

## COMMITTEE REPORT

**Committee:** Central Area                      **Ward:** Guildhall  
**Date:** 20 September 2007                      **Parish:** Guildhall Planning Panel

**Reference:** 06/02042/FULM  
**Application at:** 4 Ogleforth York YO1 7JG  
**For:** Conversion, part demolition and extension of vacant warehousing and offices to form 12 no. apartments with associated parking  
**By:** House And Son Ltd  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 18 December 2006

### 1.0 PROPOSAL

1.1 Members may recall that this application was considered by the West and City Centre Area Planning Committee at the meeting held on 22 May 2007. At that meeting, it was resolved to defer a decision on the application to enable consideration to be given to the retention and conversion of the existing building on the Ogleforth frontage of the site as part of the scheme. The original proposal provided for the demolition of the frontage building and its replacement with a new extension. The applicant's agent has now submitted a structural engineers report which concludes that the existing building is in a poor state of repair and is not structurally sound. Thus whilst elevational changes have been made to the Ogleforth elevation of the new extension, the proposal still incorporates the demolition of the existing building. The contents of the structural report are discussed in greater detail in paragraph 4.9 below.

1.2 The application relates to the conversion of a substantial range of former warehouse buildings within the historic street of Ogleforth to form 12 apartments. The buildings are vacant at the present time but were previously occupied by Messrs House and Son, a well established local electrical contractor and retailer. The majority of the buildings are 3/4 (commercial) stories in height and would be retained as part of the proposal, but also include a smaller single storey building on the Ogleforth frontage of the site which would be demolished and replaced with a two storey extension (with raised eaves and accommodation in the roof) accommodating three of the apartments. The accommodation would consist of 6 x one bedroom apartments and 6 x two bedroom apartments. Two of the one bedroom apartments incorporate mezzanine floors providing the possibility of additional living/sleeping accommodation. In addition to being within the Central Historic Core conservation area, the warehouse is a Grade II listed building and a separate application for listed building consent has been submitted, also incorporating the demolition proposal referred to above.

1.3 Both external car parking/yard areas at the front of the site would be retained, with the south-eastern access onto Ogleforth being reduced in width and that to the northwest being repositioned. A total of seven car parking spaces would be provided, a significant reduction on the existing provision, with part of the external area being used to provide refuse storage and outside amenity space. Cycle parking would be

provided for each apartment within individual storage areas in the barrel vaulted basement. To the southeast of the site is The Dutch House, a Grade II "star" listed building, which has the benefit of planning permission and listed building consent for its conversion to a single dwelling, granted in November 2006. To the rear of the Dutch House, and also abutting the application site, is a small private car park which has recently been the subject of two planning applications for residential development. An application for the erection of three dwellings on this site was refused in July 2005, with a subsequent appeal to the Secretary of State being dismissed, whilst in September 2006 planning permission was granted for a more modest proposal consisting of two detached dwellings.

1.4 Revised drawings have been submitted which address the comments of the Council's Conservation Architect, together with a Noise Impact Assessment which was requested by the Environmental Protection Officer.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

Conservation Area Central Historic Core 0038

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Listed Buildings Grade 1; St Williams College York 0742

Listed Buildings Grade 2\_; The Dutch House Ogleforth 0990

Scheduled Ancient Monuments SMR 13280 York Minster Precinct Inc. Section Of City Walls

### 2.2 Policies:

CYE3

Retention of existing employment sites

CYH4

Housing devp in existing settlements

CYHE2

Development in historic locations

CYHE4

Listed Buildings

CYGP1

Design

CYT4

Cycle parking standards

CYL1  
Open spaces in new residential devts

CYC6  
Dev't contributions to comm facilities

CYHE5  
Demolition of Listed Buildings and Buildings in Conservation Areas

CYGP4  
Environmental sustainability

### **3.0 CONSULTATIONS**

#### **3.1 INTERNAL**

HIGHWAYS (NETWORK MANAGEMENT) - The conversion of this former warehouse to residential units is welcomed, not least because it will, in the process, remove the passage of large commercial vehicles from these narrow streets with sharp radii, in the shadow of the Minster.

The application indicates that a total of 7 parking spaces are to be provided to serve the 13 apartments, which is a reduction in the number of spaces currently available, and is to be welcomed on this city centre site.

