

COMMITTEE REPORT

Date: 21 April 2011 **Ward:** Heworth
Team: Major and Commercial **Parish:** Heworth Planning Panel
Team

Reference: 11/00004/FUL
Application at: The Fossway 187 - 189 Huntington Road York YO31 9BP
For: Change of use from public house (use Class A4) to place of worship (use Class D1) with 2no. self-contained flats. New rooflights, entrance door and railings/gate to front (amended scheme)
By: Mr David Lavery
Application Type: Full Application
Target Date: 15 March 2011
Recommendation: Approve

1.0 PROPOSAL

1.1 The application has been made by the Living Word Church for the change of use of the Fossway Public House to a mixed use including: a place of worship, and congregation meeting space (ground floor) with vestry on the first floor, 1 flat on the first floor and 1 flat on the second floor. An application of a similar nature (10/01435/FUL) was refused by the Planning Committee in November 2010 and a Members' site visit took place prior to that application being determined. The number of uses has been reduced from the previously refused application and there is no longer the intention to house a nursery, a counselling service, or youth club.

1.2 The external alterations to the building include two rooflights to both the front/east elevation and the north/side elevation and all the windows will be replaced on a like for like basis. The car park would be re-configured to accommodate 10 parking spaces and 8 cycle stands. There would be a 1.5 metre high cast iron fence along the front boundary incorporating two vehicle gates. There are a large number of internal alterations, mainly the removal and re-positioning of internal walls and a staircase. The air conditioning units have been removed from the application.

1.3 The detached red brick building is set back from Huntington Road. The last use of the building was as a public house, which closed some time ago, and the building has been boarded up. The street is a main road into York and is predominately residential in character. There is a mixture of building styles in the immediate surrounding area ranging from large semi-detached Victorian villas to modest terraced dwellings built in the early and mid 20th century. Further along Huntington Road there have been recent flatted developments. The site is adjacent to a convenience store. The site gained planning permission on 30 June 2009 for the erection of 1no. two storey building comprising 4no. flats after partial demolition of existing structure, and change of use from public house (A4) to 5no. self contained flats, with car parking and alterations to the existing access (09/00525/FUL). A previous application for a change of use to a youth club, day nursery, counselling service, conference facilities, and place of worship (use Class D1) with 2no. self-

contained flats was refused (10/01435/FUL) by East Area Planning Sub Committee (11.11.2011) on the grounds of highway safety.

1.4 The Living Word Church currently consists of 40 members (12 families). The main hall would be used for worship and prayer meetings on Sundays (09.00 to 13.00 hours), the congregation meeting space (Saturday 09.00 to 13.00 hours and Sunday 09.00 to 10.30 hours and 12.30 to 13.00 hours), and the Vestry (Monday to Friday 09.00 to 18.00 hours)

1.5 The second floor on bedroom flat would be used by the building caretaker; in addition there would be a first floor two bedroom flat, which would be used by member of the congregation.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGP1
Design

CYGP4A
Sustainability

CYL1B
Loss of local leisure facilities

CYC1
Criteria for community facilities

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT - No objections

3.1 - The site is located on Huntington Road, which is a C classified highway. Huntington Road is a main arterial route into the city centre and is served by a number of frequent bus services with bus stops located in close proximity to the site.

3.2 - Access to the site is to remain as existing, and will provide access to 10 car spaces and 9 cycle spaces. 3.3 - Officers do have some reservations over the internal layout, specifically spaces 1-5, which are in line and will necessitate vehicles having to reverse significant distances within the site, which is very poor design. Officers have raised this issue with the applicants who have stated why they do not consider suitable design changes can be made.

3.4 - Parking levels have been provided in accordance with CYC Annex E standards

3.5 - Recommend standard conditions HWAY18 (cycle parking details to be agreed), HWAY19 (car and cycle parking laid out), and HWAY21(internal turning areas to be provided).

ENVIRONMENTAL PROTECTION UNIT - No objections

EXTERNAL CONSULTATIONS/REPRESENTATIONS

HEWORTH PLANNING PANEL - Support the application

POLICE TRAFFIC MANAGEMENT OFFICER - Object

3.6 - The application shows parking spaces for 10 vehicles. The congregation is quotes as being around 40 members (12 families) in number equating "to approx 1 car per family). If it is assumes that the 2 flats will generate the need for at least three parking spaces, as the application indicate three person use of a 2 bedroom flat. This will leave 7 parking places for the rest of the congregation. It is suggested that the majority of the congregation will have to travel some distance; it is likely to be a high usage of motor vehicles. The number of vehicles quoted in the application is 17 spaces being required, this cannot be accommodated on site. 10 vehicles will have to park on Huntington Road.

