

COMMITTEE REPORT

Date: 2 December 2010 **Ward:** Fishergate
Team: Householder and Small Scale Team **Parish:** Fishergate Planning Panel

Reference: 10/01521/FUL
Application at: 24 Hull Road York YO10 3JG
For: Change of use from dwelling (use class C3) to offices (use class A2), alterations to access
By: Mr Robert MacMahon
Application Type: Full Application
Target Date: 28 September 2010
Recommendation: Approve

1.0 PROPOSAL

1.1 The application is for the change of use of a dwelling to an office use. The application also includes alterations to the access and a parking area. The proposed offices would be for a student letting business. The parking and turning area would be for the business minibuses and visitor parking.

1.2 The site is part of a pair of semi-detached dwellings sited between a petrol filling station and car wash on the road junction and the dairy site which has recently gained planning permission for three storey student accommodation (10/01743/OUTM). To the rear of the site is Devon Place which is a street of semi-detached dwellings. Opposite the site on Hull Road is a parade of shops and takeaway units.

1.3 The application comes before committee as the application is recommended for approval and a relatively large number of objections have been received.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

2.2 Policies:

CYGP1
Design

CYH9

loss of dwellings or housing land

CYE4

Employment devt on unallocated land

3.0 CONSULTATIONS

3.1 INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT - No objections

ENVIRONMENTAL PROTECTION UNIT - No objections

Request that the hours of operation be conditioned to protect the amenity of the adjoining residential dwelling. Furthermore since the use class A2 includes uses such as banks, building societies, estate and employment agencies, professional and financial services and betting offices of which may not be particularly suitable next door to a residential dwelling. Request that use be restricted to the subclass which is subject of this application.

CITY DEVELOPMENT - No objections

- Loss of family dwelling

This proposal would result in the loss of a single 3-bed house. The draft local plan (policy H9) acknowledges the shortage of family housing in York, but recognises that the loss of individual houses will need to be considered in light of the specific circumstances of each application. City Development would object in principle to the loss of a house at a time when York has an acknowledged housing shortage, however it is acknowledged that the location (in close proximity to a petrol station) may cause concern for future occupiers. In this case it may be that such special circumstances are considered as valid reasoning to allow for the proposed loss of housing.

- Creation of new employment floorspace

The proposal would create a small A2 unit (73sqm office floorspace) for use as a student letting office, employing 1 full time employee and 5/6 temporary staff during peak periods. PPS4 regards this type of proposal as 'economic development'. To encourage small business, draft policy E4 supports conversions to employment use on suburban sites like this where the scale and design is appropriate to the locality.

ARCHAEOLOGY – No comments

HOUSING DEVELOPMENT – Object

- Any loss of family housing is a matter for serious concern in view of the SHMA 2007 and the need for housing of all tenures in the council's area
- There is no accompanying justification regarding the need for office accommodation nor justification for reducing housing stock in the area

EXTERNAL CONSULTATIONS/REPRESENTATIONS

FISHERGATE PLANNING PANEL – No comments received

LOCAL RESIDENTS:

15 letters have been received making the following points:

- Increased traffic on Green Dykes Lanes, existing issue due to expansion of University Science Park
- Insufficient allocation of parking spaces near to the site therefore impact on surrounding streets.
- Loss of a family home in a residential area, where many of the dwellings are converted to multiple occupancy
- Increase in cars parking in surrounding streets would affect the safety of residents by virtue of the volume and speed of traffic
- Increased noise pollution and pollution from vehicles
- Loss of privacy to neighbouring dwellings
- Increase in crime
- The area is being overwhelmed by student properties
- The business had to be relocated from the university because the car parks could not cope with the influx of traffic, concerned that may happen in surrounding streets. Proposed parking is not considered to be sufficient to deal with the volume expected.
- How will the parking be enforced?
- There is other office space better suited to this type of business, rather than lose a another dwelling
- There are 96 empty business premises in this post code
- Concerned business will run outside of the stated operating hours
- Anticipate 3000+ students turning up at the property
- The reason for the approval of the Dairy site for student accommodation was that it would release housing back into the market
- Object that adequate consultation did not take place
- Do not agree with the applicants statement that students do not possess cars
- Shortage of family housing in the area
- Do not agree with the applicants statement that the site is similar to the nearby dentist and the parade of shops opposite, the shops have been there for some time, and the dentist is not ideally placed in converted dwellings, but offers a service to local residents
- Loss of outlook to the residents of Devon Place
- Not concerned re the conversion as it would be for a limited period, however were concerned when received anonymous leaflet
- Do not believe the letter was sent by Ashton's Estate Agents
- With the increase in student numbers the use of the site will also intensify
- The drive and turning area require planning permission
- Will set a precedent for similar proposals

4.0 APPRAISAL

RELEVANT SITE HISTORY

No relevant planning history

KEY ISSUES

1. Loss of dwelling
2. Impact on neighbouring property
3. Impact on highway safety

ASSESSMENT

LOSS OF DWELLING

4.1 Policy H9 'Loss of Dwellings or Housing Land' of the City of York Council Development Control Local Plan (2005) states that planning permission will not be granted for development that would result in a net loss of dwellings or housing land, either allocated or with planning permission. The loss of individual residential properties will need to be considered in light of individual site circumstances and the character of and desired uses, in the surrounding area.