I would normally expect cycle facilities to be provided on the ground floor either within the building itself, or in close proximity to the main entrances. In this instance, the use of the basement area to provide individual storage areas is considered acceptable as a means of also providing parking for residents cycles. A channel section ramp should be attached to the flight of steps to facilitate the movement of cycles.

Whilst pedestrian visibility at the proposed entrances is very restricted, I am not in this instance seeking the introduction of splayed entrance walls given the extremely low level of vehicular traffic to be found along Ogleforth and its limited speed. Such a measure would also impact on the desire to reintroduce a building line along the rear of the footway.

N.B. Revised drawings have been submitted showing acceptable turning arrangements within the site.

### **DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT**

#### **Conservation**

An independent historic buildings assessment was compiled in May 2006 to inform debate about proposals for the site and its buildings.

The buildings are situated within the Central Historic Core conservation area close to the Minster precinct. There are a significant number of high status buildings in the vicinity, including St William's College (grade I) to the immediate NW of no 8

Ogleforth, and Cromwell House at no 13 Ogleforth (grade II\*) immediately opposite the site. Buildings on the NE side of the street form a continuous building line of 2 & 3 storeys, with the occasional modest gated opening allowing access to the rear. Houses are mostly in residential use, although Cromwell House and Adam House were recently used for offices. The SW side of the street is more open, with yards for servicing and car-parking being visually open to the street. The earlier buildings remaining on the street are of modest height and domestic scale, smaller than the buildings opposite. The early C20th former coach works, now offices, is much larger, as are the 19th century brewery buildings which are set well back from the street. The roof of the 4 storey brewery buildings interrupts the historic skyline.

The report outlines the development of the buildings and draws attention to the main elements of significance. The buildings are empty at present and their reuse would be welcome. It is important to respect the following principles in the conversion:

- 1) to retain the appearance of the building as an industrial building in the envelope
- 2) to maintain the openness of the spaces as far as would be compatible with the conversion to dwellings
- 3) to retain the remaining fixed equipment and built-in evidence of industrial use
- 4) to address the scale of the street bearing in mind the orientation

Proposals show the buildings would be converted to 12 apartments with the two storey early 20th century element replaced by a three storey block (partially within the roof). Please see below for comment:

#### Industrial character

We welcome the removal of the uncharacteristic lift shaft and canopy. The demolition of the other ancillary elements, including the replacement concrete access to no 8, would not appear to adversely affect the special historic and architectural interest of the building. However the vertical line of "taking in doors" and the sliding door should remain. Openings shown on drawings should be amended to reflect this. New windows/doors in these locations should be designed to be as robust as existing whilst allowing for requirements of additional light and safety measures. Details would be conditioned. We welcome the removal of the uncharacteristic windows.

#### Internal Spaces

The new layout for no 8 Ogleforth maintains the inherited plan configuration. Clarification is sought regarding the nature of the cornice at basement level where the bathroom wall has been introduced.

Subdivision of apartments within the remaining building uses the principal structural walls to demarcate individual flats. Service accommodation and circulation has been moved to the rear of the building as there is no light from this direction. Some of the spaces have mezzanine floors and a reasonable greater degree of openness has been retained given the constraints of the building.

Given the requirement to upgrade floor zones for sound and fire resistance it is important to agree the approach at this stage. Truss positions should be marked on

the "as proposed" drawings, and further information should be provided by way of indicative sections to show how they integrate with the floor zone and with the introduced partitions.

Thermal insulation measures should be indicated so that their impact on the structure and in particular the windows can be assessed.

Procedures for blocking previous openings whilst retaining evidence of their presence can be agreed by way of condition

#### Equipment and other evidence

Equipment has been noted on the drawings. It will be important to fully record the building and its details prior to any work commencing. Measures for protecting elements such as the bearing box should be agreed. A schedule of finishes should also be provided for approval and this should allow the fire-proofed construction to be exposed.

#### New Build

The loss of the early 20th century extension onto Ogleforth has been accepted from an early stage by English Heritage and ourselves. The building is constructionally and architecturally more interesting than the one proposed and it offers a more comfortable mass and height to the street. Whilst the simpler architectural format would be acceptable the increased height (over 3.5m) would adversely affect residential amenity, in terms of sunlight and privacy in this narrow street (6.5m wide). It would be inappropriate to reintroduce buildings of the scale already demolished as expectations nowadays are of a higher level of amenity. This part of the scheme should be revisited.

