

DELEGATED REPORT

Date: 19 September 2013 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 13/02064/FULM
Application at: 34 Piccadilly York YO1 9NX
For: Conversion of ground and first floors to create 10no. flats with associated parking at basement level and external alterations
By: Mr Martin Burgess
Application Type: Major Full Application (13 weeks)
Target Date: 10 October 2013
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

Application site

1.1 The application relates to 34 Piccadilly. The property has a Tesco store at ground floor level and a basement parking area. The upper floor level is vacant.

1.2 The building faces the junction between Piccadilly and Merchantgate and is bound by the River Foss to the west. There is a used furniture store at 36 next door, within a warehouse type building, which runs from Piccadilly down to the river. There is an application currently under consideration for a residential-lead scheme at 36-44 - reference 13/02397/FULM.

1.3 The site is in the Central Historic Core Conservation Area and within the Castle Piccadilly action area, which is designated for regeneration in the 2005 Local Plan (policy SP9).

Proposals

1.4 Planning permission is sought for 10 flats, one of which would be at ground floor level, the others at first floor level. A mezzanine would be inserted at upper floor level. Storage and parking would be provided within the basement.

Planning History

1.5 Permission was given for 9 flats within the building in 2012 - planning application 11/01437/FUL. The permission was subject to a legal agreement which required the units to remain in single ownership and only rented out on short-term lets. This was agreed as at the time it was expected a comprehensive Castle Piccadilly

Application Reference Number: 13/02064/FULM

Item No: 4a

regeneration scheme, which would incorporate this site, would in the future come forward. Such a scheme would likely require purchase of 34 Piccadilly, which could potentially be delayed/complicated if the property were in multiple ownership.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006
Conservation Area Central Historic Core CONF
DC Area Teams Central Area 0002

2.2 Policies:

CYSP9 - Action Areas

CYH3 - Sequential test for new housing

CYH4A - Housing Windfalls

CYH11 - Conversion of upper floors to housing

CYGP15 - Protection from flooding

CYED4 - Developer contributions towards Educational facilities

CYL1C - Provision of New Open Space in Development

3.0 CONSULTATIONS

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

3.1 In relation to the scheme originally proposed, officers made the following comment -

- Asked for the removal of the 9 proposed roof-lights on the front elevation. The front roof slope is prominent in the street scene. The unbroken roof line and traditional slate covering contributes to the historic appearance of the street scene and in some views forms part of a restrained frame for views of heritage assets of the highest significance. The 9 roof lights will be intrusive additions, alien to the street scene.
- The other roof attachments: panels and vents should not detract from the appearance of the building, considering their location and design.

- The proposed glazed barriers at roof level, at the rear, would be prominent and harmful to the appearance of the building.
- High level signage proposed is unjustified and should be removed.

ENVIRONMENTAL PROTECTION UNIT

3.2 Officers are concerned that residents may be adversely affected due to noise disturbance and report there are air quality issues on Piccadilly. With regards noise, concern is that disturbance would occur due to traffic noise, deliveries to the ground floor retail premises and internal plant. Piccadilly is within the Air Quality Management Area. As such officers have asked that alternative means of ventilation, rather than the windows, be provided for the rooms with windows onto Piccadilly.

ENVIRONMENT AGENCY

3.3 No objection. Ask that the applicants are advised they would require consent from the Environment Agency for any works within 8m of the River Foss.

PUBLIC REALM OFFICERS

3.4 Advise that a contribution towards open space should be provided. This would contribute towards -

- Amenity open space - used to improve a local site such as Tower Gardens
- Play space (2 bed flats only) - used to improve a local site such as St Nicholas Fields or Navigation Road
- Sports pitches - used to improve a facility within the East Zone of the Sport and Active Leisure Strategy.

GUILDHALL PLANNING PANEL

3.5 Support the proposals. Preference is that all habitable rooms and bedrooms have windows.

PUBLICITY

3.6 One comment received from the neighbours at no.36, who note that the down-pipe at no.34, by no.36 is in need of repair. (officers note – replacement rainwater pipes are shown in this area on the proposed plans).

4.0 APPRAISAL

4.1 Key Issues

- Principle of the proposed development
- Flood risk
- Character and appearance of the conservation area
- Amenity for future occupants
- Open space and education contributions
- Highway safety
- Sustainability

4.2 The key issues are summarised, and advise on pertinent updated material planning considerations since the 2012 permission.

