

COMMITTEE REPORT

Date: 19 August 2010 **Ward:** Guildhall
Team: Major and Commercial **Parish:** Guildhall Planning Panel
Team

Reference: 10/01401/FULM
Application at: 23 Clifford Street York
For: Conversion of existing offices and erection of 4no. additional floors to create a 6no. storey building comprising 7no. 2 bed units and 4no. 1 bed units (retrospective - amendments to scheme granted permission under ref: 06/00146/FULM)
By: Mr M Swiers And MDW Hardy
Application Type: Major Full Application (13 weeks)
Target Date: 10 September 2010
Recommendation: Approve

1.0 PROPOSAL

1.1 The application relates to the erection of what would be a 6 storey building with basement. The existing building is retained (it would accommodate 2 floors of accommodation), with an additional 3 floors added above and a 4th within the mansard shaped roof. The scheme would provide 11 residential units, 7 x 2-bed, 4 x 1-bed, with storage space in the basement.

1.2 The site is occupied by a single storey building (with basement) of shallow depth which was constructed through public subscription as a people's dispensary. The building is not listed but buildings to either side are listed at grade 2. The frontage of the building is contemporary with the street and it is regarded as making a positive contribution to the conservation area.

1.3 This is a resubmission of application 06/00146/FULM, which was approved at planning committee in April 2006. A fresh application has been made due to changes to the external appearance of the proposed building. The amount and type of accommodation provided is the same as previous.

1.4 The approved scheme had five oriel windows (bay window not supported from the ground) that spanned the upper two floors of the proposed extension. This application arises as an additional oriel window has been added (along with a dormer above and window below) to the Clifford Street elevation. The other significant alterations to the approved scheme are that the roof extension has been relocated and altered in size and design, only one (opposed to two) additional entrance door is proposed at ground floor level on the front elevation and at 2nd floor level a conservatory type structure has been omitted.

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 0001DC Area Teams GMS Constraints: Central Area 0002
- Floodzone 2 GMS Constraints: Flood zone 2

2.2 Policies:

- CYGP1 Design
- CYSP8 Reducing dependence on the car
- CYGP4B Air Quality
- CYHE2 Development in historic locations

3.0 CONSULTATIONS

Design, Conservation and Sustainable Development

3.1 During the 2006 application conservation officers "flagged up" concerns about the level of detail provided for designing within such a tight envelope. This application arises in part as additional detailed information has now been obtained in relation to levels and due to Building Regulations requirements, the approved scheme required modification.

3.2 The amended scheme closely represents the intentions of the approved design, whilst also solving practical problems associated with the "on site" situation. Subject to conditions on details, the scheme would appear to preserve the character and appearance of the conservation area. With regards the change to the bay windows officers advise that:

- An additional window bay has been inserted to suit the new internal layout. Although this creates a weaker relationship with the existing frontage at ground level, the deep balustrade provides visual separation and the overall effect within the street is compatible with the diverse rhythm of windows and bays within the street.
- The bay windows and also the upper windows appear more elongated and glazing bars have been modified to suit. A detailed section has been produced to show how these would sit in relation to the cornice, front wall and existing balustrade. Further details should be conditioned at large scale to ensure a high level of design quality as the bay windows form such an important part of the architectural expression onto Clifford Street.

Archaeology

3.3 An archaeological excavation of the basement has been completed by Field Archaeology Specialists. However, the subsequent analysis, publication and deposition of the archive has not been completed. It is essential that this work is completed, as the site is in the city centre area of archaeological importance, and this should be secured through a condition.

Education Officers

3.4 No contribution toward education facilities, as the primary school in the catchment area - Fishergate - has a surplus of spaces.

Environmental Protection Unit

Construction

3.5 The site is in close proximity to existing residential properties. Officers ask that hours of construction are restricted to daytime hours, and not on Sundays, to protect amenity.

Noise

3.6 For future occupants there is concern regarding noise from the nightclub opposite and the fire station. Noise reports previously submitted for this site have indicated that a glazing scheme of 10mm - 200mm - 6mm (glass-space-glass) will be needed to achieve acceptable internal noise levels, and this should be secured through condition.

Air Quality

3.7 Clifford Street forms part of the Air Quality Management Area (AQMA). Monitoring of nitrogen dioxide concentrations has taken place at Clifford Street, since July 2000. At the Clifford Street/Castlegate Junction (outside proposed development) levels have risen from 37.53ug/m³ (2003), to 41ug/m³ in 2009.

3.8 The annual average nitrogen dioxide objective is 40ug/m³, which is not being met at the area close to the proposed development. Presently the area around the development site is relatively open when compared to the rest of Clifford Street. There are concerns that increasing the height of the host building will increase the canyonised nature of Clifford Street and lead to a further deterioration in air quality.

3.9 Whilst there are air quality concerns, these must be balanced with the fact that this is a car free development close to the city centre, which is the type of development that needs to be encouraged in terms of reducing the amount of commuter traffic in the city. To make this application acceptable in terms of air quality, it will be necessary for the development to have non-openable windows on the facade over looking Clifford Street. Satisfactory internal living conditions can be achieved by the provision of a mechanical ventilation system, but this may require the provision of a plant room that could affect the final design of the building.

