

COMMITTEE REPORT

Date: 9 January 2014 **Ward:** Holgate
Team: Major and **Parish:** Holgate Planning Panel
 Commercial Team

Reference: 13/02712/FULM
Application at: Shepherd Group Social Club 131 Holgate Road York YO24
4AZ
For: Conversion of social club and four storey side extension to
create 12no. one bedroom flats
By: Mr T Allison
Application Type: Major Full Application (13 weeks)
Target Date: 14 January 2014
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 The application seeks permission for a change of use of a company social club plus the construction of a pitch-roofed, 4-storey side/rear extension to create a total of 12no. 1-bedroom flats with car parking, cycle storage and amenity space. A single-storey, hip-roofed side extension would be demolished.

1.2 The application site comprises a vacant, 2-storey social club at the corner of Holgate Road and Hamilton Drive East. The site, which is in the St Paul's Square/Holgate Road conservation area, slopes down from the Holgate Road frontage. The main pedestrian entrance to the building is at ground floor level, from Holgate Road. The main vehicular access is at lower ground floor level at the rear of the building, from Hamilton Drive East. A car park at the rear has spaces for approximately eight cars. There is a secondary vehicular access at the side of the building serving two further car parking spaces. The area is mainly residential comprising dwellings, hotels and guesthouses.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006
Conservation Area GMS Constraints: St Paul's Square / Holgate Road CONF

2.2 Policies:

CYGP4A Sustainability
CYGP1 Design
CYL1C Provision of New Open Space in Development

Application Reference Number: 13/02712/FULM Item No: 5c
Page 1 of 9

CYH4A	Housing Windfalls
CYT4	Cycle parking standards
CYHE2	Development in historic locations

3.0 CONSULTATIONS

INTERNAL

- 3.1 Highway Network Management - No objections. There would be no material impact on traffic generation. Two vehicular accesses already exist. The proposed level of car parking (8 spaces) is acceptable given the close proximity to the city centre and provided there is a sufficient good quality covered secure cycle parking. We require a minimum of 1 cycle space per flat. Add standard conditions regarding access, car parking and cycle storage.
- 3.2 Flood Risk Management - No objections in principle. Add a condition requiring drainage details to be submitted.
- 3.3 Communities, Culture and Public Realm - Commuted sums should be paid to the Council for provision of off-site amenity open space and sports pitches. The contribution is to be based on the latest York formula through a Section 106 Agreement.
- 3.4 Environmental Protection Unit - No objections. There is a possibility that land contamination may be present. Add standard contamination and remediation conditions.

EXTERNAL

- 3.5 Holgate Planning Panel - Supports the application.
- 3.6 Conservation Area Advisory Panel - No objection in principle. Use of high quality materials to match and timber windows would be important in securing an appropriate standard of development.
- 3.7 Police Architectural Liaison - No concerns or issues.
- 3.8 Public Consultation - The consultation period expired on 30 December 2013. One response has been received, in support commenting that the development would go some way towards addressing the great need for smaller properties for singles and couples whilst also returning the building to use.

4.0 APPRAISAL

4.1 KEY ISSUES

- Visual impact
- Conservation area
- Occupier and neighbour amenity
- Access and parking
- Public open space.

POLICY CONTEXT

4.2 The National Planning Policy Framework (General) - There is a presumption in favour of sustainable development which, for decision-taking, means approving without delay development proposals that accord with the development plan (paragraph 14). Where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless: (1) any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or (2) specific policies in the Framework indicate development should be restricted.

4.3 National Planning Policy Framework (Housing) - Local planning authorities should deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

4.4 National Planning Policy Framework (Historic Environment) - Local planning authorities should recognize that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance (paragraph 126). In determining planning applications local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable use consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and the desirability of new development making a positive contribution to local character and distinctiveness (paragraph 131). When considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation (paragraph 132).

4.5 National Planning Policy Framework (Design) - Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people (paragraph 56). Planning policies and decisions should not attempt to impose architectural styles or particular tastes but it is proper to seek to promote or reinforce local distinctiveness (paragraph 60).

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (paragraph 64).

4.6 National Planning Policy Framework (Sustainable Transport) - Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore developments should be located and designed where practical to: accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, and have access to high quality public transport facilities; create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones; incorporate facilities for charging plug-in and other ultra-low emission vehicles; and consider the needs of people with disabilities by all modes of transport (paragraph 35).

4.7 The City of York Development Control Local Plan was approved for development control purposes in April 2005. Its policies are material considerations although it is considered that their weight is limited except where in accordance with the NPPF. The following local plan policies are still applicable:

4.8 GP1 - Development proposals should be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and local character; respect or enhance the local environment; provide/protect amenity space; protect residential amenity; accord with sustainable design principles; include refuse facilities; and include, where appropriate, landscaping.