PRINCIPLE OF THE PROPOSED DEVELOPMENT

4.3 The 2012 permission established that in principle housing was appropriate above the commercial premises at this site. This was restricted to short-term lets in single ownership as at the time there were plans for a comprehensive re-development of Castle Piccadilly, which were expected to include the application site. The new Local Plan for York, currently out for consultation, again identifies Piccadilly as the site for retail provision over the plan period (2015-2030).

4.4 There is a current application for residential development at 36-44 Piccadilly, which has officer support. There would be no justification to restrict occupancy at the application site if that scheme were approved. Approval at 36-44 would mean recognition that future (retail-lead) regeneration of Piccadilly would not involve the application site.

4.5 The land on the western side of Piccadilly which has been identified for redevelopment is owned by Centros, the Council and Northminster (owners of this site). Centros, who own 36-44 and Ryedale House, are now proposing a less regeneration of Piccadilly. The comprehensive Castle-Piccadilly redevelopment scheme is not being proposed in the short to medium and is unlikely to be realised to the extent originally envisaged.

4.6 Because there is no adopted local plan, national policy requires that decisions are made based on the policies within the NPPF. As such it has to be considered whether essentially removing this particular site from the Castle Piccadilly allocation in the Local Plan for a comprehensive re-development will have an acceptable impact on the vitality of the city centre. It must also be noted that the NPPF (paragraph 173) requires that for the purposes of plan-making, plans must be deliverable, i.e. there must be a willing landowner.

4.7 The host building has a commercial occupier at ground floor level. Along with the introduction of ten residential units, the site overall would have a positive impact on the vitality of the street. To allow this situation in the long-term would not compromise the potential to re-develop the remainder of Piccadilly. Overall to allow this proposal would not have an undue impact on the vitality of the city centre.

FLOOD RISK

4.8 In respect of flood risk, there are no changes to approved application 11/01437/FUL. The development would be safe from flooding (due to ground levels) and condition 6 requires arrangements to be in place to avoid valuables stored in the basement being damaged in times of flood.

CHARACTER AND APPEARANCE OF THE CONSERVATION AREA

4.9 The variations from the approved scheme (11/01437/FUL) are at roof level - roof-lights and solar panels.

4.10 The continuous slate roof at the front of the building is a positive aspect of the building. The scheme has been revised and it is now only proposed to add two roof-lights on the front elevation. These are functionally desirable as they allow for windows to bathrooms. To avoid the windows appearing too prominent they will be small in scale and fitted so they do not stand proud of the roofslope; this will be secured through condition.

4.11 The panels on the roof will not be prominent in views from Clifford's Tower. The panels and other attachments will be set back from the riverside and would not be on the most prominent part of the roof, which slopes towards the river. The vent cowls will be small in scale (15cm high) and would not have a material visual impact.

4.12 The signage has been toned down. Now only a subtle reference, in a residential style is proposed, which is considered acceptable.

4.13 It is no longer proposed to use the roof terrace as outside amenity space. This is to avoid installations that would clutter the appearance of the host building.

AMENITY FOR FUTURE OCCUPANTS

4.14 No changes have been made since the 2012 approval with regard to noise and air quality. Noise: a condition is proposed to ensure that internal noise levels for residents meet World Health Organisation standards. Tesco who operate the ground floor retail unit have standard protocol that this is achieved at their sites which involve residential. The proposal differs from the previous scheme in that side windows are proposed which would face 36 Piccadilly. This could benefit residents.

However the applicants have been advised that there is a scheme under consideration at 36 which, if implemented, would significantly limit any benefits these windows would bring.

OPEN SPACE AND EDUCATION CONTRIBUTIONS

4.15 The amount and size of the residential units has varied since the 2011 permission and the contributions have been re-calculated accordingly. These will be secured through a unilateral undertaking.

- £36,116 towards secondary school provision (2 places) at Fulford School.
- £10,888 towards open space.

HIGHWAY SAFETY

4.16 No changes since the 2012 approval.

SUSTAINABILITY

4.17 As 10 units are proposed in line with current guidance it would be expected the conversion achieves a BREEAM rating of very good and that at least 10% of energy demand for the units is from on-site renewable sources. This is unless there is justification not to achieve such, considering that the development is re-using an existing building in the conservation area.

4.18 The applicants have confirmed the targets can be met. Solar panels are proposed on the roof, to provide renewable energy. A condition will secure the BREEAM Very-Good requirement.

5.0 CONCLUSION

5.1 Since the 2011 application for residential development of the site there are no longer plans from key landowners (Centros and Northminster) to re-develop Piccadilly with large scale retail development, due to a lack of demand and subsequently viability. Retention of the host building and having a mixed use of ground floor commercial and residential on the upper floors fits with national planning policy, which advises that sustainable development should be approved unless it conflicts with the policies in the NPPF. The development would be sustainable as it would provide needed housing in a suitable location, the development would be energy efficient and there would be no undue harm considering the vitality of the city centre, flood risk and impact on heritage assets.

