

COMMITTEE REPORT

Committee: West and City Centre **Ward:** Micklegate
Date: 21 September 2006 **Parish:** Micklegate Planning Panel

Reference: 06/01293/FUL
Application at: 53 Skeldergate York YO1 6DS
For: Change of use and alterations to existing gymnasium building to create an additional 4 no. apartments at first and second floor and extension to existing ground floor entrance (revised scheme)
By: A M And K F Clark
Application Type: Full Application
Target Date: 4 August 2006

1.0 PROPOSAL

1.1 This application relates to internal and external works to enable the upper floors of 53 Skeldergate to be converted into an additional 4 No. apartments with the reconfiguration of the existing manager's flat to create a 5th apartment (1x 2 bedrooms and 4 x 1 bedrooms). The building is a former sawmill and warehouse which has undergone considerable alteration and additions, and now accommodates " Emperors" gymnasium on the ground floor. The agent has indicated that the upper floors area are presently unused, and the loss the present first floor changing rooms, sunbed rooms, consultation rooms, and crèche area and the second floor storage area and owner's flat would either not be required or could be accommodated within the remaining accommodation for Emperor's gymnasium.

1.2 The proposed works include retaining and extending the existing owner's flat and to convert the remaining areas into four additional apartments to be let to tenants. It is intended that use would be made of existing window openings to minimise elevational changes. Windows that have been boarded up would be reopened and glazed with timber sashes to match the existing. A covered porch would be added to the existing ground floor entrance by extending the existing plant room roof. This would allow the internal lobby area to be extended with a fully glazed door, and would incorporate secure postboxes and bellpushes with intercoms. Other alterations include the insertion of an additional rooflight, and bicycle parking for 5 bikes to the side of the building under an existing footbridge.

1.3 No. 52 Skeldergate and the main gymnasium building are both Grade II Listed Buildings. The intended works would require Listed Building Consent and the companion application follows this item.

1.4 The site is also situated in the Central Historic Core Conservation Area.

1.5 There are two extant approvals on the site. Planning permission and listed building consent for alterations to form a disabled access to Skeldergate were approved in January 2005. This allows alterations to the boundary wall and access to widen the access, removing the steps and resiting them further into the site, formation of an adjacent incline to allow wheelchair access, and the creation of a bin storage area for 2 commercial bins for the hotel on the raised garden area adjacent to the application site. The agent has indicated in his supporting letter that this approved bin storage area would be used exclusively for the apartments and the present waste disposal arrangements on Cromwell Road be used by the existing gymnasium and the hotel.

1.6 There have been three previous applications for this development that have been withdrawn following concerns about noise and the impact of the proposals on the visual appearance and historic character of the Listed Building. The agent has supported this application with a noise impact assessment to demonstrate that any occupiers of the development would have a reasonable quality of life.

1.7 This application has been referred to the West and Centre Planning Sub-Committee at the request of Cllr. Brian Watson who has concerns about the impact of the proposed works on the Listed 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

Listed Buildings Grade 2; 52 Skeldergate 0923

2.2 Policies:

CYGP15
Protection from flooding

CYGP4
Environmental sustainability

CYGP15
Protection from flooding

CYHE3
Conservation Areas

CYHE4
Listed Buildings

CYGP1
Design

CYT4
Cycle parking standards

CYL1
Open spaces in new residential devts

3.0 CONSULTATIONS

3.1 INTERNAL

HIGHWAY NETWORK MANAGEMENT- No objections subject to details of cycle parking being acceptable

LIFELONG LEISURE AND CULTURE- The applicant would be required to pay a commuted sum towards the provision of off-site open space provision associated with the development..

URBAN DESIGN AND CONSERVATION- This revised scheme addresses and largely overcomes the previous concerns about the intensity of the development and how it affects the building. The scheme now accommodates the proposed 5 dwellings without interference with the main structure, and the retention of the windows in unadapted form is noted. Remaining concerns relate to a) the visible bins in the wider conservation area and b) the modern glazed door should be more robust c) details for a safe access/ egress in times of flooding.

ENVIRONMENTAL PROTECTION UNIT- No objections in principle but concerned that the noise from the ground floor gymnasium the adjacent hotel could disturb the future residents. The Noise Impact Assessment with an addendum letter would introduce measures that would reduce noise to acceptable levels within the residential units. Conditions are recommended.