The details of some of the above requirements could be covered by condition. However it would be reassuring to agree the various approaches at this stage to ensure that the historic and architectural interest of the buildings can be maintained at detailed development stage.

#### Comments on revised drawings:

The revised scheme addresses the issues as follows:

- 1) The vertical line of "taking-in doors" has been acknowledged
- 2) The sliding door has been retained
- 3) The layout in apartment 8 has been reassessed and the problem with the existing cornice has been avoided as the area is no longer sub-divided
- 4) Indicative sections have been submitted showing equipment retained in-situ. Trusses have not been marked on the plans but it will be expected that they should be retained, and repaired if necessary
- 5) The acoustic report suggests secondary glazing the window onto St Williams College, lining the party wall, and providing additional linings on the ceilings
- 6) There has been a reduction in the overall scale of the new build element.

It is considered that the effect of the conversion on the special architectural and historic interest of the building is acceptable. It is also considered that the scheme would not be harmful to the conservation area.

Should the scheme be approved please add conditions covering:

- 1) brickwork for the new build
- 2) new windows, doors and all reveals on the new build
- 3) details of all windows and doors and any adaptations, secondary glazing etc
- 4) details of upgrading for fire and sound
- 5) details where previous doorways to be blocked in (the opening must still read
- 6) measures for retaining and protecting beam bearing box, and all fixed equipment in the building
- 7) details of mezzanine floors, new stairs and balustrading

ARCHAEOLOGIST - The site lies in the Area of Archaeological Importance and in an area where there are well-preserved Roman, Anglo-Scandinavian and medieval deposits. These deposits can be classed as unscheduled deposits of national importance.

The site lies in the heart of the Roman legionary fortress and the medieval town. Previous archaeological work on the site has been limited, and indicates a brief but intense period of complex structural and occupational activity during the 14th century. Structural activity seems to have restarted by the 18th century since when it has been continuous.

This site contains important archaeological features and deposits which must be recorded. Therefore, it will be necessary to excavate archaeologically the area on Ogleforth occupied by the building which will be demolished after demolition has taken place. There must also be an archaeological watching brief on all other groundworks. A full drawn and photographic archaeological record of the standing buildings on the site must be carried out by an appropriately qualified and experienced archaeologist.

Standard conditions ARCH1(submission of archaeological programme) and ARCH2 (archaeological watching brief) are recommended on any consent which is granted, in addition to a non-standard condition to secure the archaeological record of standing buildings on the site.

CONSERVATION AREA ADVISORY PANEL - The panel supports this application, but request that the taking in doors are recognised, possibly by the introduction of a void below the cill. It was felt however that a contemporary design rather than a pastiche might be a better solution for the new build element.

COUNTRYSIDE OFFICER - Whilst there are no records of bats at the site, there are from the adjacent property. The site has limited interest as a roosting site for bats, and the proposals are likely to have only a minimal impact on this interest. It is not considered that a bat survey is either necessary or would achieve anything at this time. There are, however, opportunities to enhance the bat habitat within the design of the building (e.g. through the incorporation of bat bricks and bat tiles at eaves and roof level) and also to provide suitable nesting habitat for swifts. Such works are not expensive or onerous and it is recommended that a condition is attached to any planning permission to secure appropriate measures as part of the development. Such a condition would reflect one of the key objectives referred to in Planning Policy Statement 9 "Biodiversity and Geological Conservation" for building in biodiversity or geological features as part of good design.

CITY DEVELOPMENT - In accordance with Policy E3b, the key issue is whether it is considered appropriate that the employment use on this site is lost. Further comments should be sought on design and historic architecture and from the Highways Department regarding access and cycle standards.

ENVIRONMENTAL PROTECTION - The Environmental Protection Unit have concerns about the effects of noise from adjacent premises affecting the amenity of occupants of the proposed development.

Functions are held on a regular basis in St Williams College, which directly adjoins what will be proposed bedrooms. In addition there are numerous windows in both the development site and St Williams College, in close proximity to each other which would also allow the transmission of noise. The functions held at St Williams College include the playing of both live and recorded music in the Maclagan Hall, with guests usually occupying this and another two of the upstairs rooms at the College. In addition, the stairwell which is glazed on three sides would be open to two of those rooms during functions, increasing the areas through which noise can escape.