3.7 - There is a high proportion of street parking by residents in the Fossway PH area already. The development will cause further issues with congestion

3.8 - There is the possibility that the cars parked in parking spaces 8, 9, and 10 will exit the site by reversing out onto Huntington Road due to the constraints of the site. This contrary tot he Highway Code and will be in conflict with other road users

3.9 - If the car park is full and a vehicles was to park in the turning area provided on site, vehicles parked in spaces 1, 2, 3, 4, and 5 will be obliged to reverse out onto Huntington Road contrary to the Highway Coe and in conflict with other road users

3.10 - The Green Travel Plan has so many sections blanked out or redacted that it is unreadable and fails to demonstrate any benefits for any of the proposed church activities

3.11 - Para 1.9 the travel plan does not demonstrate any commitment to reducing congestion

3.12 - The congregation is more likely to be attracted from further a field and therefore the motor car is likely to be the choice or only practical means of transport

3.13 - Contrary to the statement in the Green Travel Plan (Page 9 para 4.0), the transport 'Targets and Measures' can be assessed as the Church already practices at a site within York, on Haxby Road, which is within 1/2 mile of the proposed site. The transport usage of the congregation accessing this present site will give a clear indication of the likely and existing patterns or means if transport choice, this has not been demonstrated

POLICE ARCHITECTURAL LIAISON OFFICER - No comments

DODSWORTH AREA RESIDENTS ASSOCIATION - Support the application

3.14 - The former public house, whilst trading, often used as a focus for antisocial and criminal behaviour. Since it closed it has been prone to vandalism and fly tipping

3.15 - Support the intention of the Living Word Church to convert the building into a community facility and church

3.16 - The extension of its use to the local area by way of space for community, as well as scope for debt advice, marriage guidance, and youth work by trained members of the congregation, is a valuable and positive move for the benefit of the area

1 LETTER OF OBJECTION

3.17 - The proposed site plan has 11 parking spaces, which is inadequate for the envisaged use of this building.

3.18 - The ease with which these parking spaces could be accessed would be those using the facility to park both on the footpaths in the vicinity and on the road itself, as well as reversing into a highway which is contrary to the Highway Code.

3.19 - Parking causing a blocking of line of sight from residents driveways and from the nearby pedestrian crossing

3.20 - The local area has seen significant development over recent years, which has increased the traffic on the road. There have been residential developments at Birch park, Mallard Landings, and Waterside Gardens. Commercial units have also been built at Birch Park together with the Royal Mail Sorting Office, which brings considerable traffic. The Ambulance Service depot has opened close to the proposed development and requires unhindered access for emergency vehicles. There is a bus stop opposite the proposed site and a convenience store next door, which attracts heavy goods lorries and delivers vehicles as well as pedestrians and cars. In addition the Yearsley Bridge Centre site will ultimately be developed

3.21 - Section 20 of the application (hours of opening) has been stated as 'not known'. As such the application is incomplete and should not have been validated

3.22 - The proposal will increase existing problems with parking in the area and generate more traffic on an already dangerous busy road

4.0 APPRAISAL

RELEVANT SITE HISTORY

10/01435/FUL - Change of use from public house (use Class A4) to youth club, day nursery and place of worship (use Class D1) with 2no. self-contained flats. New rooflights and entrance door. Refused for the following reason:

"The Local Planning Authority considers that the proposed number and intensity of uses on the site would result in an increased demand for on-street parking. The present demand for the available on-street parking in the vicinity of the site is high. It is not considered that the additional demand for parking that would be likely to be generated by the proposal can be satisfactorily accommodated within the public highway, without unacceptable compromises being made both in terms of highway safety and traffic congestion."

09/00525/FUL - Erection of 1no two storey building comprising 4no. flats after partial demolition of existing structure, and change of use from public house (A4) to 5no. self contained flats, with car parking and alterations to existing access - Approved

KEY ISSUES

1. Principle of the development and use
2. Impact on highway safety
3. Residential amenity

ASSESSMENT

PLANNING POLICY

4.1 National advice contained within Planning Policy Guidance Note 13 (PPG13) states that sustainable means of travel should be encouraged. When assessing new development, and in adapting existing development, the needs and safety of all in the community should be considered from the outset. Mixed-use developments can provide very significant benefits, in terms of promoting vitality and diversity and in promoting walking as a primary mode of travel. However, it should not be assumed that the juxtaposition of different uses would automatically lead to less car dependency.

4.2 The availability of car parking has a major influence on the means of transport people choose for their journeys. PPG13 suggests that levels of parking can be more significant than levels of public transport provision in determining means of travel even for locations very well served by public transport. The Local Planning Authority should not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances which might include for example where there are significant implications for road safety which cannot be resolved through the introduction or enforcement of on-street parking controls.

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.

4.4 Policy GP1 'Design' of the City of York Council Development Control Local Plan (2005) 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.

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

4.6 Policy L1b 'Loss of Leisure Facilities' states that planning permission will only be granted for a change of use that would result in the loss of a leisure facility where it can be demonstrated that: a need for the leisure facility no longer exists; or appropriate alternative facilities exist within the catchment area.

