

COMMITTEE REPORT

Date: 8 January 2015 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
 Commercial Team

Reference: 14/02446/FULM
Application at: Hunter House 57 Goodramgate York
For: Conversion of first, second, third and fourth floors from
 offices to 14no. apartments (use class C3)
By: S Harrison Developments Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 26 January 2015
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

APPLICATION SITE

1.1 The application relates to Hunter House, which is 5-storeys in height and dates from the late C19 and the two 3-storey units to the north, which date from the C18. The latter buildings are grade 2 listed. There are C19 and C20 extensions at the rear. The upper floors have been inter-connected and were converted to offices in the mid 1980s. The site is within the Central Historic Core Conservation Area.

1.2 Goodramgate is a street with commercial uses at ground floor level. The majority of the buildings within the street are listed although there are some C20 retail units. The host buildings have later extensions at the rear. Beyond the buildings are an associated car parking and service area, after which is Granary Court, which is 3-storey and in residential use.

1.3 It is proposed to convert the upper floor vacant offices into 14 dwellings (10 x 2-bed, 4 x 1-bed), with access from both Goodramgate and from the rear. The ground floor shops would remain. Bin and cycle storage would be underneath the building in the car park/servicing area.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:
Areas of Archaeological Interest City Centre Area 0006
Conservation Area Central Historic Core CONF
Listed Buildings Grade 2; 57C Goodramgate York YO1 2LS 0809

2.2 Policies:

CYGP1	Design
CYE3B	Existing and Proposed Employment Sites
CYHE3	Conservation Areas
CYHE4	Listed Buildings
CYL1C	Provision of New Open Space in Development
CYGP4A	Sustainability
CYNE6	Species protected by law

3.0 CONSULTATIONS

Communities, Culture and Public Realm

3.1 Commuted sums should be paid to the Council for -

- a) Amenity open space - which would be used to improve a local site such as a closed churchyard, allotments or Clarence Gardens
- b) Play space - which would be used to improve a local site such as a Clarence Gardens
- c) sports pitches - which would be used to improve a facility within the East Zone of the Sport and Active Leisure Strategy.

Design, Conservation and Sustainable Development

3.2 Officers support the proposed use, which would be compatible with the conservation area. Minor changes have been requested, otherwise the proposals have officer support.

- On the front elevation ventilation grills would be introduced into the facade at second floor level. The individual grills in no57 are decorative and small scale; nevertheless it is hoped that these can be omitted by diverting the ventilation to the rear of the building or through the roof.
- For the residential entrance, C20th double doors would be replaced by a single door and side panel to a similar design. It is important that the panels are true raised and fielded ones so that the quality of the proposed door screen is similar to existing. The riser compartment door should be removed from such a highly visible location.
- A number of roof-lights would be introduced to serve as both windows and smoke vents. These have been added to the rear of the property and also in between properties where they would be hidden from view. The larger roof-light, on the rear of Hunter House, would be seen in public views, although the impact is deemed to be acceptable.

- It has been asked if the height of the new chimney to Hunter House can be reduced.

Economic Development Unit

3.3 No response.

Education

3.4 Officers advise there is no capacity in schools in the catchment area and the following contributions would be required -

- £23,610 primary (2 additional places at Fishergate Primary)
- £29,512 secondary (2 places at Fulford School)

Environmental Protection Unit

3.5 No response.

English Heritage

3.6 Recommend that all mid C19 and earlier features are retained in situ without any further damage being caused to them, and that they are preferably also on view. The Design and Access and Heritage Statement states that such features will be retained, but that certain features such as the presumably C18 staircase to No 55 and ceilings in the vast majority of rooms are to be covered up. In this respect officers must be content that any such harm to the aesthetic and illustrative historic value of the building can be justified in line with paragraph 132 of the National Planning Policy Framework.

Police Architectural Liaison Officer

3.7 Officers note that the entrance is isolated and secluded. There have been previous complaints from residents about anti-social behaviour. Officers recommend gating the access and using CCTV to cover the bin and cycle stores.

Highway Network Management

3.8 No objection. Officers have recommended the applicants offer future occupants a 1 year membership to the city car club, and planning conditions to secure the car and cycle parking, to agree construction management and for a dilapidation survey in case the highway is affected by construction.

