

## COMMITTEE REPORT

**Date:** 4 July 2013                      **Ward:** Westfield  
**Team:** Major and                      **Parish:** No Parish  
                    Commercial Team

**Reference:** 12/02558/FUL  
**Application at:** Tote Bookmakers 48 - 50 Beaconsfield Street York YO24  
4ND  
**For:** Conversion of betting shop (use class A2) to 1no. house and  
4no. flats (use class C3)  
**By:** Tote Bookmakers Limited  
**Application Type:** Full Application  
**Target Date:** 2 November 2012  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The application is for the conversion of this former betting shop to create a two storey dwelling, and 2no. two bed flats on the ground floor and 1 no. two bed and 1no. one bed flat on the first floor. The street is predominantly residential and made up of terraced dwellings. The application site is a 19th century end of terrace building built at the same time as the attached terrace. Part of the proposed site is taller than the adjacent terrace and by virtue of its height together with its design acts as a focal building within the street scene.

1.2 The site is just outside the Acomb Conservation Area.

1.3 The revised plans submitted show a cycle store with access from the rear of the building and a separate refuse storage area sited to the rear of the proposed dwelling. The applicant has confirmed that the dwellings would be open market housing rather than social rented. A parking survey for the surrounding area has also been submitted.

1.4 The building is currently vacant. The external alterations proposed are relatively limited: alteration to a window to create a door to the cycle storage area in the rear elevation; 2 no. doorways and a window would be blocked up in the side/east elevation of the main building; the introduction of a kitchen window in the rear elevation of the two storey dwelling; a doorway would be altered to a window on the first floor of the two storey dwelling and the external staircase to this rear elevation would be removed; a brick refuse storage area for the flats sited to the rear of the proposed dwelling.

1.5 The application has been called into committee by Councillor Williams following concerns expressed by neighbours.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175

### 2.2 Policies:

CYGP1 Design

CYGP4A Sustainability

CYT4 Cycle parking standards

CYH4A Housing Windfalls

CYL1C Provision of New Open Space in Development

## **3.0 CONSULTATIONS**

### INTERNAL CONSULTATIONS

#### Highway Network Management

#### 3.1 No objections.

- Accept the findings of parking survey.
- As the proposal does not include any off-street car parking, to minimise the impact and promote of sustainable travel options, request confirmation that the developer will provide a free bicycle or a 12 month bus pass per dwelling to the first occupants of the properties to encourage non-car travel.
- Any comments regarding cycle storage will reported at the committee meeting.

#### Environmental Protection Unit

#### 3.2 No objections

#### Communities and Culture

3.3 As there is no on site open space commuted sums should be paid to the Council for (a) amenity open space - which would be used to improve a local site such as West Bank Park or Acomb Green (b) play space - which would be used to improve a local site as West Bank Park or Acomb Green (c) sports pitches - would be used to improve a facility within the West Zone of the Sport and Active Leisure Strategy. The contribution to off site provision is to be based on the latest York formula contained within the Open Space guidance note.

#### Educational Planning Officer

#### 3.4 No comments received

## EXTERNAL CONSULTATIONS/REPRESENTATIONS

3.5 One letter of comment was received covering the following points:

- Good scheme for a building that would otherwise remain empty if kept as a commercial unit.
- No provision in the scheme for parking. Beaconsfield Street is already congested and difficult to park in and the addition of 5 further residential properties can only serve to increase the problem. A resident parking scheme could be introduced.

