

## COMMITTEE REPORT

**Date:** 16 February 2011      **Ward:** Holgate  
**Team:** Major and Commercial      **Parish:** No Parish  
Team

**Reference:** 10/02730/FUL  
**Application at:** Volunteer Arms Watson Street York YO24 4BH  
**For:** Conversion and two storey side extension of public house to form  
2 dwellings  
**By:** Punch Taverns plc  
**Application Type:** Full Application  
**Target Date:** 1 February 2011  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 Planning permission is sought for the conversion of the Volunteer Arms Public House to 2 No. three bedroom dwellings. The Volunteer Arms comprises a part two storey, part single storey public house with an attached outbuilding dating from the mid-19th Century sitting in a visually prominent corner site to the west of the City Centre. The area surrounding the property comprises densely developed residential development dating from a similar period. The site lies opposite a maintained public open space and the car park for St Paul's Church. At the rear of the property, there is an access from Watson Terrace that leads to the rear of surrounding properties.

1.2 The public house consists of a ground floor public bar, kitchen facility and customer toilets with a courtyard and smoking area at the rear. The upper floor of the property is in associated residential use with 3 No. bedrooms. The attached outbuilding is currently incorporated in the public house use and is attached to the frontage buildings by a single storey flat roofed extension.

1.3 The property abuts the boundary of St Paul's Square/ Holgate Road Conservation Area and the site lies within an Area of Archaeological Importance.

1.4 It is proposed to convert the main building to 2 No. three bedroom dwellings with individual rear gardens and car parking space accessed from Watson Terrace. A two storey extension would be built above the existing single storey element incorporating a step- down ridge maintaining subservience with the main two storey building and the reducing ground levels to Watson Terrace. The proposal would involve the demolition of the existing outbuilding and flat roof rear extension to allow for the formation of the proposed parking spaces and enclosed amenity areas with cycle and bin storage. The existing access to the cellar area would be removed. In addition to minor fenestration changes at the rear of the building, it is intended to replace the windows and doors, and re-render the full facade of the property.

1.5 The applicant has submitted a Sustainability Statement that details measures that aim to provide efficient use of energy in the design of the dwellings. The main external alteration would involve the installation of photovoltaics on the roof slopes. It is also intended to incorporate permeable surfaces to the rear courtyards to reduce surface water run-off and provide water butts.

1.6 The applicant has submitted supporting information that addresses the loss of the public house. It advises that the landlord, Punch Taverns, seeks an alternative use for this building as a result of poor trading history, location factors, local demographics, the shift in the pub market, the impact of the smoking ban, local competition including competition from cheap alcohol at nearby supermarkets. The Public House has been operating for 6 years on short term leases, with 8 tenants in the past 3 years. Over the past two years, it has been marketed with three companies resulting in no offers due to the highlighted factors and the requirement for significant investment. The accompanying information states that there are many other pubs within easy walking distance of the Volunteer Arms- the Crystal Palace (272m) and the Fox (495m) on Holgate Road, with edge of City Centre pubs around 700-800m away.

1.7 Planning permission has recently been granted for the demolition of the Locomotive Public House and its outbuilding (situated opposite at the corner of Watson Street and Watson Terrace) and its replacement with 4 No. town houses - LPA Ref.10/02007/FUL.

1.8 The application has been called-in to sub-committee by Councillor Alexander as the Holgate Ward Councillors have received written concerns from local residents, who have reservations about the loss of the only remaining pub serving their immediate locality. This follows the loss of another pub on the same street relatively recently.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Schools GMS Constraints: St. Paul's CE Primary 0229

2.2 Policies:

CYH4A Housing Windfalls

CYL1B Loss of local leisure facilities

CYGP1 Design

CYL1 Open spaces in new residential devts

CYT4 Cycle parking standards

CYHE10 Archaeology

CYGP4A Sustainability

CYGP15 Protection from flooding

### **3.0 CONSULTATIONS**

#### INTERNAL CONSULTATIONS

3.1 LIFELONG LEISURE AND LEARNING- No objections subject to a commuted payment being made in lieu of on-site open space provision;