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3.9 Support the proposals.

Publicity/Neighbour Notification

3.10 The deadline for comments was 10 December and 4 comments have been received. Issues raised as a consequence of the public consultation were as follows

- Overlooking over Granary Court, in particular new windows which are approx 12m between living/bedrooms.
- Crime and anti-social behaviour which occurs in the car parking area, due to unrestricted access and lack of natural surveillance. It has been recommended that the entrance(s) are gated. It has also been mentioned that access should be retained for all (allowed) users of the area.
- Lack of sound insulation between Hunter House and Granary Court.
- Concerns over disturbance during construction.
- Lack of manoeuvring space in the parking area, and that this would be reduced further due to installing the bin and cycle store.

4.0 APPRAISAL

4.1 Key Issues

- Principle of the proposed use
- Impact on heritage assets
- Residential Amenity
- Open space & Education contributions
- Sustainable design and construction

Principle of the proposed use

4.2 Local Plan policy E3b seeks to retain existing offices in employment use, unless there is a demonstrable alternative supply, over the plan period. The more recent policy in this respect is within the NPPF, in particular paragraphs 22, 49 and 51.

- Paragraph 22 advises that planning should avoid the long-term protection of employment sites, where there is no reasonable prospect for the land being used for such purposes.
- Paragraph 49 states that in dealing with applications for housing, there should be a presumption in favour of sustainable development.
- Paragraph 51 states 'Local Planning Authorities should identify and bring back into residential use empty ... buildings in line with local housing and empty homes strategies. They should normally approve planning applications for change to residential use and any associated development from commercial buildings

where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate'.

4.3 The offices are currently vacant; there have been difficulties achieving long-term occupancy of the building for sometime. The York specific DJD Economic and Retail Growth and Visioning Study advises that only 19% of city centre office space is grade A quality and suggests grade A space will be in greatest demand in future. The host buildings do not provide such space. They are listed and were in part originally residential; the plan form restricts the ability to upgrade the space. The York Means Business website shows that there is alternative office accommodation available within the city centre.

4.4 The city centre location is sustainable, and York does not currently have an identified 5-year housing supply detailed in an up-to-date adopted Local Plan. There are no demonstrable strong economic reasons to resist the proposed change of use and residential development of the upper floors would be a sustainable form of development. In principle the proposed use is compliant with the thrust of the NPPF.

4.5 Paragraph 23 of the NPPF advises that residential development can play an important role in ensuring the vitality of city centres. LPA's should encourage residential development on appropriate sites. This report goes on to assess whether the site is appropriate, considering material considerations such as the impact on heritage assets and amenity.

Impact on heritage assets

4.6 The proposals affect listed buildings and the site is within a designated conservation area. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 advises that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall pay special regard to the desirability of preserving the building or its setting or exercise of any features of special architectural or historic interest which it possesses. The Council has a statutory duty (under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to consider the desirability of preserving or enhancing the character and appearance of the area.

4.7 The effect on the listed buildings is discussed in companion application 14/02447/LBC. The key issues raised by English Heritage were that historic features were retained in situ, on view and useable such as staircases, cornices, doors and architraves, skirtings. There will be no loss of historic fabric and detailing in the front rooms of 57 and 57a will remain exposed. The C18 staircase in 57a would still be useable, being accessed from the retail unit in 57. It would only be closed off/separated from the residential uses on the upper floors, and the only

alterative would require a single use for 57a, which is not viable. The arrangement would not harm the architectural of historic interest of the building.

4.8 The external changes proposed are the addition of roof-lights and a chimney, blocking of windows at the rear and alterations to the entrance to the upper floors from Goodramgate. The changes would maintain the character and appearance of the conservation area.

- The roof lights are on the rear and inner sloping roofs. Through condition it can be required they would be conservation type and fitted with recessed flashings. The roof-lights would not unduly dominate the roof or be over-prominent.
- The chimney and entrance alterations are on the least sensitive building - Hunter House, rather than the other buildings, which are listed. The chimney height is for operational purposes and given the overall design and materials, there would not be undue harm. The fire riser is required by the fire officer to be located at the front and be prominent. Negotiations are ongoing, with the intent on agreeing a more discreet approach.
- The windows to be blocked are on a later extension at the rear of Hunter House. The area is of low significance.