There is an activity area serving a building next to St Williams College. The window of the rear ground floor apartment of the proposed development looks directly out onto the activity area used by children of all school ages in groups of between 30-60. Again there is the potential for noise generated by groups using the activity area to cause a nuisance affecting the occupant of the apartment.

There is a delivery ramp serving the rear of St Williams College, which runs directly alongside part of the proposed development site and under numerous proposed bedroom windows. There is the possibility that deliveries of goods and collection of waste from St Williams College could disturb occupants of the proposed dwellings.

Lastly, it was noted during a visit that there is considerable noise produced by the kitchen extract system of the College and cooking odours were noticeable in the area adjacent to the development site. Attached to the rear of another building next to the proposed development site are four cooling units. Due possibly to the cold weather conditions, the units were not running. However during hot weather there is the potential for additional noise impact on the occupants of the proposed development.

The Environmental Protection Unit recommends that no decision is taken until a Noise Impact Assessment has been carried out, including any mitigation measures proposed by the developer. In the event that a Noise Impact Assessment is not submitted by the applicant we would be minded to recommend refusal of this application on the grounds that insufficient information has been given to allow a decision to be made by the Local Planning Authority.

Comments on revised proposals, incorporating the Noise Impact Assessment:

The Noise Impact Assessment makes several recommendations regarding glazing and air gap specifications as well as sound insulation to adjoining walls with the college. All the recommendations should be incorporated into any planning

permission that may be granted in order to ensure the amenity of occupants of the proposed apartments. In addition the orientation of the rooms has been altered which will assist in reducing the impact of loud music from the function room at St Williams College.

Conditions are recommended relating to the following:

- details of sound insulation to be submitted, approved and implemented prior to first occupation.
- a scheme of mechanical ventilation to be submitted and approved for the three bedroom windows adjacent to St. Williams College (southeast facing windows in the southwest corner of the application site).
- standard condition relating to working hours to control working hours.

EDUCATIONAL PLANNING OFFICER - A total contribution of £15,531 (based on the revised drawings) is sought towards the funding of one secondary school place within the local catchment area. This could be secured through a Section 106 Agreement.

LIFELONG LEARNING AND LEISURE - 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 Monk Bridge and Glen Gardens
- b) play space - which would be used to improve a local site such as Glen or Clarence Gardens
- c) sports pitches - which would be used to improve a facility within the East Zone of the Sport and Active Leisure Strategy.

The necessary payment could be secured through a Section 106 Agreement.

### 3.2 EXTERNAL

GUILDHALL PLANNING PANEL - No objections but make the following comments:

- boundary treatment - walls to Ogleforth should be higher and articulated.
- general concern that the design is mundane and bland.
- opportunity should be sought for more varied design and roofscape.

N. B. Comments on revised drawings: Re-affirm previous comments

ENGLISH HERITAGE - We consider that the massing of the new build has greatly improved. We suggest the street elevation may benefit from having one central window to ground and first floor (possibly on the lines of a Serlian window) rather than the pairs of windows now proposed. We recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

N.B. The same comments have been made in respect of the revised drawings.



YORK CIVIC TRUST - Comments as follows:

1. Concern is expressed that the height of the replacement building is excessive and would have an overpowering effect on the buildings opposite.
2. There is no indication that patched brickwork will be carried out using matching bricks, mortar joints and bonding.
3. Whilst there are no objections to the demolition of the building fronting Ogleforth, it is important to note that its demolition requires Conservation Area Consent.

COMMUNITY SAFETY OFFICER - There is some history of car crime in the area and consideration should be given to a camera system and secured gate entry system for pedestrians and vehicles similar to that used elsewhere in the city. There are windows overlooking both the car parking and garden areas and this may prove sufficient to discourage the car criminal and anti-social use of the area. Consideration should be given to raising the height of the neighbouring boundary walls to prevent access to the site from the side. There are a number of windows that face directly out onto the street on the new and existing buildings and these should be designed to comply with current "Secured by Design" standards, as should the lighting for the car park.