3.2 EXTERNAL

MICKLEGATE PLANNING PANEL- No objections

ENVIRONMENT AGENCY- Concern was initially expressed as there was no safe access and egress from the proposed development as the site is located in a high-risk zone for flooding. The agent has addressed this matter by using the south stair tower and 4 metres of duckboarding that would maintain the route over rising land to the flood limit, and thence to Cromwell Road at the time of flooding.

The application has been appropriately advertised by site and press notices, with affected neighbours advised by letter, and no representations have been received from members of the public.

4.0 APPRAISAL

4.1 RELEVANT SITE HISTORY

04/04102/LBC Alterations to form Disabled access to comply with D.D.A at 54 Skeldergate.
PER 12.1.2005

04/03912/FUL
PER 12.1.2005

05/00527FUL Conversion of first and second floor to five flats. WITHDRAWN 12.5.2005

05/02715/LBC Internal and external alterations to existing gymnasium building to create 5 No. apartments at first and second floor level, new ground floor entrance and new balconies to rear. WITHDRAWN 26.1.2006

05/02714/FUL Change of use and alterations to existing gym building to create an additional 4 No. apartments at first and second floor, erection of first floor glazed fire escape to rear elevation, and extension to existing ground floor entrance (Revised Scheme). WITHDRAWN 26.1.2006

4.2 ADDITIONAL PLANNING POLICY

Policy E4, North Yorkshire County Structure Plan

PPS 1 " Delivering Sustainable Development "

PPG 3 " Housing "

PPG 15 " Planning and the Historic Environment "

PPG 24 " Planning and Noise "

4.3 KEY ISSUES

- Land use
- Impact on the character and amenity of the conservation area/ Listed Building
- Impact on highway safety
- Impact on neighbouring residential amenity/ amenity of occupiers of development

LAND USE

4.4 This proposal would result in the loss of the existing first floor uses related to the gymnasium use on the ground floor. The agent has indicated that the upper areas are unused, and that there are adequate changing facilities on the first floor of No. 52 (also forms part of the gymnasium). The loss of these small scale ancillary uses would not be a significant loss of a valuable land use in the area. Similarly the principle of further residential accommodation would be generally supported within the upper floors of an underutilised building in the central area. The proposal would comply with Policy H4 of the Local Plan and general guidance in PPG3 " Housing " that encourages additional city centre housing on redundant or vacant land/ within existing buildings not allocated for housing within the Local Plan provided there is good accessibility and the development sympathetic to surrounding development and land uses. This policy is also supported by national guidance contained in PPG3 (Housing) that encourages the re-use of previously developed land and the conversion of non-residential buildings for housing. It is considered that such conversions can provide an important source of additional housing, particularly in town centres.

VISUAL IMPACT ON THE CHARACTER OF THE CONSERVATION AREA/ LISTED BUILDING

4.5 The site is within a designated conservation area (Central Historic Core) wherein the City Council has a statutory obligation to consider the desirability of preserving or enhancing the character or appearance of the area. This is reflected in Policy HE3 of the Deposit Draft Local Plan, which states that proposals involving external alterations will only be permitted where there is no adverse effect on the character and appearance of the area. The policy also states that applications for development in conservation areas will only be considered if

full design details are included. Policy HE4 of the Local Plan protects Listed Buildings. This policy advises that there should be no adverse effect on the character, appearance or setting of the Listed Building. Similarly Policy HE3 of the Local Plan protects the visual amenity and historic character of the conservation area. Both policies are supported by Policy E4 of the Approved North Yorkshire County Structure Plan that states that buildings and areas of special townscape, architectural or historic interest (e.g. conservation areas) will be afforded the strictest protection.

