

COMMITTEE REPORT

Date: 19 August 2010 **Ward:** Micklegate
Team: West/Centre Area **Parish:** Micklegate Planning Panel

Reference: 10/01094/FULM
Application at: The French House Antiques 74 Micklegate York YO1 6LF
For: Change of use and alterations to create 12no. residential units at property to rear of 74/76 Micklegate and 3 and 4/5 Barker Lane
By: LaRock Construction
Application Type: Major Full Application (13 weeks)
Target Date: 31 August 2010
Recommendation: Approve

1.0 PROPOSAL

1.1 This application relates to No.74 Micklegate, buildings to the rear of 74 and 76 Micklegate and 3 and 4/5 Barker Lane. The buildings are presently used for storage and workshop space in association with the French House, a furniture shop trading at 74 Micklegate. The site is within the Central Historic Core Conservation Area and No. 74 Micklegate is Grade II listed.

1.2 No's 74 and 76 Micklegate have origins in the 18th Century redevelopment of Micklegate and were built as one house. Subdivided into 2 houses in the early 19th century, No.74 housed a shop by 1823 and has been extended with a rear two storey wing. There is a one bedroomed flat to the rear of the first floor of 74 Micklegate and a 3 bedroomed unit occupies the first, second and third floors of the property. The site extends behind No's 74 and 76 Micklegate with two rows of single and two storey vernacular outbuildings facing a narrow yard. These are curtailed by No's 4/5 Barker Lane, a late 19th century metal framed building which has a large open internal footprint and No.3 Barker Lane, which is of domestic scale except for the large service access which provides access from Barker Lane into the enclosed yard. The application site also includes land adjacent to 3 Barker Lane which has been cleared and is currently used as a parking area.

1.3 Permission is sought for the change of use and alterations to the buildings to the rear of 74 and 76 Micklegate and to 3 and 4/5 Barker Lane to form 12 No. residential units. The original scheme had included proposals to alter and subdivide the 2 No. existing units at No.74 Micklegate to form 3 No..residential units, but this has since been deleted from the application. The 12 No. residential units would be let as serviced apartments with a reception area created to the rear of the shop. Both the shop and reception area would be accessed from the existing access on Micklegate via a new corridor separating the residential and retail uses.

1.4 The proposal involves the conversion of 4/5 Barker Lane to provide 5 No. units (2 x 1 bed, 3 x 2 bed) with alterations which include the raising of the roof and the introduction of a lightwell. The one to two storey buildings at the northern corner of the site would be converted to form 3 No.units (3 x 1 bed) with the existing one and a half

storey pitched roof and single storey flat roof to the rear of 74 Micklegate replaced and increased in height to two storeys. The two storey workshops to the rear of 76 Micklegate would be converted to form three one bed units and 3 Barker Lane would be restored to a 2 bed house with a new entrance onto the courtyard opposite 4/5 Barker Lane.

1.5 There is an associated listed building application relating to the proposed works to 74 Micklegate.

Planning History

1.6 Planning permission (Ref: 07/02353/FUL) was granted in December 2007 for the refurbishment and conversion of 4/5 Barker Lane to form 7 dwellings. Permission (00/02551/FUL) was also granted in 2001 for the change of use of the workshop/storeroom to the rear of 76 Micklegate to form 3 flats.

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

DC Area Teams GMS Constraints: Central Area 0002

Listed Buildings GMS Constraints: Grade 2; 74 Micklegate 0135

Listed Buildings GMS Constraints: Grade 2; 76 Micklegate 0136

2.2 Policies:

CYHE2 Devt in Historic Locations

CYHE3 Conservation Areas

CYHE4 Listed Buildings

CYH4A Housing Windfalls

CYE3B Existing and Proposed Employment Sites

CYGP4A Sustainability

CYL1C Provision of New Open Space in Development

CYED4 Developer contributions towards Educational facilities

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development

Conservation Architect

3.1 The revised scheme has not yet successfully demonstrated that the historic character of the buildings will be preserved. Revised plans are anticipated which preserve the buildings character through the revisions to openings, windows, doors and the landscaped courtyard.

