

## COMMITTEE REPORT

**Committee:** West/Centre Area                      **Ward:** Guildhall  
**Date:** 28 August 2007                              **Parish:** Guildhall Planning Panel

**Reference:** 07/01626/FUL  
**Application at:** 32 Lord Mayors Walk York YO31 7HA  
**For:** Change of use from office and flat to 12 bedroom student house including new rooflights to front and rear  
**By:** Mr A Bennett  
**Application Type:** Full Application  
**Target Date:** 5 September 2007

### 1.0 PROPOSAL

1.1 This application is presented to the west/ centre planning sub-committee at the request of Councillor Watson.

1.2 It seeks planning permission for the change of use of offices and flat that comprise 32 Lord Mayors Walk to a 12 bedroom student house. The property is a three storey Grade II Listed Building within the Central Historic Core Conservation Area. External changes would involve the insertion of rooflights in the front and rear roofslopes, the opening up of a former opening in the north western gable at attic level with the insertion of a casement window, the installation of a timber sash window in the front elevation at basement level and the formation of a pavement lightwell with a metal grill. Internal changes include the insertion of demountable shower pods in 6 of the bedrooms and various partition walling. Cycle storage would be available in a ground floor passageway within the building and in a rear yard area.

1.3 The companion application for listed building consent is the next item on the agenda.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

City Boundary York City Boundary 0001

Listed Buildings Grade 2; 30 Lord Mayors Walk York YO3 7HA 0568

Listed Buildings Grade 2; 32 Lord Mayors Walk York YO3 7HA 0569

Listed Buildings Grade 2; 34 Lord Mayors Walk York 0570

Schools St. Wilfrid's RC Primary 0230

## 2.2 Policies:

CYGP4B  
Air Quality

CYHE3  
Conservation Areas

CYGP1  
Design

CYE3B  
Existing and Proposed Employment Sites

CYH12  
Conversion of redundant offices

CYHE4  
Listed Buildings

CYH4A  
Housing Windfalls

CYGP4A  
Sustainability

CYGP11  
Accessibility

## **3.0 CONSULTATIONS**

### INTERNAL

3.1 Highway Network Management- No objections subject to secure covered cycle storage being provided

3.2 Design, Conservation, and Sustainability- Members to be updated

3.3 Economic Development Unit- Members to be updated

3.4 City Development- Members to be updated

3.5 Building Control- Members to be updated

### 3.6 Environmental Protection Unit- Concerns about air quality and noise

#### EXTERNAL

#### 3.6 Guildhall Planning Panel- Object as -

- density of occupancy unacceptably high
- insufficient natural light to the kitchen
- inadequate storage provision
- usurping pavement space to create lightwell

3.7 The application was publicised by neighbour notification letters, site notice and press notice. The expiry date for comment is 15 August 2007. Two representations have been received that raise the following planning issues-

- no place for refuse, aggravated by number of residents
- high noise level form type and quantity of occupants.
- loss of privacy to neighbour's abutting yard, noise intrusion
- loss of residential property in residential area, would not support move to more student accommodation in the area
- no parking facilities

## 4.0 APPRAISAL

### KEY ISSUES-

- 4.1 - Loss of employment use and increase in residential use
- Air Quality/ impact on residents
  - Impact on the neighbours/ Noise
  - Impact on the character and appearance of the Listed building and the conservation area
  - Highway safety and cycle/ bin storage provision

### RELEVANT POLICY-

4.2 Policy E4 of the North Yorkshire County Structure Plan states that buildings and areas of special historic interest shall be afforded the strictest protection.

4.3 Policy GP1 of the City of York Development Control Local Plan ( 2005 ), amongst other aims, states that development proposals must respect or enhance the local environment; be of a density, layout, scale, mass and design that would be compatible with the surrounding area; provide space for waste storage; and ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or overdominance.

4.4 Policy HE3 of the City of York Development Control Local Plan ( 2005 ) states that within conservation area, proposals will only be permitted where there is no adverse effect on the character and appearance of the conservation area.

4.5 Policy H12 of the local plan seeks to allow the conversion of redundant office space to residential use provided there is sufficient supply to meet immediate and

long term needs; there would be no impact on the vitality and viability of the city; and there would be no adverse impact on residential amenity.

4.6 Policy E3b of the local plan seeks to retain supply of employment sites within the city. To this end, applicants will have to demonstrate that there is a sufficient supply in qualitative and quantitative terms to meet the needs over the plan period; ensure that there is no unacceptable environmental problem; and permission may be given if the development would lead to significant benefit to the local economy or the use is ancillary to an employment use.