4.7 Policy C1 'Community Facilities' states that a planning application for social, health, community and religious facilities will be granted permission providing that the proposed development is of a scale and design appropriate to the character and appearance of the locality and it would meet a recognised need.

PRINCIPLE OF THE DEVELOPMENT

4.8 The principle of the redevelopment of the site has previously been accepted by virtue of the approval of application 09/00525/FUL (conversion to self contained flats). There are alternative facilities in the area, for example Yearsley Grove, and as such complies with Policy L1b of the City of York Development Control Local Plan.

4.9 It is considered that the agent has demonstrated a need for the place of worship; at present the applicant occupies rented accommodation and is seeking a permanent base, and 40 families regularly attend worship. As such, it is considered that the proposal complies with Policy C1. The use of the empty building would have a positive impact on the surrounding area.

IMPACT ON HIGHWAY SAFETY

4.10 The site is located on Huntington Road, which is a C classified highway. Huntington Road is a main arterial route into the city centre and is served by a number of frequent bus services with bus stops located in close proximity to the site. The site is in a sustainable location and is well served by pedestrian routes and cycleways. The site is within a large residential housing estate.

4.11 The vehicle access to the site is to remain as existing; the site layout will provide 10 car parking spaces and 9 cycle stands, and a turning area to allow the vehicles to enter the highway in a forward gear. Highways (Network Management) do have some concerns regarding the internal layout, specifically parking spaces 1 to 5, which are in a line and will necessitate vehicles having to reverse significant distances within the site. Officers have raised this issue with the agent at the pre application stage and during the application; the agent has stated they do not consider suitable design changes can be made. However, no specific highway objections have been raised subject to standard conditions.

4.12 The maximum number of spaces that can be provided for the proposals is 18 spaces. This is based on an estimate of 125m² for the hall (1 space per 8m²) = 16 spaces (This is probably in the upper range of parking when compared to the information supplied stating that the church is made up of 40 members, which is approximately 12 families). 2 spaces would be for the proposed flats. The proposed flats are to be used in conjunction with the church and there is the potential for residents not to own any vehicles. This is the maximum provision and potential demand, which will only occur once a week, on a Sunday. As such it is considered that the 10 spaces proposed are acceptable for the period and intensification of use.

The parking levels provided are considered to be in accordance with CYC Annex E standards. The retention of the turning area within the site can be conditioned.

4.13 The hours of use (except the flats) could be conditioned, to remove the potential for an intensification of use of the site during the week and potentially increasing the demand for on street parking.

RESIDENTIAL AMENITY

4.14 The external alterations are very minor and are not considered to unduly impact on the residential amenity of the surrounding properties. There are proposed rooflights but these are not considered to cause overlooking by virtue of the distance to the neighbouring properties. The proposed uses of the site are not considered to impact on the amenity of the occupants of the neighbouring dwellings any more than the previous use of the site as a public house.

5.0 CONCLUSION

5.1 The use of the site as a place of worship and residential accommodation is considered to be acceptable. The proposed uses would not have a greater impact on the residential amenity of the neighbouring occupants than the previous use of the site. The proposed use is considered to comply with policies set out within the Local Plan.

5.2 The level of parking provision is considered to be acceptable; the most intensive use of the site would be at the weekend, particularly Sundays. During the week the number of people using the site would be less and so the demand for parking provision will be less and would be accommodated within the parking area. Approval is recommended, subject to 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: -

Drawing Number A109/106 Revision B received 30 March 2011
Drawing Number A109/109 Revision C received 30 March 2011;

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

3 HWAY18 Cycle parking details to be agreed

4 HWAY19 Car and cycle parking laid out

5 HWAY21 Internal turning areas to be provided

6 The hours of operation of the Meeting Hall and Congregation Meeting Space shall be confined to

Mondays to Fridays not at all

Saturday 09.00 hours to 13.00 hours

Sunday 09.00 hours to 13.00 hours.

Reason: To safeguard the amenities of adjoining occupants and in the interests of highway safety.

7 The premises shall only be used for the approved use and for no other purpose, including any other purpose in Class D1 in the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: So that the Local Planning Authority may re-assess alternative uses which, without this condition, may have been carried on without planning permission by virtue of Article 3 of the Town and Country Planning (Use Classes) Order 1987. To protect the amenity of the users of the street and the residential amenity of the occupants of the nearby dwellings and in the interests of highway safety.

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 the residential amenity of the neighbours, the likely impact of the proposed uses of the site, the visual appearance of the building and the locality, and highway safety. As such, the proposal complies with Policies GP1, GP4a, L1b, and C1 of the City of York Council Development Control Local Plan (2005); and national planning policy set out in Planning Policy Guidance Note 13 'Transport'.

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