Ecologist

3.2 A bat scoping survey was carried out on the buildings in April this year which included internal inspections of the buildings where access was possible. Having read the survey report, and visited the site myself, I would concur with the findings and recommendations made here. No evidence of bats roosting within any of the buildings was discovered, although most buildings were considered to have a medium to high potential for supporting roosting bats. For this reason, and as the scoping survey was carried out early on in the season, an emergence survey should be carried out in order to establish whether there is any evidence of occupancy and to more fully assess the potential impacts the proposals may have on bats in this area.

Archaeologist

3.3 The site lies in the Area of Archaeological Importance, in the Central Historic Core and within the proposed World Heritage Site boundary. It lies in an area which has produced archaeological features and deposits (designated and undesignated heritage assets) which are of local, regional, national and international significance. The applicant has submitted a desk-based assessment (DBA), which provides a good basis for assessing the impact of this development on sub-surface heritage assets (ie archaeological features and deposits).

3.4 With regard to the below ground archaeology the DBA concludes that the site will contain significant archaeological remains dating from the Roman period to the present day. It suggests that medieval remains, including features and deposits associated with the medieval church of St Gregory which occupied this site, may be present within 300mm of the modern ground surface. The development will consist of the conversion of existing buildings. These operations may have relatively little impact on sub-surface archaeological deposits. It is recommended that an archaeological watching brief must be required on any groundworks (underpinning, service connections, etc) which might arise during the construction of the development.

3.5 The DBA identifies that the site includes above-ground designated and undesignated heritage assets. These include the listed building at 74 Micklegate and the unlisted industrial and workshop buildings. With reference to the undesignated industrial buildings, On-Site Archaeology (OSA) have produced a detailed appraisal of the above-ground heritage assets which will be affected by the application. If the

proposed changes are deemed acceptable and this application is approved, then a condition requiring the applicant to secure the implementation of an agreed programme of archaeological work (metrical survey and written description and photographic recording and analysis of the designated and undesignated heritage assets), is recommended.

Highway Network Management

3.6 No highway objections. It is recommended that this site be removed from qualification for inclusion in the respark zone due to zone R15SC Micklegate being under pressure. The costs associated with the amendment would be charged to the applicant.

Environmental Protection Unit

3.7 No objections. Request an informative to remind the developer of their obligations in regards to environmental concerns.

Adults, Children and Education

3.8 Due to a shortage of primary school places in the area, request a contribution of £12, 588.

Lifelong Learning and Leisure

3.9 An off site open space commuted sum should be paid to the Council for amenity open space, play space and sports pitches.

Drainage

3.10 Engineering Consultancy objects as insufficient information has been provided by the Developer to determine the potential impact the proposals may have on the existing drainage systems.

EXTERNAL

Conservation Areas Advisory Panel

3.11 The panel felt that this was overdevelopment of the site and objected to the domestication the former industrial buildings. The panel also objected to the alterations of the roofscape, the shop and the elevational treatment. The panel felt strongly that the whole shop unit with its frontage onto Micklegate should be respected. The number of units within the building should be scaled down. The panel further objected to the proposed demolition and opening up of space.

Micklegate Planning Panel

3.12 We do not object to the conversion in principle. However, we would like to see a condition imposed that an adequate number of cycle racks are provided.

English Heritage

3.13 No response received.

Publicity

3.14 The application was publicised by site notice and letters of neighbour notification. The deadline for comments was 7.7.2010 and no response has been received.

4.0 APPRAISAL

4.1 Key issues

- Principle of conversion to residential/loss of employment land
- Design and impact on the conservation area
- Residential amenity
- Highway safety
- Sustainability
- Contributions

Principle of conversion to residential/loss of employment land

4.2 The proposed scheme is for a serviced apartment development, whereby in place of sale or lease, the accommodation would be let on a short or medium term basis and linen, cleaning services and heating and lighting would be incorporated into the rental charges. The accommodation is aimed at occupiers such as house hunters and short term contract workers. It falls within Use Class C3 (residential) and as such PPS3 and Local Plan policy H4a apply.

4.3 Paragraph 36 of PPS3: Housing advises that Government's policy is to ensure that housing is developed in suitable locations which offer a range of community facilities and with good access to jobs, key services and infrastructure. This should be achieved by making effective use of land. The priority for development should be previously developed land, in particular vacant and derelict sites and buildings.

4.4 Local Plan H4a regards new housing development. It states that proposals for land not already allocated on the proposals map will be granted permission where: the site is within the urban area and is vacant, underused or it involves infilling, redevelopment or conversion of existing buildings; the site has good accessibility to jobs, shops and services; and it is of an appropriate scale and density to surrounding development and it would not have a detrimental impact on existing landscape features.