4.5 Policy HE4 of the Local Plan states that listed building consent will only be granted where there is no adverse effect on the character, appearance or setting of the building.

4.6 Policies GP4a seeks to ensure that all development should have regard to the principles of sustainable development.

4.7 Policy GP4b requires proposals for development in an AQMA ( Air Quality Management Area ) to assess their impact on air quality.

4.8 National planning guidance on which the above policies are based is contained in Planning Policy Guidance Note No. 15 " Planning and the Historic Environment " (1994) and Note No. 3 " Housing " (2000).

#### APPRAISAL-

#### 4.9 Loss of Employment Use and Increase in Residential Use

This property was last used as offices with a flat above and Policy E3b of the Local Plan seeks to resist the loss of existing employment sites, including offices, and retain them within their current use class. The aim is to ensure that there is a sufficient supply of employment land to meet both the immediate and longer term requirements over the plan period in qualitative and quantitative terms. The applicant has therefore been asked to provide evidence that the site has been appropriately marketed over a reasonable length of time. The applicant has not demonstrated that there is no demand for the office premises by providing information and evidence to show they are no longer contributing to the stock of employment sites and would no longer suitable for this use. The proposed loss of offices in the absence of the required justification would therefore conflict with this policy.

The proposed use would increase residential use within a terrace of largely residential properties with residential properties to the rear. Policy H12 would only support the conversion of redundant office space to residential use where there is evidence that there is a sufficient supply of officers to meet both immediate and long term requirements, the proposal would not harm the vitality and viability of the city centre, and would have no impact on residential amenity. As the applicant has not demonstrated that the premises are redundant and incapable of re-use for offices, the development would conflict with Policy H12.

#### 4.10 Air Quality

The environmental protection unit have concerns with this application our concerns are centred around Air Quality. In January 2002 City of York Council declared an Air Quality Management Area (AQMA) based on predicted exceedances of the annual average nitrogen dioxide objective in five areas of the city. The declaration of the AQMA placed a legal duty on the Council to improve air quality in the city and to demonstrate that it is actively pursuing the 40ug/m<sup>3</sup> annual objective to be achieved by 31st December 2005. In order to demonstrate a commitment to improving air quality, the Council was required to prepare an Air Quality Action Plan (AQAP) that includes measures the Council intends to take to improve air quality in the city. As the proposed development on Lord Mayors Walk is within City of York Council's AQMA the Environmental Protection Unit undertook nitrogen dioxide diffusion tube monitoring directly outside this row of terraced houses on Lord Mayors Walk. The annual average nitrogen dioxide results for the past three years are as follows: 2004 - 40ug/m<sup>3</sup>, 2005 - 41ug/m<sup>3</sup>, 2006 - 38ug/m<sup>3</sup>. These results indicate that at this location, concentrations of nitrogen dioxide have been above the governments health based objective level in two of the last three years (objective: 40ug/m<sup>3</sup>) and there would be serious concerns regarding the installation of a new timber sash window in the front elevation at basement level, particularly if this was the means of ventilation to the basement level room. The lightwell would essentially be a 'sink', into which pollution from traffic may fall and collect. Due to the high levels of nitrogen dioxide monitored at this location, it is recommended that the windows to both the basement level and ground floor rooms are non-opening and clean air should be provided to both rooms from a non-polluted area via mechanical means.

#### 4.11 Impact on Neighbours/ Noise

No. 32 Lord Mayors Walk was probably originally designed as a single dwelling, this property was subsequently adapted to incorporate office use. This application proposes 12 bedrooms into a house which although large was initially designed as an individual property and is situated within a residential terrace that backs on to residential property. If this application were to be successful it would result in 12 individuals living within close proximity of one another within the building. In this scenario, the amount of noise generated cannot be predicted as different people have different lifestyles. An average person however would watch TV, listen to music, have occasional gatherings with friends. The Environmental Protection Unit advises that the existing internal adjoining walls, floors / ceilings have not been designed to attenuate noise from self-contained rooms but were only designed to separate rooms within one household. It is anticipated that noise even at a reasonable level would impact on the amenity of surrounding properties. This coupled with the fact that the development is for student accommodation, where one room is used for a variety of activities, will only escalate the problem. The submitted plans for this development do not appear to have addressed any of the problems highlighted above and it is considered that the proposal would have a severe impact on the amenities of both neighbouring properties and those of the individuals living within the development. In addition the building, due to its listed status, may not be suitable for the extensive changes needed to address the issues above. It is concluded that the proposal would conflict with Policy GP1i) that seeks to ensure that residents living nearby and any future occupants, would not be unduly disturbed

by noise. Building Control has been consulted about the appropriateness of the standard of accommodation, and Members will be updated at the meeting.