4.6 PPG 15 sections 3.8-3.11 state that it is important to balance economic viability against the effect of any changes on the special architectural and historic interest of the building or area in question. This would include the effect on the fabric, interior and setting of the building. It is considered that the proposals in this revised form would have an acceptable impact on the exterior of the building and its site, that would be visible in the conservation area. Although the building has already received many additions, i.e. the stair towers, the conservatory, plant room (moved to the courtyard after the year 2000 floods), the rear facade above the conservatory retains a simplicity in form that reflects its former use. The scale and design of the proposed extension of the entrance would be sympathetic to the original building and would not be unduly intrusive. It would extend into a communal area that is elevated from Skeldergate and also allows pedestrian access to the gymnasium and hotel, that has been the subject of previous applications that have not been implemented. The extant approvals allow for the slight widening of the gateway, removal of steps, the existing ground levels to be lowered to create a bin store and the provision of a disabled access, resulting in the removal of small trees and vegetation. The existing metal gate would be retained in its open position, the wall and its associated pier would be rebuilt to match the existing appearance and detailing. In relation to these previously approved applications, it was considered that the formation of the bin storage area behind the boundary wall and its alterations, would not affect an original feature of the Listed building or result in a prominent feature in the street scene that would have a significantly detrimental effect on the character of this small area within the conservation area.

Whilst these changes to the area have been approved to allow for commercial bin storage, this current application proposes that the bin storage area would be solely used for the proposed residential development. Clearly the siting of large commercial bins near the highway makes for easier emptying, and the siting of the large commercial bins in this location would overcome the existing access arrangements from the Cromwell Road that involve refuse vehicles reversing down a 1 in 6 ramp. However, it is considered that there is not the same justification to site the bins in this prominent location as smaller residential bins would be more manoeuvrable. As the bins would be visible through the railings from the wider conservation area, it is considered that they could be moved further into the site and then screened to overcome this adverse visual impact. On this basis, it is considered that the proposal would comply with Policies HE3 and HE4 of the draft Local Plan and Policy E4 of the Structure Plan.

HIGHWAY SAFETY/ CYCLE PARKING

4.7 The Highway Authority raises no objections to the absence of associated car parking but would require bicycle storage to be covered and secure to meet Policy T4 of the Local Plan and details should be submitted for approval by the local planning authority.

IMPACT ON ADJACENT RESIDENTIAL AMENITY/ AMENITY OF FUTURE OCCUPIERS

4.8 The building is located on a reasonably quiet street of mixed residential and commercial uses close to the city centre. Lady Anne Middleton's Hotel is located adjacent to the gymnasium and is owned and operated by the owner of the gymnasium. The noise from the ground floor gymnasium and the adjacent Hotel could disturb the future residents of the

apartments located on the upper floors of the gymnasium building, especially through the conservatory part of the gymnasium. In order to minimise the impact of noise break-out from this source, it is intended that the proposed bedrooms would be located on the floor immediately above the gymnasium with the living areas situated on the second floor. Prior to the submission of this recent application, a noise impact assessment report was received from Hepworth Acoustics, the noise and vibration consultants acting on behalf of the agent. In February 2006, additional information was requested following issues that required addressing. Together, the report and the addendum letter indicate that measure could be implemented to reduce noise impact from this source and other sources to acceptable levels within the residential units. The predicted levels for the residential units would meet or fall below guideline noise levels recommended by the World Health Organisation for habitable rooms (lounge / bedrooms). The following concerns were specifically addressed-

- a) The consultant considers that any noise impact from the early and late cleaning of the gymnasium would be reduced by the performance of the proposed floor system. It is likely to prevent disturbance from the high frequency of vacuum cleaners which is the most prevalent source of disturbance to future residents. The applicant has indicated that cleaning times could be altered if this becomes a problem.
- b) Deliveries to the gymnasium and hotel take place within the courtyard accessed from Cromwell Road. The proposed bedroom windows would be sited on the Skeldergate elevation and are unlikely to be seriously affected by delivery noise. There is also a communal corridor that acts as an additional buffer to noise penetration from this source.
- c) Aerobic sessions take place in the adjoining No. 51 Skeldergate in a mechanically ventilated room with windows to Skeldergate that cannot be opened and it is therefore unlikely that noise from this source would be harmful. It would be in the applicant's interest to maintain a low noise climate for the residents of the existing 3 letting flats within No. 51 and the adjoining hotel that are within his ownership, and for the future occupants of the proposed development.
- d) As the property lies close to the Air Quality management Area (AQMA) it is considered appropriate that there is an absence of car parking provision with the associated development.

It is concluded that subject to appropriate conditions and compliance with the details of the Noise Impact Assessment report and the addendum letter, that the proposals would not conflict with guidance contained in Planning Policy guidance Note No. 24 " Planning and Noise " and Policy E8 of the Local Plan that aims to avoid conflict between the residential property and noise generating uses.