3.2 HIGHWAY NETWORK MANAGEMENT- No objections to revised plans subject to a range of detailed conditions

3.3 DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT- No objections to conversion but concerned about the visual impact of the photovoltaic panels

3.4 SUSTAINABILITY OFFICER- No objections provided 5% renewable target is met

3.5 CITY ARCHAEOLOGIST- Condition required

#### EXTERNAL REPRESENTATIONS

3.6 St Paul's Church- Object to the loss of a community facility and in process of registering an interest in the purchase of the building to continue its community use.

3.7 CAMRA ( Pub Preservation Officer for the York Branch ) - Object to the loss of the pub, especially given the loss of the Locomotive Public House in the same street when it was hoped that this would save the Volunteer Arms. Considers that a private buyer could make a success of a freehold business given the range of local pubs in a better economic climate. There are contributing factors such as the current state of the building, low level of trade, little appeal to local residents, proximity to high quality pubs on Holgate Road and Blossom Street, loss of local industries removes traditional customer base, absence of Council policy on community and town pubs in York area. Councillors will have to decide whether the other pubs in the area offer the variety and meet local needs. The Council seems to disregard suburban pubs concentrating on city centre entertainment. There are other residential areas where similar pubs are under pressure and new housing areas that are devoid of pubs, with the potential for social problems. Greater York Area has a large number of pubs compared to surrounding cities and the Council should formulate guidelines and ensure communities are not denied access to good local pubs that provide a social focal point. Requests deferral of the application given the outstanding offer from a local publican to operate the premises along traditional lines that would serve the local community involving gradual refurbishment.

3.8 St Paul's School- Object to residential use of the building and would welcome the availability of additional community facilities that could be used by the school.

3.9 A representation has been received from a local publican that objects on the grounds of loss of amenity to the community, and the fact that it is still viable as a public house. Currently investigating the possibility of an offer for the premises as believe the pub could be run as a high quality, community public house.

## **4.0 APPRAISAL**

### **4.1 Key Issues**

- loss of public house
- acceptability of proposed use
- impact on the visual amenity of the street scene and the character and appearance of abutting conservation area
- highway and parking issues
- residential amenity

### **RELEVANT PLANNING POLICY-**

4.2 Central Government planning policy is set out in Planning Policy Statement 1: Delivering Sustainable Development (PPS1), Planning Policy Statement 3: Housing (PPS3), Planning Policy Guidance Note 13: Transport (PPG13) and Planning Policy Statement 25: Development and Flood Risk (PPS25).

4.3 The relevant development plan is the City of York Council Draft Deposit Local Plan, which was placed on Deposit in 1998. Reflecting points made, two later sets of pre- inquiry changes (PICs) were published in 1999. The Public Local Inquiry started in 1999 but was suspended by the Inspector for further work to be done on the Green Belt. A Third Set of Changes addressing this further work was placed on deposit in 2003. Subsequently a fourth set of changes have been drafted and approved by Full Council on 12th April 2005 for the purpose of making Development Control Decisions, on the advice of the GOYH. The following policies are relevant-

4.4 POLICY L1b of the City of York Draft Local Plan states that planning permission will only be granted for a change of use that would result in the loss of a leisure facility (including pubs) where it can be demonstrated that a need for the leisure facility no longer exists, or appropriate alternative facilities exist within the catchment area. The written justification states that in considering applications for the change of use of such facilities, an assessment of provision in the area will be required to identify whether there are any alternative facilities which can be accessed using sustainable transport methods. Evidence of vacancy or attempts to lease, let or sell will also be taken into account.

4.5 POLICY L1c requires that all housing sites make provision for the open space needs of future occupiers. For sites of less than 10 dwellings a commuted payment will be required towards off site provision.