3.6 Eighteen letters of objections were received covering the following points:

- Development represents an 'over-development' and is not in keeping with the rest of the character of the street - i.e family type housing.
- It could potentially give rise to 18 extra 'at night' parking places if each room was occupied by two people. This is a far greater pressure than the current bookmakers which only give a 'day pressure' for parking (when this is not usually a problem).
- The density of development would mean that noise would be concentrated in 5 dwellings in the same building footprint - the bookmakers 'day noise' was not a problem.
- Would not support a resident parking scheme, would not solve parking issues, these schemes can be expensive and unless properly and consistently policed are prone to abuse.
- No objection to the smaller part of the development being turned back into a single house.
- If a smaller number of flats are proposed these concerns would be lessened.
- Concerned about the potential noise levels, some incidents are documented and result in a higher than otherwise necessary Police presence in the area
- Concerned regarding the social housing aspect - crime levels, anti-social behaviour, and feeling of safety
- Existing drainage issues
- The proposed new dwellings would not be in keeping with the majority of the existing housing in the street, either in aesthetic terms or from a functional perspective,
- Problems on the street with crime levels, drugs, violence, anti social behaviour, fly tipping. Residents suffer the stress of this day to day and with the involvement of the local council, police authority and members of parliament are working hard to overcome. Concerned that the additional flats will exacerbate the problems.
- Lack of amenity land for 5 dwellings.
- The loss of business premises, affordable office and business space is required.
- Change to the demographic of the street will eventually reduce the value of the properties
- Why have the applicants applied for 5 rented social housing units when there is no requirement for them to do so? Has City of York or other councils agreed to

take these units on if/when successful? Did the applicants receive favourable assistance from the Council in their application for a Bookmakers licence on Front Street, in view of a social housing scheme been submitted?

- Increase in litter caused by the current inadequate waste collection service.
- Increase in traffic flow within the street
- Support a development of this property into a family home

## **4.0 APPRAISAL**

### **PLANNING POLICY**

4.1 The heart of the National Planning Policy Framework is the presumption in favour of sustainable development. Sustainable development is split into three roles: economic, social, and environmental (7). These roles can not be undertaken in isolation and are mutually dependent. The NPPF sets out a number of core principles (17) including: always seeking to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; taking account of the different roles and character of different areas; encourage the reuse of existing resources including the conversion of existing buildings.

4.2 Policy GP1 'Design' of the City of York Council Development Control Local Plan 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.

### **IMPACT ON THE CHARACTER OF THE AREA**

4.3 Policy H4a 'Housing Windfalls' states that permission will be granted for new housing development on land within the urban area providing: it is vacant/derelict/underused or involves infilling, redevelopment or conversion; has good access to jobs, shops and services by non-car modes; and, is of an appropriate scale and density to surrounding development and would not have a detrimental impact on existing landscape features.

4.4 The site is adjacent to the Acomb District Centre and its amenities, and is in close proximity to public transport as such it is considered to be a sustainable location. The scale of the accommodation proposed is considered to be acceptable. The use of the building as residential is considered to be acceptable and in keeping

with the prevailing character of development within the street. The external alterations proposed are relatively limited and are not considered to result in harm to the visual amenity of the buildings or the surrounding streetscene.

4.5 The applicants mistakenly stated in the original application that the proposed dwellings would be affordable housing, they have confirmed that it would be open market housing only.

#### IMPACT ON RESIDENTIAL AMENITY

4.6 The development provides for cycle parking however no vehicle parking has been proposed. The majority of dwellings in the street do not have off street parking. Off street parking could not be provided within the site. Objections regarding the lack of parking have been received. Beaconsfield Street does not have a residential parking scheme, this was removed in the 1990s when charges were introduced. A parking survey was undertaken by the applicant, which recorded the number of available parking spaces in Beaconsfield Street and a wider area including Beaconsfield Street, Gladstone Street, Milner Street, and School Street. The survey took place on a Thursday (28.02.2013) and Friday (01.03.2013) between 18.00 and 20.00 hours and Saturday (02.03.2013) between 10.00 and 16.00 hours. The assessment demonstrated that the average number of available space on Beaconsfield Street varied between 7 and 9 and in the larger area varied between 19 and 34. The proposal may result in further competition for on street parking however by virtue of the scale of the accommodation provided it is considered that the number of additional vehicles would be relatively minimal and there is scope to accommodate them in Beaconsfield Street and the surroundings. It is not considered reasonable to refuse the application on the lack of parking by virtue of its proximity to the district centre and public transport.

