

## COMMITTEE REPORT

**Committee:** West/Centre Area

**Ward:** Guildhall

**Date:** 17 June 2010

**Parish:** Guildhall Planning Panel

**Reference:** 10/00579/FUL

**Application at:** Penleys House 59A Monkgate York

**For:** Change of use from offices to 2no. flats (use Class C3) with estate agents office at part ground floor. Erection of single storey extension to rear and new wall and gates following demolition of existing garage

**By:** Mr Jonathan Morley

**Application Type:** Full Application

**Target Date:** 10 June 2010

**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 Penleys House is a three storey terraced property located on the corner of Monkgate and Penley's Grove Street in the Central Historic Core Conservation Area. Penleys House was built as 2 houses in the early to mid 19th Century with a shop introduced on the ground floor in the early 20th Century. The building appears to have been converted for use as offices in the mid 20th Century with the shopfront having been infilled in brickwork. The deep fascia which wraps around the building above ground floor has been retained. The yard wall has been increased in height and roofed over to form a garage with a shallow monopitch roof of corrugated asbestos cement sheeting. Until recently, all floors of the building have been in Class A2 office use.

1.2 Permission is sought to change the use of the building to form a large two bedroomed residential unit on the upper floors of the property and a one bedroomed unit on the ground floor. An office measuring 4.8 metres by 4.3 metres, to accommodate an estate agency, would be retained at ground floor. The proposal involves the demolition of the existing single storey outbuildings and garage and the removal of the existing fire escape. A single storey extension measuring 4.8 metres by 5 metres would be erected together with bin / cycle stores and a new boundary wall and gates.

1.3 The application has been brought to Committee as the applicant is an elected member of the council.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: Central Area 0002

Floodzone 2 GMS Constraints: Flood zone 2

Schools GMS Constraints: St. Wilfrid's RC Primary 0230

## 2.2 Policies:

CYHE2

Development in historic locations

CYHE3

Conservation Areas

CYE3B

Existing and Proposed Employment Sites

CYL1C

Provision of New Open Space in Development

CYGP1

Design

CYH4A

Housing Windfalls

## 3.0 CONSULTATIONS

### INTERNAL

3.1 Design and Conservation - Overall proposals represent a slight enhancement of the conservation area. Proposals are supportable in principle though it must be demonstrated that the much reduced office area is viable as a single space. We would also see further enhancements by introducing some landscape into the yard and by replacing the corner door with a better quality timber door with a raised and fielded bottom panel. All materials must match existing.

3.2 Highway Development - There are no objections in principle, however it is noted that the one bedroom flat will have no off street parking, but cycle storage will be retained in a new cycle store. It is considered that a recommendation of refusal based on the inability of vehicle parking could not be substantiated especially having regard to the sites proximity to the City Centre and public transport links.

3.3 Environmental Protection Unit - No objections in principle. The site is located on a main road close to the city walls and is located in an area of mixed, residential and commercial use. With an estate agents occupying part of the ground floor with opening hours of 9am - 5 pm, it is not anticipated that the future occupants of the building will be disturbed by their activities.

## EXTERNAL

3.4 Guildhall Planning Panel - No objections

3.5 Letter received from local resident detailing general support for the application but noting that if additional ResPark places are required, it is important to consider where they should be as Monkgate R8 is frequently fully occupied.

## 4.0 APPRAISAL

### 4.1 Key Issues

- loss of employment space
- impact on the character and appearance of the Central Historic Core
- Conservation Area
- residential amenity

## POLICY

4.2 Policy HE2 of the Local Plan states that within or adjoining conservation areas, development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials. Policy HE3 requires external alterations in conservation areas to have no adverse effect on the character and appearance of the conservation area. Policy E3b states that sites or premises either currently or previously in employment use, will be retained within their current use class. Permission for other uses will only be given where (i) there is a sufficient supply of employment land to meet immediate and longer term requirements, (ii) unacceptable environmental problems exist: or (iii) the development of the site for other appropriate uses will lead to significant benefits to the local economy; or (iv) the use is ancillary to an employment use. Policy H4a relates to housing windfalls and states that proposals for residential development will be granted permission where the site is within the urban area and is vacant, derelict or underused or it involves infilling, redevelopment or conversion of existing buildings. Policy L1c refers to the provision of new open space in development and stipulates that for sites of less than 10 dwellings, a commuted sum payment will be required towards off site provision.