4.6 POLICY H4a sets a firm policy presumption in favour of new residential development on land not previously allocated where the site is within the urban area and is vacant, derelict or underused, it has good accessibility to jobs, shops and

services by non-car modes and is of an appropriate scale and density to surrounding development.

4.7 POLICY GP1 'Design' Policy L1c requires that all housing sites make provision for the open space needs of future occupiers. For sites of less than 10 dwellings a commuted payment will be required towards off site provision includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

4.8 POLICY GP4a 'Sustainability' states that proposals for all development should have regard to the principles of sustainable development.

4.9 POLICY GP15a 'Development and Flood Risk' sets a firm policy requirement that developers ensure that any flood risk be successfully managed whilst ensuring that the site can be developed , serviced and occupied safely

4.10 POLICY T4 sets out the Council's standards for on--site cycle parking provision in association with new developments, in order to maintain and promote cycle provision.

4.11 Policy HE10 " Archaeology " seeks to ensure that development in areas of archaeological interest respects the presumption in favour of the physical preservation of remains.

## ASSESSMENT

### LOSS OF EXISTING PUBLIC HOUSE:-

4.12 Policy L1b, as detailed above, seeks to protect community facilities that make a positive contribution to the social or cultural life of a community, unless suitable alternative provision is available within the catchment area. The policy requires the applicant to demonstrate that the need for the pub no longer exists, OR, appropriate alternative facilities exist within the catchment area.

4.13 It would appear that the Volunteer Arms is presently operated with daytime and evening opening hours. The property is quite poorly located in relation to potential markets with local residents no longer seeking out lunchtime drinking opportunities offered by such a facility. The premises have restricted passing trade as they are now located away from principal employment and tourist areas, and located in a densely residential area restricts the opportunities for an economical expansion of the premises and the range of its business activities.

4.14 The applicant has submitted a description of the marketing details that have been carried out and lease details. This information indicates that there has been no offers to buy the premises and a high turnover of landlords and short term leases

demonstrates limited success in securing its long term viability in the licensed trade. The applicant has been asked to provide substantive evidence to support the argument that the building is no longer viable as a public house but the applicant considers that the proposal complies with Policy L1b of the Local Plan as there are alternative facilities in the locality.

4.15 Whilst representations have been received that express an interest in taking on the building or the business as a going concern, neither party is at an advanced stage of pursuing either the retention of the public house business or retaining the building for an alternative community use. There is some local support for the retention of the building for community uses as the local school would be interested in using the building nearby for occasional school use. However, no representations have been received from local residents or customers that demonstrate that there is a groundswell of support for the retention of the premises as a public house. CAMRA objects to the closure of the public house but appreciates that increasing pressures and factors are resulting in the loss of local public houses to the detriment of the character of residential areas often with little local opposition or city wide support.

4.16 On balance, and despite the limited evidence to support the applicant's attempts to retain the premises as a viable concern, it is considered that in the absence of significant local opposition to the local planning authority and the tentative stage of alternative solutions to the loss of the public house, that the proposal would not conflict with Policy L1b, part a) of the Local Plan. The supporting information demonstrates that there are other facilities within a 2000m radius. A Planning Inspector in a recent appeal decision in another authority area considered that 2000m is a reasonable walking distance to alternative pubs. Recent appeal decisions also make it clear that the consideration is whether there are alternative establishments in the local area, not whether they offer exactly the same ambience/ facilities as the one which has closed. The Crystal Palace and the Fox (both on Holgate Road) lie within easy walking distance of the application site, with further public houses on Blossom Street/Micklegate offering alternative facilities. Although these are not within immediate walking distance, the area appears adequately provided with alternative facilities.