Highway Network Management

3.10 No objection. Advise that in the cycle store, cycles should be lockable to the frame, and not to wheels, as this has lead to damage to cycles in other shared spaces. It is also asked that conditions be used to secure the resultant condition of the highway outside the site, and safety during construction.

English Heritage

3.11 No response to date.

Guildhall Planning Panel

3.12 No comment as unable to read plans online. Officers comment - clearer plans have now been made available, the planning panel were advised of such, but no further comments have been made.

Publicity

3.13 No written representations have been made.

4.0 APPRAISAL

Key Issues

4.1 This application is made as the building has not been constructed in accordance with the plans that were approved in the 2006 application. Due to the variation in the front elevation, the alterations were not deemed to be of a minor nature, and a fresh application was made.

4.2 The issues to re-visit are the implications of the alterations to the design in terms of visual impact of the building, and its contribution to its conservation area setting, and:

- Air quality, whether air quality has changed since 2006; as it would be desirable to have openable windows.
- Open space and education provision in the area; whether there is demonstrable need for such.
- Sustainable construction; given the sustainable construction document, approved for development control purposes in 2007.

Design

4.3 The original scheme was centred on the brick pediment, between the break in the balustrade at the top of the original building. There would have been an overall symmetry in the building, between the existing, new upper floors and roof, with two entrance doors below the pediment, windows spaced equally to each side on the new upper floors and the roof addition directly above.

4.4 The brick pediment is now rectangular (was gable shaped) due to structural safety reasons and the second new door at ground floor level (which would have been a false door) is no longer proposed. In the revised scheme the symmetry is in the new upper area, with the 2-storey tall five oriel bays on the front elevation spaced symmetrically below the roof extension (which has also altered). Although this amendment creates a weaker relationship between the existing building and the extension, this does not unduly detract from the appearance of the proposed building as the deep balustrade provides visual separation between old and new. Also within the street scene there is a diverse rhythm of windows and bays and it is common for buildings to vary in appearance between the ground and upper floors, for example where shops are accommodated at ground floor level.

4.5 The key issue in determining whether this building would have an acceptable visual impact on its setting lies in the detailed design and materials of the oriel windows. These windows would be the key feature of the building. The design has been based on the type of windows on schemes designed by the original architect elsewhere in the city centre - Westgate apartments on Leeman Road and Merchant Exchange at Ouse Bridge (this appears to have been the original intention based on the original drawings and images). Also the bays would curve round, following the line

of the street, as in the original approved scheme. Final details through large scale drawings, which we would expect to receive through conditions of approval, are required.

4.6 The other changes are as follows:

- The roof addition is slightly wider, lower in height and the vents have been reduced in height. It would be detailed with lead panelling and incorporate louvres. The dimensions are dictated by the requirement to accommodate the lift over-run and stairs. The alterations from the approved scheme are considered not to have a material impact on the appearance of the building and the contribution it makes to its setting.
- It is not possible, due to structural reasons, to position the corner windows at 2nd floor level below the bay where they were previously shown. In considering the appearance of the building alone, it may have been preferable to subsequently omit the windows, as they appear slightly awkward on plan. However without the windows there would be a significant loss of outlook from the affected living room and therefore they have been retained.
- The conservatory onto the side terrace has been omitted in favour of folding doors. The doors would not be visible from the street and alone this variation in design would be considered a non-material change to the approved scheme.

4.7 Subject to agreement of large scale details of the oriel/bay windows, to ensure a high level of design quality of this key element officers consider the alterations to the approved scheme do not materially detract from the contribution the proposed building would make to its historic setting. The amended design thus complies with PPS1: Delivering Sustainable Development, PPS5: Planning for the Historic Environment, PPS3: Housing and of the DLP policies GP1 and HE2.

Air Quality

4.8 Air Quality in the area has not improved since the previous approval. The existing levels of Nitrogen Dioxide do not meet Government objectives for air quality. As such it is necessary, for the health of future occupants, that windows, in particular those in living rooms and bedrooms are not openable. The plans submitted show openable windows for purge ventilation. Building Control officers advise it is not essential that purge ventilation is provided by means of opening windows, other approaches can be adopted and this can be required through an appropriate condition.

Contributions

4.9 In accordance with policy L1c of the Local Plan, a contribution toward open space is required. Education officers advise there is space within schools in the catchment area and subsequently a contribution toward education facilities is not required.

Sustainable construction

4.10 The council's interim planning document on sustainable design and construction requires that new dwellings achieve a code for sustainable homes 3 * rating and that a minimum of 5% of the energy demand for the development is met through on site renewable generation for heat and/or electricity. There is scope for renewable energy generation via either solar or photovoltaic panels on the roof, and these requirements are proposed to be secured through conditions.

5.0 CONCLUSION

5.1 The alterations to the design in relation to the approved scheme are considered not to have a material visual impact. In the interests of the health of future occupants it remains necessary to have non-openable windows on the Clifford Street elevation. In relation to the previously approved scheme additional conditions are also proposed to reflect the present standards for sustainable construction. Otherwise officers consider this application, which would enable the scheme to be completed and occupied, should be supported.

