereafter maintained for the use of residents unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the residential amenity of future residents.

## **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 Fulford Road Conservation Area, the listed status of the building, the residential amenity of neighbouring property occupiers, transport provision, and the wider character of the surrounding area. As such the proposal complies with Policies GP1, GP4(a), L1c, HE2, HE3, HE4, H12, E3(b),H4a and H5a of the City of York Development Control Local Plan.

### 2. CONTAMINATED LAND

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.

### 3. Condition 12

The requirements of condition 12 could be fulfilled by an appropriate frosted film being applied to the bottom half of windows in the north elevation. The condition requires details to be submitted for the prior approval of the Local Planning Authority.

### **Contact details:**

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