#### PROPOSED CONVERSION TO HOUSING

4.17 The proposal involves the residential use of buildings in a predominantly residential area, in a sustainable location close to existing local services and facilities as well as accessible by public transport and non-car modes of travel to the city centre. The principle of a residential land use in this location would comply with Policies H4a and GP1 of the Local Plan and related national guidance in Planning Policy Statement 3 " Housing. "

#### IMPACT UPON THE VISUAL AMENITY OF THE STREET SCENE/ ADJACENT CONSERVATION AREA

4.18 PPS1 seeks to encourage high quality, inclusive design which takes the opportunity to improve the character of the area and Policy GP1 adds to this and states that proposals should respect the character, pattern and form of the surroundings, not adversely affect the street scene and deter vandalism and crime. The surrounding buildings are mostly residential and are of varying ages and architectural styles, comprising a mix of high density two storey brick built terraced properties dating from the late 19th Century, Post-War Local Authority housing in Cecilia Place and the more formalised Georgian Neo-Classical development of the St Paul's Square Conservation Area a short distance to the north west. Most of the neighbouring houses are two storeys high.

4.19 National planning guidance in relation to housing no longer requires housing developments to achieve a minimum density. The proposed conversion of the pub into two units would be compatible with the density of surrounding development and would comply with the requirements of Local Plan Policy H5a. Each unit would have an amenity area of similar proportions to the nearby terraced housing that would not appear cramped on the site.

4.20 The premises have limited architectural value but the proposed conversion of the building would retain the distinctive appearance and character of the building in the area. The building will have even greater presence in the area following the loss of the Locomotive Public House for residential development. The proposed site layout plan would respect the prevailing character of the immediate area by retaining its principal frontage, and the proposed upper extension would respect the established building line and the road frontage in a sympathetic design.

4.21 Revised plans have been submitted that remove the proposed photovoltaics from the principal elevation of the building relying on the rear photovoltaics to provide efficient energy. The proposed minor fenestration changes occur at the rear of the building and the proposed new windows would match the scale of the existing openings. Further details would be required of the new windows and doors, materials of the extension, design details of the cycle storage and boundary treatments would need to be submitted for the written approval of the Local Planning Authority in the interests of the appearance of the scheme and the wider area if planning permission is granted.

#### HIGHWAY AND PARKING ISSUES

4.22 It is considered that an additional 3 bedroom net gain in residential accommodation would not unacceptably exacerbate existing traffic volumes or safety in the locality, particularly given the established use of the site as a public house. The point of access to Watson Terrace would be shared with surrounding users. However there is a clear demarcation between car parking for the conversion and sufficient visibility at the access. On-street car parking at the front of the property is also available. The proposal incorporates cycle parking provision in accordance with Policy T4 of the Local Plan. The revised plan would allow for safe access for all users to the rear of the proposed dwellings.

#### RESIDENTIAL AMENITY

4.23 The layout of the scheme is such that significant overlooking is unlikely to occur. There would be an acceptable degree of mutual overlooking between each of the new properties. The additional windows and doors would not adversely affect the amenity of nearby neighbours. The addition of an upper storey would increase the height of the single storey by approximately 1.5m. Although the new residential development on the site of the Locomotive Public House has principal windows in the gable elevation opposite the site, the impact from the additional mass in the lea of the two higher elements of the public house would not result in overdominance, overlooking or overshadowing of these windows.

#### OTHER ISSUES-

4.24 The applicant has confirmed that they are willing to make the necessary commuted sum payment in lieu of on-site open space provision in accordance with Policy L1c of the Local Plan. As the site is within the Area of Archaeological Importance that has produced Roman burials, it is considered that any planning permission should have a condition that requires an archaeological watching brief on ground disturbance works (Local Plan Policy HE10). The applicant's Sustainability Report demonstrates how the development would achieve a rating value equivalent to VERY GOOD which would comply with the terms of the Council's Interim Planning Statement, Sustainable Design and Construction and Policy GP4a of the Local Plan. The site is situated in an area of low flood risk and the proposed layout would reduce the amount of impermeable surfaces on the site in accordance with GP15a of the Local Plan and related national guidance on flooding.