ADJACENT OCCUPIERS - Three letters have been received, expressing the following concerns:

- the applicant needs to demonstrate that the loss of this employment site and that alternative employment uses (e.g. offices) are not suitable or are unlikely to occur.
- the proposed extension enables a further three units to be created which is considered to be an overdevelopment of the site. It is considered that this element should be deleted and that the scheme should work within the confines of the existing building.
- the proposed access and turning arrangements are extremely tight in terms of manoeuvring and turning space.
- some of the parking spaces do not appear to be useable and will result in vehicles reversing onto the highway or not using the parking spaces at all.
- any on-street parking will restrict access along this narrow street.
- the number of parking spaces seems inadequate for the proposed thirteen units and there should be at least one space per unit with an additional element included for visitors, minimum 16 spaces. A reduction in the number of units would reduce this disparity.
- there is a potential impact on the future occupiers of the apartments from the adjacent premises (St. Williams College) which is a licensed premises used as a venue for weddings, discos, parties, conferences etc. This lawful activity must not be inhibited by the introduction of residential accommodation in the adjacent building.
- The scheme needs to take this issue more fully into account through the internal layout of the scheme, sound insulation measures, improved glazing and perhaps a noise assessment.
- part of the development has windows overlooking an enclosed yard within the college used as project yard by visiting schools and other groups. This raises issues of privacy, overlooking, noise nuisance and activity which could impact on the scheme.

- no additional openings should be permitted in the wall abutting St. Williams College.
- consideration should be given to the relationship of the new build apartments to the properties opposite, where the window to window distance is particularly close.
- access to adjacent land will be necessary to carry out the development and any nuisance should be minimised. The construction programme should be managed by condition.
- the development will bring more residents into an area where there is inadequate street lighting and difficult driving conditions.
- the road is very narrow in places and is frequently used by lorries on a daily basis making it impossible to pass. This will be exacerbated by 13 additional flats and a minimum of 13 extra cars.
- the wooden doors on the upper level existing warehouse building could be retained.
- some of the new windows are too small and horizontal and a vertical emphasis would be more appropriate.
- the new extension will bisect the south side of Ogleforth and hide part of the grouping of the old buildings to the rear.
- the elevation to Ogleforth is at best ordinary and needs further consideration.
- reclaimed bricks would be appropriate; the profile of the glazing bars should be carefully chosen.

N. B. Two letters have been received in response to the revised drawings, reiterating many of the previous points. The following additional points have been raised:

- the revisions show the warehouse buildings retaining or suggesting more of their earlier functions, which is an improvement.
- it is unfortunate that the small windows to be inserted in the blank arches nearest to St. Williams College have not been re-considered.
- The building on the Ogleforth frontage is worth retaining and its replacement is architecturally undistinguished.
- it is hoped that there are no plans to insert roof lights in the warehouse roof.

## **4.0 APPRAISAL**

### **4.1 Key Issues**

- principle of residential conversion/loss of employment site
- effect on character and appearance of the conservation area
- effect on neighbouring properties
- living conditions of future occupiers
- highway and parking issues

4.2 The application relates to the conversion of an existing vacant warehouse and associated offices to residential use. The site is within the Central Historic Core. When determining planning applications within conservation areas, the Council has a statutory duty to consider the desirability of preserving or enhancing the character or appearance of the area. A separate application for listed building consent has been submitted in respect of the proposal.

4.3 The site falls within the definition of "Previously Developed Land", that is "land which is or was occupied by a permanent structure, including the curtilage of the

developed land and any associated fixed surface infrastructure". Central Government advice in Planning Policy Statement 3 ("Housing - November 2006), from which this definition is taken, states that a key objective is that Local Planning Authorities should continue to make effective use of land by re-using land that has been previously developed. The Approved North Yorkshire Structure Plan is the statutory development plan for the area. Policy H9 states that "provision will be made for the maintenance and, where appropriate, the extension of residential use of property in and around town centres and in particular in and around the historic core of York, through permitting suitable new development and through the conversion of suitable existing property and vacant upper floorspace". Policy H4a of the Draft Local Plan states that planning permission will be granted for new residential development where the site is within the urban area and it involves infilling, redevelopment or conversion of existing buildings, where the site has good accessibility to jobs, shops and services by non-car modes of transport, and subject to the development being of an appropriate scale and density to the surrounding development. The site occupies a central (and sustainable) location within the city centre and has good accessibility to public transport, jobs and services. The development would provide a good mix of accommodation, consisting of 5 x one bedroom apartments and 5 x two bedroom apartments, with floor areas ranging from 34 sq metres to 128 sq metres.