Residential Amenity

4.9 The National Planning Policy Framework requires that developments always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Local Plan policy GP1: Design requires that development proposals ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures.

4.10 Granary Court to the east of the site has flats on the upper floors which look back towards the application site. Granary Court was converted to residential in the 1980's. Originally new windows were proposed on the eastern facing elevation at 2nd and 3rd floor levels, which would have looked towards living rooms in Granary Court and be around 12m away. The windows are no longer proposed. Window 16 (1st floor) is existing, and would serve a living room; therefore there would be living room windows facing each other within 12m in one event. This is a relatively high density area, for example windows to houses along St Andrewgate and Bedern have similar separation distances, and neighbours can see into each other's houses. To a degree this should be expected in such a city centre location. As such and in particular as the window is existing, this arrangement is considered to be acceptable. Other windows at the rear either do not directly look towards Granary Court (existing windows which are on the side of the lower addition behind Hunter House), or are over 30m from Granary Court (new windows on the rear of no.37). New roof-lights due to their position and design would not cause overlooking.

4.11 No additions/extensions are proposed and thus there would be no adverse impact in terms of light gain and whether the building would be no more over-bearing/over-dominant.

4.12 Noise transmission between buildings has been raised as a concern by neighbours. The standards for insulation for residential buildings are covered by Building Regulations in part E. There are no constraints which would prevent standards being met in the pertinent area.

Amenity of Future Occupiers

4.13 The National Planning Policy Guidance advises that development should be avoided 'where noise causes a material change in behaviour and/or attitude, e.g. avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise', or where there would be sleep disturbance. The Noise Assessment explains that the installation of secondary glazing would ensure that average noise levels within the development were compliant with World Health Organisation standards. Only in one of the apartments, at the front, would maximum noise levels exceed WHO standards. However the report found max noise levels only infrequently breached the standards, on 2 occasions, at 05:10 and 06:55, and only by around 1dB. It is expected repair of the existing windows would provide extra attenuation and enable compliance with WHO standards. Overall living standards would be acceptable for future residents in this respect. Secondary glazing can be secured via a planning condition; it would not have an undue effect on the listed building.

4.14 The apartments vary in size from 56 to 94 sq m, they would have adequate space and there is also adequate outlook.

Car and Cycle Parking

4.15 Bin and cycle storage is under the building in the car parking area. Cycle parking is covered and secure. The car (8 spaces for the apartments) and cycle parking (1 per dwelling) provisions are compliant with the standards within the Local Plan. The storage would have no adverse visual impact. The proposals have been amended and enclosures would be mesh, not timber, to make them suitably robust and secure. A contribution towards car club has not been requested as this would not meet the tests of the National Planning Policy Framework; as the proposals would not have to be refused without the contribution.

4.16 Officers have raised with the applicants the possibility of restricting access to the car park/servicing area, to deter crime and disorder.

Gating the access will require agreement from 3rd parties though and the applicants cannot commit to such works alone. Crime/disorder is an existing issue, which would not be affected as a direct consequence of the proposal.

Open space & Education contributions

4.17 In accordance with Local Plan policy L1c a contribution would be sought towards amenity space and sports provision in the area. Based on 2014 figures, the contribution is £13,996.

4.18 In accordance with Local Plan policy ED4 a contribution would be required toward education facilities as the primary and secondary schools in the catchment are at capacity. Contributions required are as followed -

- £23,610 primary (2 additional places at Fishergate Primary)
- £29,512 secondary (2 places at Fulford School)

Sustainable design and construction

4.19 As over 10 dwellings are proposed, based upon the York Interim Statement on Sustainable Design and Construction, a BREEAM rating of at least Very Good is expected.

4.20 The applicants have supplied a BREEAM pre-construction assessment, which informs that the scheme is not expected to achieve the typically required very good score. The development fails only in terms of energy efficiency. This is because upgrading the building fabric in certain areas (in front rooms overlooking Goodramgate) to the required amount would have an adverse effect on the architectural importance of the interior (loss of architraves for example). There is also a high amount of glazing on the front elevation. Thin linings will be applied where possible, along with secondary glazing, but we have been informed these enhancements will still not meet the BREEAM requirement. There is a reasonable case as to why BREEAM Very Good cannot be achieved and the buildings insulation will be improved. A planning condition could secure agreement as to how alternative measures would improve the energy efficiency of the building and secure the other proposed measures within the post-construction statement.