4.9 GP4a - All proposals should have regard to the principles of sustainable development, including accessibility by means other than the private car.

4.10 H4a - 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.

4.11 HE2 - Within or adjoining conservation areas and in locations that affect the setting of listed buildings, scheduled monuments or archaeological remains, development proposals must respect adjacent buildings open spaces, landmarks, and settings and have regard to local scale, proportion, design and materials. Proposals will be required to maintain or enhance existing urban spaces, views, landscapes and other townscape elements that contribute to the character or appearance of the area.

4.12 L1c - Requires that all housing sites make provision for the open space needs of future occupiers. For sites of less than 10 dwellings a commuted payment will be required towards off site provision.

APPRAISAL

4.13 The site is in a sustainable location with good access to shops, services and public transport. The proposal would provide 12 much-needed housing units and would bring a redundant building back to profitable use.

4.14 The proposed extension would step down to the rear to reflect the gradient of Hamilton Drive East. The design of the extension would match the existing building and would not look out of place in the immediate area. The extension and the other alterations to the existing building would not have a significant impact on the conservation area. The existing extension to be demolished is of no historic or architectural importance.

4.15 The vehicular accesses already exist and are adequate for the forecast level of traffic. Car and cycle parking comply with council standards. Drainage can be dealt with by a condition of approval.

4.16 A financial contribution of £4080 is required for the provision of amenity space and sports pitches. The money would be used to improve a local site such as West Bank Park or Holgate allotments and to improve a sports facility within the West Zone of the Sport and Active Leisure Strategy. Such contributions are normally secured by a s.106 unilateral undertaking. The applicant has agreed to make the contribution but at the time of writing the council has not received a unilateral undertaking to this effect. Members will be updated at the meeting.

5.0 CONCLUSION

5.1 The application accords with national and local planning policy and is acceptable subject to conditions. The application is recommended for approval subject to the council receiving, by the target date (14 January 2014), a unilateral undertaking to pay the required financial contribution of £4080 towards public open space.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve subject to Section 106 Agreement

1 TIME2 Development start within three years -

2 The development hereby permitted shall not be carried otherwise than in complete accordance with the approved plans numbered BS3132-09/A, BS3132-10/A, BS3132-11/A, BS3132-12/A, BS3132-13/B, BS3132-14/A, BS3132-15/A, BS3132-16/A and BS3132-18 all received 20 December 2013.

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

3 The materials to be used externally for the extension and other alterations shall match those of the existing building in colour, size, shape and texture.

Reason: To achieve a visually acceptable form of development.

4 All new and replacement windows and external doors shall be made of timber with a microporous paint finish in a colour to be agreed with the local planning authority, unless otherwise agreed in writing by the Local Planning Authority .

Reason: In the interests of the character and appearance of the conservation area.

5 The development shall not be begun until details of alterations to the access(es) onto Hamilton Drive East have been submitted to and approved in writing by the Local Planning Authority. The development shall not come into use until the alterations have been constructed in accordance with the approved plans.

Reason: In the interests of road safety.

6 HWAY18 Cycle parking details to be agreed -

7 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

8 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details, including:

- (a) Peak surface water run-off from the proposed development restricted to a maximum 3.0 lit/sec.
- (b) Site specific details of the flow control device manhole limiting the surface water to the 3.0 lit/sec.
- (c) Storage volume calculations, using computer modelling must be provided, and must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. The full range of modelling should be provided.
- (d) Site specific details of the storage facility to accommodate the 1:30 year storm and details of how and where the volume above the 1:30 year storm and up to the 1:100 year storm will be stored.
- (e) Existing and proposed ground and finished floor levels to Ordnance Datum shown on plans. The development shall not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.
- (f) Details for the future management / maintenance of the proposed drainage scheme.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site and that provision has been made to maintain it.

9 Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,

- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

The report shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10 Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11 Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

12 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

13 The development hereby approved shall not commence until details of refuse/recycling facilities have been submitted to and approved in writing by the local planning authority. The facilities shall be provided in accordance with the approved details prior to occupation of the development.

Reason: In the interests of sustainability and the character and appearance of the conservation area.

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 Planning Authority invited revised drawings to improve car parking layout and amenity space and attached appropriate conditions to the planning approval.

2. Informative - LOW EMISSION STRATEGY- facilities for recharging electric vehicles

3. Informative - CONTROL OF POLLUTION ACT 1974

4. Informative - HIGHWAYS ACT Vehicle Crossings

Contact details:

Author: Kevin O'Connell Development Management Officer

Tel No: 01904 552830