6.0 RECOMMENDATION: Approve

1 PLANS1 Approved plans - FCR 232-001-100 to 102, 200 and 301 stamped 9.7.2010

2 Apart from the bricks and roof tiles, 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 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.

3 Large scale details (at 1:5 or 1:10 scale) of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the pertinent development and the works shall be carried out in accordance with the approved details.

- a) External windows and doors, including glazing details and other materials.
- b) Notwithstanding the detailed section provided, 1:20 and 1:5 plan and section drawings of a typical bay window (with materials annotated on and submitted for approval under condition 2). The capping detail shall be recessed rather than overhanging (not as shown in the submitted drawings). The bay windows shall be aligned to follow the curve of the bay with their front windows tangential to the elevation at their centre points.
- c) Cornice detail.
- d) The abutment of the development with the adjacent building, in both section and plan form, covering roof positions (verge, ridge and chimney) and also floor levels.

Reason: In the interests of the appearance of the building and the conservation area.

4 Prior to their installation, full details of all rainwater goods, including materials

and colour to be used, shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory external appearance to the development.

5 Details of any soil and vent stacks, heating and air conditioning plant etc, including fume extraction and odour control equipment, with details of any external ducting, shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to protect the amenities of occupants of adjoining properties.

6 Prior to occupation of the development hereby approved details of the layout and means of secure fixing for cycles, in the communal cycle parking areas, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained for such use thereafter (It is preferred a means of securing cycles by the frame, opposed to the wheels is proposed).

Reason: To promote use of cycles in accordance with PPG13: Transport and the aspirations of the Local Plan.

7 The development hereby approved shall be constructed to at least Level 3* of Code for Sustainable Homes (CSH) standard. A formal Post Construction stage assessment, by a licensed CSH assessor, shall be carried out and a formal Post Construction stage certificate shall be submitted to the Local Planning Authority (LPA) prior to occupation of the building. Should the development fail to achieve level 3* of the Code, a report shall be submitted for the written approval of the LPA demonstrating what remedial measures shall be undertaken to achieve Level 3 of the code. The remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development, in accordance with the requirements of policy GP4a of the Draft Local Plan and the Council's planning guidance Interim Planning Statement (IPS) on Sustainable Design and Construction.

8 Prior to occupation of the building hereby approved, details shall be submitted and approved in writing by the Local Planning Authority, to demonstrate how the development will provide 5% of the predicted energy requirements from on-site renewable resources. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is sustainable and accords with Policy GP4a of the Draft City of York Local Plan and the City of York Interim Planning Statement on Sustainable Design and Construction.

9 The building envelope facade looking onto Clifford Street shall be constructed so as to provide sound attenuation against external noise of not less than 49 dB(A),

with windows shut and other means of ventilation provided. The detailed scheme shall be approved by the local planning authority and fully implemented prior to occupation.

Reason: To protect the amenity of future occupants of the proposed development.

10 All openings in the building overlooking Clifford Street, apart from entrance doors, shall be non-openable. No alterations to the external walls, facades, windows, doors, roof or any openings in the building(s) shall be undertaken (including the closing up or removal of openings) without the prior written approval of the local planning authority.

Reason: To prevent the exposure of future occupants of the development to an unacceptable standard of air quality, and to avoid the need to include the site within the Air Quality Management Area.

11 A scheme of mechanical ventilation shall be installed that will serve all the rooms overlooking Clifford Street. The ventilation scheme shall draw air from the rear of the building (away from Clifford Street) and shall be approved in writing by the local planning authority and fully implemented before the use hereby approved is occupied.

Reason: To prevent the exposure of future occupants of the development to an unacceptable standard of air quality, and to ensure adequate levels of ventilation.

12 Prior to the commencement of the development, proposals for the inclusion of features suitable for wildlife in the building hereby approved, in particular bats and swifts, shall be submitted to and approved in writing by the Local Planning Authority. The approved features shall be incorporated into the building unless otherwise agreed in writing with the Local Planning Authority.

Reason: To enhance the biodiversity of the area.

13 The development hereby approved shall not be occupied until a contract detailing the implementation of a programme of archaeological post-excavation work (analysis, publication and archive deposition) on the archaeological excavation archive from this site has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site lies in the Area of Archaeological Importance and within the proposed World Heritage Site and the archaeological project commenced under a previous approval must be completed, as required by policy HE10 of the Local Plan.

14 S106OS Section 106 Open Space - 5,040

15 All construction and demolition or refurbishment works and ancillary operations, including deliveries to the site and despatch from the site shall only be carried out between the hours of 08.00 and 18.00 Mondays to Fridays and 09.00 to 13.00 on Saturdays and not at all on Sundays and Bank Holidays.

Reason: To protect the amenity of local residents during the construction of the development.

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 Central Historic Core Conservation Area and the historic setting.
- Archaeology
- The amenity of future occupants
- Sustainability

As such the proposal complies with Policies GP1, GP4a, HE2, HE3 and HE10 of the City of York Local Plan Deposit Draft.

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