4.2 The pair of semi-detached dwellings is sited between a petrol filling station and the old Dairy site which has recently gained planning permission for a three storey student accommodation; the opposite side of the road is a parade of retail and A5 units. In this part of Hull Road the character is one of mixed use. 22 Hull Road is a residential property which has been extended with a large two storey side and rear extension. This pair of dwellings appear somewhat isolated in the context of the surrounding uses although the adjacent streets are strongly residential in character. By virtue of the siting of the building adjacent to the petrol station and the other surrounding commercial uses it is considered that the loss of this family sized dwelling in this location would not significantly harm the housing stock. The quality and proximity of the surrounding uses to the north and east are considered to impact unduly on the residential amenity and the quality of living conditions of potential occupiers of this dwelling and as such it is considered that the individual site circumstances weigh in favour of the proposal and thus the loss of this dwelling is not considered to contradict Policy H9.

IMPACT ON NEIGHBOURING PROPERTY

4.3 The attached property at 22 Hull Road is a residential property and as such it is considered that the hours of operation should be conditioned to prevent disruption to the occupants of the dwelling. It was unclear from the site visit if the building was used by students or a family. The applicant's statement that as the dwelling is occupied by students the expected level of residential amenity is not as high as for other properties is not accepted, as students are entitled to the same level of residential amenity and living conditions as any other resident. The applicants have constructed a parking and turning area to the side and rear of the property. There is some concern that the movement of vehicles to the rear of the No. 24 and in such close proximity to the dwelling and garden of No 22 could cause some disruption and harm to the amenity of the occupants of this dwellings. The level of vehicle movements has the potential to be greater than the present, including traffic movements from the two full time employees, two minibuses, and visitor traffic. As such is it considered that the hours of operation should relate to the use of the parking facilities to prevent any potential disruption to the occupants of 22 Hull Road

and to a lesser extent (by virtue of the distance) the properties to the rear. The proposed hours of use put forward by the applicant would be 9am to 5pm Monday to Friday with no opening during the weekends, and this is considered to be reasonable.

4.4 It is considered that the use should be restricted to a letting agents as other uses within the A2 use class may result in potential issues such as noise and traffic which should be considered through a formal application for planning permission.

4.5 The proposed use is not considered to cause a further loss of privacy over and above the existing use, particularly bearing in mind the proposed hours of operation. It is not considered that people visiting the site will result in a loss of privacy to the surrounding dwellings.

IMPACT ON HIGHWAY SAFETY

4.6 There has been some concern from the objectors regarding the level of parking provision on site and the surrounding streets. Much of the onsite parking provision would accommodate the mini buses. There are parking restrictions on Hull Road, Devon Place, and some on Green Dykes Lane which would prevent parking of vehicles. There are a number of regular bus routes that pass the site or pass near the site. Highways Network Management have not raised any objections to the potential increase in parked vehicles in the area and as such it is not considered that refusal can be justified on this basis.

4.7 Note - There were some comments from local residents that the application had not been adequately publicised. The properties abutting the site including 22 Hull Road, 10, 11, and 12 Devon Place, 15, 15a, 17, 17a, and 19 Hull Road, and the Petrol Filling Station 26 - 30 Hull Road were sent letters advising them of the application. In addition a site notice was posted outside of the site on 8 September 2010.

5.0 CONCLUSION

5.1 For the above reasons the proposed change of use is considered to be acceptable. Approval subject to the following conditions is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

Site Plan received 7 October 2010

Letter from applicant received 7 October 2010;

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

2 TIME2 Development start within three years

3 HWAY9 Vehicle areas surfaced

4 The hours of operation of this approved use shall be confined to:

Mondays to Fridays - 0900 to 1700 hours

No working on Saturdays, Sundays, and Bank Holidays.

Reason: To safeguard the amenities of local residents.

5 The use of the building shall be restricted to that of a letting agent and for no other purpose, including any other use falling within A2 of the Town and Country Planning (Use Classes) Order 1987, (or any provision equivalent to the Class in any Statutory Instrument revoking or re-enacting that Order with or without modification), unless specific planning permission has been granted in that respect.

Reason: To protect the residential amenity of the occupants of the nearby dwellings and the amenity of the users of Hull Road.

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 loss of housing stock, impact on the residential amenity of the occupants of the neighbouring dwellings, and highway safety. As such the proposal complies with Policies GP1, H9 and E4 of the City of York Council Development Control Local Plan (2005).

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