4.4 Policy E3b states that sites or premises either currently or previously in employment use, will be retained within their current use class. Planning permission for other uses will only be given where a) there is a sufficient supply of employment land to meet both immediate and longer term requirements over the plan period in both quantitative and qualitative terms, and b) unacceptable environmental problems exist, or c) the development of the site for other appropriate uses will lead to significant benefits to the local economy, or d) the use is ancillary to an employment use. Although the majority of the buildings to be converted were previously in warehouse use, the proposal also includes the conversion of the offices associated with the former business use. Policy H12 of the Draft Local Plan states that planning permission will be granted for the conversion of redundant office space to residential use where a) there is a sufficient supply of offices to meet both immediate and longer term requirements over the plan period; and b) the proposal will not have an adverse impact on the vitality and viability of the City and District Centres; and c) it has no adverse effect on residential amenity.

4.5 It is considered that the site is not well suited to a warehousing use, being located on a narrow historic street with poor access to the primary road network. Warehousing uses are generally better located within purpose built accommodation on serviced sites with good access to the road network (e.g. York Business Park). The conversion of the building to residential use is supported by highways officers for the reason that it would remove the passage of large commercial vehicles from the narrow streets in the vicinity of the site. In addition, there are a number of residential properties in close proximity to the site, and it is considered that the amenity and living conditions of the occupiers of these properties would benefit from the removal of a potentially harmful commercial use from the street.

4.6 The alteration of the building to accommodate an alternative employment use, such as offices, would be unlikely to provide a workable solution. Access into the building and internal circulation do not meet modern requirements, and the layout of

the building does not lend itself to alterations to meet these requirements. The listed status of the building also limits the scope for alterations to make the building more suitable for office use, e.g. cabling, ducting and service runs to accommodate modern IT equipment. It is considered that the poor access, circulation and staff facilities within the building, together with the availability of vacant, more practical office accommodation elsewhere in the city centre, would make the building difficult to let or sell as offices. It is concluded, therefore, that in both quantitative and qualitative terms, the change of use of the building to residential use would not be unduly harmful to the overall supply of employment sites in the city centre or wider area.

4.7 The property to which the application relates is a Grade II listed building which was originally occupied by Thackwrays Brewery and continued in this use when the ownership changed to Samuel Smiths. Central Government advice in Planning Policy Guidance Note 15: "Planning and the Historic Environment" (PPG15) states that generally the best way of securing the upkeep of historic buildings and areas is to keep them in active use. It also states that the best use will very often be the use for which the building was originally designed, and the continuation or reinstatement of that use should certainly be the first option when the future of a building is considered. Clearly, the reinstatement of the original use is not a realistic option in this case, and the continued use of the building as a warehouse, or its conversion to offices, are not suited to the location of the site or the internal layout of the building. It is considered that the conversion of the building to apartments would constitute an acceptable alternative use, and through the imaginative use of existing spaces, the creation of new spaces through the insertion of mezzanine floors where floor to ceiling heights allow, and the retention of existing features of architectural and historic significance, would not be unduly harmful to the fabric of the building. In particular, the proposal would greatly assist in securing the future upkeep of the building by retaining it in active use, in accordance with the advice in PPG15. In addition, the application site is readily accessible on foot to all city centre facilities and amenities and its reuse for residential purposes is consistent with the basic principles of sustainability. On this basis, it is considered that the principle of the conversion of the building to residential use is one which could be supported.

4.8 Policy E4 of the Approved North Yorkshire Structure Plan states that buildings and areas of special townscape, architectural or historic interest (e.g. conservation areas, listed buildings) will be afforded the strictest protection. Policy HE2 of the City of York Draft Local Plan states that within or adjoining conservation areas, and in locations which affect the setting of listed buildings, development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials. Proposals will be required to maintain or enhance existing urban spaces, views, landmarks, and other townscape elements which contribute to the character or appearance of the area. The application relates to the conversion of the existing range of buildings, with use being made of existing openings in the external elevations of the buildings. Internal features of interest, such as fireplaces, cranes, pulleys and hoists would also be retained.