4.5 Policy E3b states that any sites or premises either currently or previously in employment use, will be retained within their current use class. This includes class B8 (distribution and storage). Planning permission for other uses will only be given where a) there is a sufficient supply of employment land to meet both immediate and longer term requirements over the plan period in both quantitative and qualitative terms, and b) unacceptable environmental problems exist, or c) the development of the site for

other appropriate uses will lead to significant benefits to the local economy, or d) the use is ancillary to an employment use.

4.6 The proposed development is a conversion; it proposes efficient use of an existing building in a sustainable city centre location. In this respect residential development of the site is considered to accord with the principles of PPS3 and policy H4a of the Draft Local Plan.

4.7 No. 4 Barker Lane was split around 2002-2003 when the part of the building to the northwest, which fronts Barker Lane and Tanner Row, was converted into office use. This was granted planning permission in February 2002. The remainder of the 4 Barker Lane site and the rest of the land and buildings within the application site, with the exception of the upper floors of 74 Micklegate and the adjoining two storey building, are used as storerooms or workshops associated with the retail use at 74 Micklegate or are vacant. Approximately 5 people are employed by the antiques business. The applicant proposes to relocate to premises at Huntington in order to secure a more efficient display space in a location that provides easier access for delivery vehicles.

4.8 Supporting data submitted by property consultants confirms that in their existing condition, the only viable use of the buildings would be for storage. The report states that as accommodation for manufacturing/light assembly, there is no demand for this type of building split over two floors. The demand for industrial space is for periphery and out of town locations in units of modern construction. The upper floors of the building would be almost redundant and access for loading and unloading would be problematic. With reference to conversion to office accommodation, the report advises that given the costs that would be incurred converting the building into office space and the modest rental value this building would attract, a significant negative residual land value would result and therefore conversion to office use would be unlikely to occur. The property consultants have attached details of existing office accommodation in the immediate vicinity, which have been marketed for in excess of 12 months which have not secured occupiers.

4.9 Officers consider the existing mix of uses within the application site continues the characteristic pattern of the historic city and consider its loss in favour of residential accommodation throughout the site to be regrettable. Notwithstanding this, it is noted that the buildings are currently underused and that conversion would bring them back into active use, to the benefit of the area. The supporting information relating to the viability of conversion to employment purposes is accepted and also noted are the reasons behind the relocation of the business. Furthermore, it is accepted that the principle of the residential use of 4/ 5 Barker Lane, which occupies the same footprint as eight of the twelve units proposed in this application, has been established with the December 2007 permission.

4.10 A retail unit would be retained at 74 Micklegate with a reception area for the serviced apartments created to the rear of the shop.

Design/impact on conservation area

4.11 Local Plan Policy HE3 states that within Conservation Areas, proposals will only be permitted where there is no adverse effect on the character and appearance of the area. Policy HE2 states that within conservation areas and in locations which affect the setting of listed buildings development must respect adjacent buildings and settings and have regard to local scale proportion detail and materials.

4.12 With the exception of the frontage properties onto Micklegate and Barker Lane, the interior of the site is mostly hidden from public views. Nevertheless, with the loss of the mix of uses, which is a characteristic pattern of development in the historic city, it is important to preserve evidence of the previous uses in the fabric of the existing buildings during works of conversion.

4.13 The revised plans have addressed some of the concerns relating to the impact of the proposed conversion on the character of the buildings and the wider Conservation Area, for example through the retention of the basement lightwell and retaining the retail unit as existing. Yet Officers remain of the view that the treatment of the proposed elevations would lead to a loss of character of these utilitarian buildings. For example, the early 20th century steel framed building now appears as 3 No. modern townhouses. The revised drawings also fail to show the intended character of the yard. Revised plans have been requested, which amend the design of windows and doors, which omit areas of render, and which work up the treatment of the yard and give it a simple, robust character. Also of concern, is whether the height of 4/5 Barker could be increased without losing the rivetted framed structure, which is of interest in its own right. A method statement by a qualified structural engineer has been requested and Members will be updated at the meeting.