## PRINCIPLE OF CHANGE OF USE TO RESIDENTIAL

4.3 The application site is located on a main road close to the city walls, in an area of mixed residential and commercial uses. Whilst Draft Policy E3b seeks to safeguard existing employment sites, Officers acknowledge that the property was built as two houses and furthermore consider that the building is not of strategic importance or is in a location or of a size or type to be sought after by potential office occupiers. On

this basis, and given the character of the area and the fact that part of the ground floor would be retained in office use, no objections are raised to the principle of the change of use.

## IMPACT ON THE CONSERVATION AREA

4.4 The removal of the large scale vertically boarded garage doors and the monopitch roof of corrugated asbestos cement sheeting over the yard area, together with the removal of the fire escape attached to the rear elevation, would improve the appearance of this property in views from Penley's Grove Street. The proposed pitched roof extensions to accommodate part of the ground floor flat and the cycle and bin stores would be considered to be sympathetic in the streetscene and with the remaining yard to be used for parking, sliding metal gates would be provided. Officers consider that the proposals have no adverse impact on the character and the appearance of the conservation area and therefore consider the proposals to be in accordance with Local Plan Policies HE2 and HE3.

## IMPACT ON RESIDENTIAL AMENITY

4.5 Local Plan Policy GP1 (i) states that development proposals will be expected to ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures. The existing garage at No.59A Monkgate extends the length of the boundary with No. 61 Monkgate, whilst the proposed replacement extension would extend only 2.8 metres beyond the building line of the neighbouring property. Whilst it is noted that the proposed extension would be smaller in footprint, the remaining yard would be used for parking. As such, Officers consider the impact on the residential amenity of the neighbour in terms of the proposed change of use and the extension, as compared to the existing situation, to be negligible.

## OPEN SPACE

4.6 In accordance with Local Plan Policy L1c, the applicant has been advised of the requirement to pay a contribution of £1602 towards children's equipped play space, informal amenity open space and outdoor sports facilities.

## 5.0 CONCLUSION

5.1 In terms of the principle of the proposed development, Officers acknowledge that the property was built as two houses and furthermore consider that the building is not of strategic importance nor is in a location or of a size or type to be sought after by potential office occupiers. On this basis, and given the character of the area and the fact that part of the ground floor would be retained in office use, no objections are raised to the principle of the change of use.

5.2 The proposed extension and alterations would be considered to be sympathetic to the character and appearance of the conservation area and residential amenity would not be adversely affected. The proposal is considered to be in accordance with Local Plan policy and therefore is supported subject to the following conditions.

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

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

Dwg No 2212 - 3 received 25 March 2010

Dwg No 2212 - 4 received 25 March 2010

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

3 VISQ1 Matching materials

4 Large scale details of the corner timber door to incorporate a raised and fielded bottom panel and details of the conservation rooflights, 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.

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

5 HWAY19 Car and cycle parking laid out

6 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 £1602.

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. 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 supply of employment accommodation in the City
- impact of proposed changes on the character and appearance of the Central Historic Core Conservation Area,
- the impact on the residential amenity of neighbouring residents.

As such the proposal complies with Policies HE2, HE3, E3b, L1c, H4a and GP1 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. CONTROL OF POLLUTION ACT 1974**

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 attached to any planning approval, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

- (i) 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.	

- (ii) 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".

(iii) 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.

(iv) 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.

(v) 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.

(vi) There shall be no bonfires on the site.

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