## 5.0 CONCLUSION

5.1 The principle of residential development on the site would be acceptable as the site lies within the settlement boundary of York where there is a presumption in favour of development. The proposal represents efficient use of brownfield land in a sustainable location, with a development that would provide adequate parking provision and private amenity space. The proposed extension and the layout of the dwellings would respect the prevailing character and pattern of development within the locality and as such would not have an adverse impact on the character and appearance of the area. In addition the proposals would not raise any concerns for neighbouring amenity, highway safety, archaeological deposits flooding or sustainability.

5.2 The main concern is the loss of a leisure facility within a predominantly residential area. There are no policy objections to the proposal under current local plan policy and national planning guidance. With the retention of the building, a sympathetic extension and adaptations at the rear of the building, the appearance of the building would not significantly alter and could be reasonably controlled by withdrawing permitted development rights for the proposed dwellings.

5.3 Conditions are required if Members approve the planning application to address materials, landscaping, sustainability, highway matters, public open space provision and archaeology. In addition, due to the relationship to neighbours and the distinctive appearance and form of the building in the locality, it is recommended that any approval be subject to permitted development rights for the dwellings being restricted.

## COMMITTEE TO VISIT

### 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 and other submitted details:-

Drawing No. 53343/02 Revision E Received by email on 27.1.11

Drawing No. 5343/01 Revision D Received by email on 27.1.11

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

3 VISQ8 Samples of exterior materials to be app

4 S106OS IN Section 106 Open Space - £ 2124

5 The development shall be carried out in accordance with the applicant's Sustainability Report dated 26 November 2010 and 27 January 2010, prepared by Eco Energy and Environmental Ltd .

Reason:- To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction.

6 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A-E of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of the distinctive for of the building and the amenities of the adjoining residents and the character and appearance of the street scene, the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

7 HWAY9 Vehicle areas surfaced

8 HWAY19 Car and cycle parking laid out

9 Prior to the development coming into use, a 2m x 2m sightline, free of all obstructions above the height of the adjacent footway by 0.6m shall be provided in an easterly direction at the junction of the access with the footway, and thereafter so maintained.

Reason: - In the interest of pedestrian safety

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 ARCH2 Watching brief required

12 Prior to the commencement of the works hereby approved, the following details shall be submitted for the written approval of the Local Planning Authority, and thereafter the works shall be implemented and retained in accordance with the approved details:

- a) Secure and weatherproof cycle storage
- b) New boundary treatment
- c) Replacement windows and doors
- d) Cross-section of photovoltaics

Reason: To ensure that the details would be acceptable in the interests of the visual amenity of the development and the wider area.

13 Prior to the commencement of development, full details of a renewable energy strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include (i) the dwelling's proposed renewable energy generation, which shall be at least 5 % of total energy generation (ii) measures to reduce energy demand (iii) measures to reduce CO2 emissions to a level lower than required under Building Regulations Part L. The development shall then be carried out in accordance with the approved assessment.

Reason: To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and 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 the loss of existing licensed premises, the visual amenity of the street scene, residential amenity of neighbouring properties, highway safety, surface water drainage, sustainability and archaeological deposits. As such the proposal complies with Policies L1b, L1c, H4a, H5a, GP1, HE10, GP4a and GP15a of the City of York Development Control Local Plan and national advice contained in Planning Policy Statement 1: Delivering Sustainable Development (PPS1), Planning Policy Statement 3: Housing (PPS3), Planning Policy Guidance Note 13: Transport

(PPG13) and Planning Policy Statement 25: Development and Flood Risk (PPS25).

## 2. HIGHWAY WORKS

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/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

- The construction of a vehicle crossing will entail the re-siting of traffic signs and this will be to the cost of the applicant and by arrangement with the highway authority

## 3. CONSTRUCTION AND DEMOLITION

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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