Residential amenity

4.14 In accordance with policies GP1 and H4A of the Local Plan, residential amenity for surrounding occupants should be maintained and levels of amenity for future occupants reasonable. It is proposed to raise the building heights of 4/5 Barker Lane and the property to the rear of 74 Micklegate. This would not overshadow neighbouring buildings, which includes the Gregory Mews residential development sited to the north east. There would also be no overlooking into surrounding buildings. Outlook for future occupants would be into the shared yard with Unit 7 also having a terrace on the second floor. As such there would be adequate outlook for future occupants bearing in mind the city centre context of the site and there would be a neutral effect on the amenity of existing residents as a consequence of the proposed use.

Highway Safety

4.15 The car park adjacent to the north eastern elevation of 3 Barker Lane would be resurfaced and one parking space would be provided for use in association with the scheme. The one and a half storey building to the rear of 74 Micklegate would be converted to a covered cycle store and a recycling and bin store. This minimal provision of parking follows the thrust of current planning policy, which seeks to promote alternative means of transport to the private car, and is acceptable in the city centre.

4.16 The Highways Officer notes that the site lies within a Respark Zone, which currently has 39 spaces and 49 permits issued and as such is considered to be under pressure. It is therefore a recommendation that this site be removed from qualification for inclusion in the respark zone.

Sustainability

4.17 GP4a states all proposals should have regard to the principles of sustainable development.

4.18 Proposed is the conversion of an existing building. It would be required to be developed to building regulations standard thus would perform adequately in terms of energy efficiency and insulation. The development conserves the appearance of the conservation area (a requirement of GP4a), and is located/developed so to deter car use, by locating residential units close to jobs, services and transport links and providing secure covered cycle storage. A Sustainable Construction statement has also been submitted which includes details on materials and energy efficiency measures. The scheme includes provision of rooftop solar panels to provide hot water to some units.

Impact on existing education and open space provision

4.19 Policy L1c states developments for all housing sites will be required to make provision for the open space needs of future occupiers. Policy ED4 states that in considering proposals for new residential development, any consequences for existing educational facilities will be assessed in accordance with the approved supplementary planning guidance. Where additional provision is necessary as a direct result of the proposal, developers shall be required to make a financial contribution toward the provision of such facilities.

4.20 The applicant has been informed that this development would require a contribution of £8,730 towards open space and £12,588 towards education.

5.0 CONCLUSION

5.1 Subject to the receipt of revised plans retaining the character of the buildings, and drainage information, the proposal is considered to be appropriate in this city centre location and would have an acceptable impact on the character and appearance of the conservation area and nearby historic buildings.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 PLANS 1
- 3 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 £8,730.

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.

4 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 £12,588. 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.

5 ARCH2 Watching brief required

6 No alterations or demolitions shall take place until the applicant has secured the implementation of an agreed programme of archaeological work (metrical survey and written description and photographic recording and analysis of the designated and undesignated heritage assets) which has been agreed in writing by the Local Planning

Authority and submitted a report and copies of the survey and record to the Local Planning Authority and these have been agreed in writing by the Local Planning Authority.

Reason: The buildings on this site are of archaeological and historic interest and must be recorded prior to alteration or demolition

7 HWAY10 Vehicular areas surfaced, details reqd

8 HWAY18 Cycle parking details to be agreed

9 HWAY19 Car and cycle parking laid out

10 No gate, door or window shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

11 Prior to the commencement of the relevant part of the development details of the refurbishment of the lightwell in Micklegate shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the works are fit for purpose and carried out in an acceptable manner in the interest of highway safety.

12 NOISE7 Restricted hours of construction

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:

- principle of conversion / loss of employment land
- design / impact on the conservation area
- residential amenity
- highway safety
- sustainability
- contributions

As such the proposal complies with Policies HE2, HE3, HE4, H4A, E3B, GP4A, L1C and ED4 of the City of York Development Control Local Plan.

2. WORKS IN THE HIGHWAY

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless

alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Works in the highway - Section 171 - Stuart Partington (01904) 551361

3. REMOVAL OF THE DEVELOPMENT FROM THE RESPARK ZONE

The applicant is advised that, as a consequence of the development, then the application site is recommended to be removed from qualifying for inclusion in the R15SC Micklegate Respark Zone and any costs associated with the necessary amendments to the Local Traffic Regulation Order controlling the zone will be charged to the applicant.

4. DEMOLITION AND CONSTRUCTION

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 followed, 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

Contact details:

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