5.2 Approval is recommended, subject to receipt of a unilateral undertaking which will secure contributions towards open space (£10,888) and education (36,116).

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve subject to Section 106 Agreement

1 TIME2 Development start within three years

2 Approved plans

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

Proposed floor plans - 046-PL- 101, 102, 103b, 104a

Proposed elevations – 105a and 106b

Details of roof vents/cowls 107

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

3 Residential amenity

Prior to occupation of the dwellings hereby approved secondary glazing shall be added to all windows serving residential rooms on the elevation facing Piccadilly. Details of the design (showing relationship to existing window frames) and performance (in terms of noise attenuation) shall be approved by the Local Planning Authority and the development implemented accordingly.

Reason: In the interests of the amenity of future occupants, and the appearance of the host building.

INFORMATIVE: To achieve compliance with this condition details should be submitted to demonstrate that the internal noise levels at the properties comply with the requirements of the World Health Organisation Guidelines on Community Noise and BS5228 as follows:-

Day time internal noise level in living rooms of 35 dB(A) Leq 16 hour (07:00 to 23:00)

Night time internal noise level in bedrooms of 30 dB(A) Leq 8 hour (23:00 to 07:00)

Night time internal maximum noise level in bedrooms of 45 dB(A) Lmax

4 Air Quality

All windows at first floor level to habitable rooms on the Piccadilly facade shall be made non-opening, with ventilation provided through continuous mechanical supply

and extract (with heat recovery) away from Piccadilly. The windows shall remain non-opening unless it is demonstrated that air quality would be acceptable for residents.

Reason: To restrict the exposure of future occupants of the development to an unacceptable standard of air quality, and to ensure adequate levels of ventilation, given that air quality outside the site has in previous years failed to meet national standards.

INFORMATIVE: Should it be demonstrated that for a period of at least 6 months that air quality at the development, when complete, is acceptable then windows could be openable.

5 Large scale/manufacturers details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

- a) roof lights (which shall be conservation type and those on the front roof-slope shall not to stand proud of said roof-slope)
- b) any other additions to the roof (which are not either the roof-lights or the ducts/vents shown on approved drawing 107)

Reason: In the interests of the appearance of the host building and the conservation area.

6 Flood risk management

Prior to occupation of the residential units, an evacuation plan which establishes a strategy for removing valuable items from the basement in times of flood risk, including details of how the occupants of the building shall be kept aware of the status of the Environment Agency Flood Warning Scheme shall be submitted to and approved by the Local Planning Authority.

Reason: To protect future occupants and their property from flooding in accordance with paragraph 103 of the National Planning Policy Framework.

7 Code for sustainable homes

The residential units hereby approved shall be constructed to at least Level 3* of Code for Sustainable Homes (CSH) standard or equivalent. A formal Post Construction stage assessment, by a licensed CSH assessor, shall be carried out and a formal Post Construction stage certificate shall be submitted to the Local Planning Authority (LPA) prior to occupation of the units. Should the development fail to achieve level 3* of the Code a report shall be submitted for the written

approval of the LPA demonstrating what remedial measures shall be undertaken to achieve Level 3 of the code. The remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and the Interim Planning Statement 'Sustainable Design and Construction'

8 Renewable energy generation

No building work shall take place until details have been submitted and approved in writing by the Local Planning Authority, to demonstrate how the development will provide at least 10% of the predicted energy requirements (of the apartments) from on-site renewable resources. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the Local Planning Authority. The approved scheme shall be implemented before first occupation of the development.

Reason: To ensure that the development is sustainable and accords with Policy GP4a of the Draft City of York Local Plan and the City of York Interim Planning Statement on Sustainable Design and Construction.

9 Storage

The storage space in the basement shall be provided in accordance with the approved plans and made available for use prior to occupation of the residential units and retained for such use thereafter.

Reason: To ensure adequate storage space, including secure cycle space, in accordance with policies GP1 and T4 of the Local Plan.

10 Bat mitigation

Prior to development commencing details of design measures to be incorporated into the development to provide habitats for bats shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of promoting new habitats, in accordance with policy NE7 of the City of York Draft Local Plan.

11 New Windows

New windows (proposed to the second floor flat) shall match existing windows in type and finish.

Reason: In the interests of the appearance of the host building.

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: requested additional detail/revised plans and the use of planning 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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