4.9 The application also incorporates the demolition of an early twentieth century extension fronting onto Ogleforth. Although this single storey building has some interesting architectural features, it is not of the same quality as the main warehouse buildings to the rear. A structural report has been submitted which states that the

building is in a poor state of repair, including a wall that is notably out of plumb, vertical and horizontal cracks and water ingress, all of which are considered to be significant enough to reduce the structural integrity of the building. The report concludes that the repair of the building is not economically viable. Significant sections of walling would have to be taken down and rebuilt, and all structural elements completely refurbished and repaired to ensure an adequate lifespan for the building. The applicants agent considers that the retention of this structure, by the very nature of its structural condition and fenestration, would produce an inferior property and have an adverse effect on the whole scheme to a point of jeopardising its financial viability.

4.10 It is proposed to replace this building with an extension on a narrower footprint than the existing but with accommodation on three floors, with a gable directly onto the street. The extension would contain 2 x two bedroom apartments and 1 x one bedroom apartment. The revised drawings reduce the height of the new extension so that it is better related in massing and scale both to the listed Dutch House to the southeast and to the streetscene in general. The revised scheme also acknowledges and incorporates many of the existing architectural features of the existing warehouse buildings, both internal and external. A further drawing has been submitted incorporating a revised fenestration pattern, creating a more pleasing appearance to the Ogleforth frontage of the extension. Subject to conditions relating to materials and the submission of large scale architectural details, the Conservation Architect is satisfied that the effect of the conversion on the special architectural and historic interest of the building is acceptable. It is also considered that the scheme would not be harmful to the overall character and appearance of the conservation area.

4.11 The Environmental Protection Unit originally raised concerns regarding the impact of noise from the adjacent premises (Maclagan Hall - part of St. Williams College) on the amenity of future occupants of the proposed development. Functions including weddings and seasonal events/parties are held on a regular basis in Maclagan Hall, which directly adjoins and at one point is physically attached to part of the warehouse buildings. There are a number of windows in both the development site and Maclagan Hall in close proximity to each other which would allow the transmission of noise. Further concerns arise due the proximity of an outdoor activity yard within the curtilage of St Williams College to the rear of the warehouse complex. Again there is the potential for noise generated by groups using the activity area (including children of all school ages) causing nuisance and disturbance to occupants of the adjacent apartments. Other potential noise sources include deliveries/collections from the area at the rear of St. Williams College, disposal of empty bottles during or after late night functions, and kitchen extract/air conditioning units, all located within relatively close proximity to the north west facing elevation of the warehouse buildings.

4.12 A Noise Impact Assessment was subsequently carried out by an independent consultant on 15th December 2006 when a disco/dance function was taking place within Maclagan Hall. The report makes several recommendations regarding glazing and air gap specifications, in addition to sound insulation to party walls which directly abut the Hall. In addition, the internal layout of the apartments has been amended so that the majority of bedroom windows would be orientated away from the principle noise sources. Two of the twelve apartments would have bedroom windows

overlooking the activity yard referred to above, but this would not normally be in use when the bedrooms are occupied. It is considered that the insulation of these and other affected windows in accordance with the recommendations of the Noise Impact Assessment, together with the use of mechanical ventilation where required, would adequately protect the amenity of future occupants of the apartments.

4.13 No highway objections are raised to the principal of the proposal, indeed the conversion of the warehouse to residential use is welcomed from a highway standpoint as it would result of the removal of large commercial vehicles from the surrounding narrow, historic streets. A total of seven parking spaces would be provided for the 12 apartments (13 if the conversion of the adjacent Dutch House is also included), which together with the proposed cycle parking is considered to be acceptable in this city centre location. Indeed, the proposal would result in a reduction in the number of parking spaces currently available at the site, which in terms of encouraging sustainable travel patterns by means other than the private car is to be welcomed. So far as the number of parking spaces is concerned, Central Government advice in PPG13 states that local authorities should not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances, such as where there are significant implications for road safety which cannot be resolved through on-street parking controls. On-street parking restrictions are in existence throughout the length of Ogleforth, in the form of double yellow lines. Although visibility at the site entrances is restricted, this is considered to be acceptable bearing in mind the low levels of traffic within the street and its limited speed.

4.14 The site would be provided with good levels of security, there being 2.5 metre (8 feet 2 inches approx) brick boundary walls on either side of the site. These would be continued around the front of the site where there are gaps, other than at the site entrances, where electronic security gates would be provided. The nature and scale of the proposed development will attract a requirement for commuted sum payments to be made in respect of education and open space provision, in order to comply with Policies C6 and L1c of the City of York Draft Local Plan respectively. Based on the number of units/bedrooms proposed, these payments have been calculated at £15,531 for the funding of one secondary school place, and £5,658 towards the upgrading of off-site open space in the locality. These payments could be secured by the applicant entering into an Agreement under Section 106 of the Town and Country Planning Act 1990.