4.7 The Highways Network Management Team have requested cycle provision and that the first occupiers of the development be provided with a bike or a bus pass. As this would only benefit the first occupiers of the dwellings rather than all the occupants it is considered that it would not be reasonable to request this, nor would it fulfil the tests of Circular 11/95 in respect of the reasonableness of planning conditions.

4.8 Policy T4 'Cycle Parking Standards' of the Local Plan states that in all new developments, cycle parking provision will be required in accordance with the standards set out in Appendix E of the Local Plan. Cycle storage has been provided for the flats, and whilst narrow there is considered to be sufficient space and the storage area is secure. The proposed two storey dwelling has a rear yard where a cycle can be stored and as such is considered to comply with Policy T4.

4.9 The building has a similar relationship as the rest of the terrace to the dwellings on the opposite side of Beaconsfield Street; as such it would be in keeping with the

established distance between dwellings in this area and is not considered that there would be overlooking or a loss of privacy. In addition the proposed unit would have a similar relationship to the commercial properties to the north as the rest of the terrace and as such it is considered that there would not be harm to the residential amenity of the future occupants from deliveries to these commercial units. The use of the building as residential is not considered to result in a significant increase in noise compared to the previous use, it is not considered to cause disruption to the neighbouring dwellings.

4.10 Objections have been raised regarding sewer drainage and the potential exacerbation of stated problems. This is a matter for Yorkshire Water and is not normally a planning consideration that would justify a refusal of planning permission. Yorkshire Water has been consulted and any comments received will be reported verbally.

## OPEN SPACE PROVISION

4.11 As the application relates to the change of use to 4 no. two bed units and 1 no. one bed unit. A commuted sum payment of £5,028 is payable in lieu of public open space provision on site. The applicant has agreed to this payment and has submitted a section 106 unilateral undertaking for this amount, which CYC Legal Services have confirmed is acceptable. The application therefore complies with Policy L1c.

## 5.0 CONCLUSION

5.1 The proposed change of use of the end of terrace two storey building for the above reasons is not considered to result in undue harm to the residential amenity of the occupants of the neighbouring dwellings nor cause harm to the appearance of the streetscene or the character of the area. The proposal is considered to comply with local and national policy, and approval is recommended subject to the following conditions.

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Approve

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

Drawing Number 2601BF-48/50GA Revision 6 received 10 May 2013

Drawing Number 2601BF-48/50PEP Revision 4 received 7 June 2013

Site Plan received 23 July 2012

Email from agent received 18 June 2013;

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 The building shall not be occupied until the areas shown on the approved plans for the cycle store and the refuse store have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: To ensure the cycle provision accords with Policy T4. To protect the residential amenity of the occupants of the dwellings hereby approved.

4 The infill brickwork shall match the existing brickwork in all respects ie, bonding, size, colour and texture of bricks and the colour and finished treatment of mortar joints, to the satisfaction of the Local Planning Authority. The materials to be used externally for the refuse store shall match those of the existing buildings in colour, size, shape and texture.

Reason: To ensure that the finished appearance is to the satisfaction of the Local Planning Authority.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### **1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH**

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- Request revised plans to accommodate a cycle store and refuse store
- Request revised plans correcting anomalies between the original submitted proposed plans and elevations
- Request that a parking survey be undertaken
- A unilateral undertaking was requested so the development would accord with Policy L1c of the City of York Development Control Local Plan
- Use of conditions

#### **2. LEGAL AGREEMENT**

Your attention is drawn to the existence of a legal obligation under Section 106 of the Town and Country Planning Act 1990 relating to this development

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### 3. INFORMATIVE:

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) 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.

(b) 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".

(c) 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.

(d) 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.

(e) 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.

(f) There shall be no bonfires on the site

#### **Contact details:**

**Author:** Victoria Bell Development Management Officer

**Tel No:** 01904 551347