Ecology

4.21 Policy NE6 relates to species protected by law. It states that where a proposal may have a significant effect on protected species or habitats, applicants will be expected to undertake an appropriate assessment demonstrating proposed mitigation measures.

4.22 Bat surveys have been undertaken and no evidence of bat roosts were found at the site.

The survey informed that the immediate locality has a 'low value' to foraging and commuting bats. Because the building has potential bat roosts, a planning condition can be applied to ensure works to the roof are undertaken with care.

Other Issues Raised by Objectors

4.23 The Council's Environmental Protection Unit can take action on developers if they are not following best practical means (noise, vibration and dust) and have guidance on the council website in this respect. It is unnecessary to duplicate this activity through planning legislation.

4.24 Construction traffic would have to adhere to local traffic restrictions and be constrained by the existing road layout. There are no grounds to resist the planning application in this respect.

4.25 Any scaffolding on private land would be subject to agreement with interested parties and does not fall within the remit of the planning application.

5.0 CONCLUSION

5.1 In principle of the proposed use accords with the thrust of national planning policy, because there are no strong economic reasons to rest the loss of these offices, there is housing need and this is a sustainable location. There would be no undue harm to heritage assets, protected species, highway safety and amenity.

5.2 Approval is recommended subject to completion of a legal agreement to secure the planning contributions set out below -

Education	£53,122
Open space	£13,996

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 be carried out in accordance with the following plans:-

LHL drawings Y-BSP-4132-14

Existing Plans

100a, 101a, 112a, 113a, 114, 115, 116, 117a, 118a, 120a, 121b, 122a

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Demolition plans

503b, 504b, 505b, 506a

Proposed plans

1001a, 1002a, 1003c, 1004a, 1005b, 1006a, 1007b, 1009a, 1010b, 1011a

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

3 Unless agreed otherwise the development shall incorporate the measures detailed within the BREEAM pre-construction assessment. Measures to improve energy efficiency within the building shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing and the development shall be carried out in accordance with the approved measures.

Reason: to contribute to the achievement of sustainable development, in accordance with paragraphs 6 and 7 of the National Planning Policy Framework.

4 Prior to occupation of the development hereby approved existing windows shall be repaired and secondary glazing shall be installed, which shall at least meet the specification recommended in section 6 of Dragonfly Noise Assessment DC1555R1v3 and LHL drawings 1020a and 1021.

Reason: To ensure an adequate level of amenity for future occupants.

5 The cycle and bin stores, including the means of enclosure, shall be provided in accordance with the approved site plan 1001 rev. A prior to the occupation of the development hereby approved and retained for the lifetime of the development.

Reason: To promote sustainable transport, to avoid crime and disorder, and in the interests of visual and residential amenity.

6 The development shall commence in accordance with the following measures

- All contractors and all those involved with timber treatment, roofing and building works shall be made aware of the potential presence of bats and the need to follow standard good working practices in relation to bats;
- All fixtures and fittings such as guttering, fascias, soffit boards, chimney stacks etc shall be carefully removed by hand where required.
- Roofs which are to be replaced or altered shall be dismantled carefully by hand. Only half of the roof should be removed on the first day and the second half at

least 24 hours later (so any bats still roosting within the roof structure are encouraged to leave on their own accord).

- If bats are discovered during the course of the work, then work should cease and Natural England consulted before continuing.

Reason: To take account of and to enhance the habitat for a protected species, in accordance with section 11 of the National Planning Policy Framework.

7 Roof-lights shall be of conservation type and fitted with recessed flashings.

Reason: In the interests of the special historic and architectural interest of the listed building.

8 Noise 7 Restricted Hours of Construction

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: pre-application advice, secured revised plans and through the use of planning conditions and contributions.

2. INFORMATIVE:

Control of Pollution Act 1974:

3. 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

Contact details:

Author: Jonathan Kenyon Development Management Officer

Tel No: 01904 551323