## **5.0 CONCLUSION**

5.1 It is considered that the principle of the conversion of these vacant commercial buildings to apartments is acceptable. The detailed proposals, including the demolition and replacement of the building on the Ogleforth frontage, would respect the character of this historic group of listed buildings, and would not be harmful to the overall character or appearance of the wider conservation area. The amenity of neighbouring properties would be respected, in particular through the reduction in height of the new extension on the Ogleforth frontage of the site. The mitigation measures contained within the Noise Assessment Report demonstrate that the amenity of future occupants of the apartments would not be unduly affected by noise from Maclagan Hall, directly adjacent to the proposed development. Although only a limited amount of car parking would be provided in association with the development,

secure cycle parking would be provided and the site is in a central, sustainable location within walking distance of the city centre and with good access to public transport. As such, the proposal is considered to be satisfactory subject to the imposition of appropriate conditions.

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

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

Drawing no. 05:38:23 Rev D received on 2 August 2007 (Proposed floor plans)

Drawing no. 05:38:24 Rev C received on 2 August 2007 (Proposed floor plans)

Drawing no. 05:38:25 Rev C received on 2 August 2007 (Proposed elevations)

Drawing no. 05:38:30 received on 20 March 2007 (Proposed section)

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

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 Large scale 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.

Windows, doors and reveals within new extension.

Reason: So that the Local Planning Authority may be satisfied with these details.

5 HWAY19 Car and cycle parking laid out

6 No window shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

7 ARCH1 Archaeological programme required

8 ARCH2 Watching brief required

9 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs together with details of associated hard landscaping. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are

removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site, and the associated hard landscaping.

10 Prior to the commencement of the development, proposals for the inclusion of features suitable for wildlife in the buildings, and in particular bats and swifts, shall be submitted to and approved in writing by the Local Planning Authority. The proposals shall be carried out as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enhance the biodiversity of the area.

11 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.	

Reason: In the interests of the amenity of adjacent occupiers.

12 Prior to the commencement of the development, details of the proposed means of sound insulation of the building structure and windows shall be submitted to and approved in writing by the Local Planning Authority. The agreed means of insulation shall be fully implemented and installed prior to first occupation of the development and shall be thereafter maintained.

Reason: In the interests of the amenity of future occupants of the proposed apartments.

13 Prior to the commencement of the development, a scheme of mechanical ventilation serving the three bedrooms adjacent to St. Williams College (the southeast facing windows in the southwest corner of the application site) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenity of future occupants of the proposed apartments.

14 No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The open space shall thereafter be provided in accordance with the approved scheme or the alternatives arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: In order to comply with the provisions of Policy L1c of the City of York Draft



Local Plan.

**INFORMATIVE:**

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £5,658.

No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard.

15 No development shall commence unless and until a scheme to ensure the provision of adequate secondary school places within the local catchment area has been submitted to and approved by the local planning authority.

Reason: The education provision within the catchment area of the development has insufficient capacity to take more pupils, such that additional places are required in the interests of the sustainable development of the city in accordance with Policy C6 of the City of York Draft Local Plan and the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated January 2005.

**INFORMATIVE:**

The provisions of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, The obligation should provide for a financial contribution calculated at £15,531. The basis for this calculation is contained within the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated January 2005.

No development can take place on this site until the condition has been has been discharged and you are reminded of the Local Planning Authority's enforcement powers in this regard.

**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:

- principle of residential conversion/loss of employment site
- effect on character and appearance of the conservation area
- effect on neighbouring properties
- living conditions of future occupiers
- highway and parking issues

As such the proposal complies with Policies E4 and H9 of the North Yorkshire

County Structure Plan (Alteration No.3 Adopted 1995) and Policies H4, E3, H12 and HE2 of the City of York Local Plan Deposit Draft.

2. If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a remediation scheme to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the Council may consider taking action under Part IIA of the Environmental Protection Act 1990.

3. 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 noted:

(i) 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".

(ii) 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.

(iii) 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.

(iv) 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.

(v) There shall be no bonfires on the site."

**Contact details:**

**Author:** Simon Glazier Area Team Leader

**Tel No:** 01904 551642