5.0 CONCLUSION

5.1 For the reasons that are expanded above and in the absence of conflict with relevant planning policy, it is considered that planning permission consent should be granted.

6.0 RECOMMENDATION: Approve

1 TIME2

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

Drawing Nos. LAL D Drawing No. 8 Rev. A
LAL D Drawing No. 9
LAL Drawing No. 3 Rev. F

Noise Impact Assessment Report No. 3589. 1v 2, November 2005 and addendum letter No. 3589.2/1 received 13/3/2006,

or any plans or details subsequently agreed in writing by the Local Planning Authority as an 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 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 | |

Reason: To protect the amenity of local residents.

- 4 The building envelope of the upper floors of the property shall be constructed as per " Proposed Loft Apartments Lady Anne Middleton's Hotel- Noise Impact Assessment Report No. 3589.1v2 November 2005 " and the addendum letter No. 3589.2/1 by Hepworth Accoustics Ltd so as to achieve internal noise levels of not more than 30 dB LAeq 1 hour (23:00 - 07:00 hours) in the bedrooms, 35 dB LAeq 1 hour (07:00 - 23:00 hours) in all other habitable rooms and 45 dB LAmax in all habitable rooms with windows shut and other means of ventilation provided. The detailed scheme shall be approved by the local planning authority and fully implemented before the use hereby approved is constructed.

Reason: To protect the amenity of local residents.

- 5 HWAY18

- 6 Development shall not commence until details of a safe exit route, not adversely affecting the flood regime, to land outside the 1 in 100 year flood plain, are submitted to and agreed in writing by the local planning authority. This route must be in place before any occupancy of the building(s).

REASON: To provide safe access and egress during flood events and reduce reliance on emergency services.

- 7 Flood warning notices shall be erected in numbers, positions and with wording all to be agreed with the Local Planning Authority. The notices shall be kept legible and clear of obstruction.

Reason: To ensure that owners and occupiers of premises are aware that the land is at risk of flooding.

- 8 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.

- a) entrance door and canopy
- b) screening for waste bins
- c) bicycle shelter
- d) measures for secondary glazing
- e) measures for additional sound and fire-proofing in the floor zone.

Reason: So that the Local Planning Authority may be satisfied with these details.

- 9 A detailed scheme for landscaping showing the whole of the external entrance area, including its paving, walls and planting shall be submitted for the written approval of the Local Planning Authority, and thereafter implemented in accordance with the approved details.

Reason; To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

- 10 Notwithstanding the submitted details and the provisions of Condition 2 as detailed above, the bin store area shall not be built in the position as indicated on Drawing No. LAL 03F. Prior to the commencement of the development hereby approved, details of alternative arrangements that shall site the bin storage area in a discreet location shall be submitted for the prior approval of the Local Planning Authority, and shall thereafter be implemented and retained in accordance with the approved details.

Reason: In the interests of the visual amenity and historic character of the Listed Building and the Central Historic Core Conservation Area.

- 11 Notwithstanding the submitted details, the proposed bridge extension to the northern tower that would link to No. 55 as indicated on Drawing No. LAL 03F shall not be erected.

Reason: In order to protect the Listed Building from inappropriate development that would detract from its visual and historic interest.

- 12 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.

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 £1070.

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.

7.0 INFORMATIVES:

Notes to Applicant

1. Demolition and Construction - Informative

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 should be noted:

1 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".

2 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.

3 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.

4 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.

5 Any asbestos containing materials shall be removed by licensed contractors to a licensed disposal site.

6 There shall be no bonfires on the site.

Any deviation from the above conditions shall be approved beforehand by the Environmental Protection Unit on (01904) 551535.

2. 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-

1. the visual amenity and character of the listed building and the conservation area
2. the amenity of adjacent and future occupiers of the development
3. sustainability and flood prevention.

As such, the proposal complies with Policy E4 of the North Yorkshire County Structure Plan; Policies HE3, HE4, L1, T4, GP15 and GP1 of the City of York Draft Local Plan- Incorporating the Proposed 4th Set of Changes Deposit Draft; and national planning guidance contained in Planning Policy Statement 1 " Delivering Sustainable Development " and Planning Policy Guidance Note No. 15 " Planning and the Historic Environment. "

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