#### 4.12 Impact on the Listed Building/ Conservation Area

The property is a Grade II Listed Building and the proposal would result in external and internal alterations to the historic fabric of the building. Prior to the formal submission of the proposals, preliminary details were discussed with the Council's conservation officer. The Conservation Officer's formal response has not been received to date and Members will be updated at the meeting. At the preliminary stage, the main concern related to the degree of internal alteration and disturbance to the historic fabric that would be involved in the insertion of the shower pods to six rooms. Other concerns related to the main reception room being converted to two bedrooms. There was no objection in visual terms to principle of the creating a lightwell in the front elevation of the building to Lord Mayors Walk or the insertion of "conservation" style rooflights to the front and rear roofslope. Similarly, the intention to reinstate the window in the former opening within the chimney arch was considered to be visually and historically acceptable. The submitted plans do not appear to have addressed the main concern that the degree of internal alterations that would be required to convert the building into 12 student rooms would be too invasive and would harm the historic character of the building. The Conservation Officer has verbally concurred with this view. The external alterations in principle would appear to be acceptable but lack the necessary detail that would be required to confirm acceptability. It is therefore considered that the proposal would conflict with Policy HE4 of the Local Plan, E4 of the Structure Plan, and related national guidance as the alterations that would be required would adversely affect the character and special interest of the Listed Building.

#### 4.13 Highway Safety/ Cycle and Bin Storage Provision

The Highways Sections has raised no objections or highlighted any conflict of interest within the footway to the provision of a lightwell in the front elevation of the property .The applicant has indicated in the submitted forms and documentation that 12 cycle parking spaces would be provided between an internal passage area and a rear yard area. These would require to be secure and covered spaces to comply with the Council's standards. The property is a convenient and sustainable location to the nearby York St John University and other educational establishments, to the public transport network, and the services of the city centre.

Nearby residents have expressed concern that this use would generate an increase in household waste that would require careful management. As there is a yard to the rear and a passage to the side, it is likely that there would be adequate space to accommodate bin storage. This issue could be addressed with the imposition of a suitable planning condition on the planning permission if Members are minded to approve the application.

## 5.0 CONCLUSION

5.1 On the basis of the submitted information and details, it is considered that the conversion of the building to student accommodation cannot be supported at officer level. There is insufficient evidence to support the loss of office accommodation and to ensure that the nearby residents and future residents would not suffer from adverse noise disturbance. The proposed lightwell would not be supported as it would adversely affect the air quality for residents within the property. It is also considered that the proposal would harm the historic fabric of the listed building.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Refuse

1 The applicant has failed to demonstrate that the offices are redundant and incapable of office or other employment generating uses and that the loss of the office premises would not compromise the supply of sites for employment in the City of York area over the plan period, as required under Policy E3b of the City of York Development Control Local Plan- Incorporating the Proposed 4th Set of Changes.

2 In the absence of supporting detailed information to prove that the proposal would not cause local problems of noise, it is considered that the proposal would cause disamenity and harm to the occupiers of neighbouring properties and future residents of the property . In addition it is also likely that the introduction of a lightwell in the front elevation of the building would act as a " sink" for traffic pollution and offer a poor quality of environment for the occupiers of the front basement bedroom. As such the proposal would be contrary to Policy GP1 and GP4b) of the City of York Development Control Local Plan and national planning guidance contained in Planning Policy Guidance Note No.1 " General Policy and Principles " that supports the rejection of proposals which are likely to result in exposure to undue noise and poor air quality.

3 The proposed extensive and invasive internal works that would be required in association with the proposed change of use would harmfully detract from the historic character and special interest of the Listed Building contrary to Policy HE4 of the City of York Development Control Local Plan- Incorporating the Proposed 4th Set of Changes, Policy E4 of the North Yorkshire Structure Plan, and national planning guidance contained in Planning Policy Guidance Note No. 15 " Planning and the Historic Environment. "

### **7.0 INFORMATIVES:**

#### **Contact details:**

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