

Our Ref: 21216/SH/cs
Your Ref: PP-10165481 & PP-10165534
Email: sharper@firstplan.co.uk
Date: 31 August 2021

FAO Ms Lindsay Jenkins
Planning Department
City of York
West Offices
Station Rise
York, YO1 6GA

Dear Ms Jenkins,

**CONCURRENT PLANNING AND ADVERTISEMENT CONSENT APPLICATIONS FOR EXTENSIONS AND ALTERATIONS TO GROUND FLOOR COMMERCIAL UNIT, INCLUDING PROVISION OF EXTERNAL SEATING AREA AND REARRANGED ACCESS TO RESIDENTIAL UNIT WITH ASSOCIATED SIGNAGE; AND SEPARATE PLANNING APPLICATION FOR ALTERATIONS TO EXISTING RESIDENTIAL UNIT, INCLUDING REVISED ACCESS AND INSTALLATION OF 2 NO. DORMERS TO 2ND FLOOR
191 BURTON STONE LANE, YORK, YO30 6DG**

We have been instructed by our client, Kabir Family Law (T/A 'Tulsi'), to submit the enclosed concurrent planning and advertisement consent applications for mixed use development in respect of the above address. The applications have been submitted online via the Planning Portal (Ref: PP-10165481 & PP-10165534).

Following pre-application discussion (ref: 21/01215/PREAPP) the proposals equate to the refurbishment and extension of the commercial premises and the residential accommodation above, both of which are in need of significant investment and improvement. The proposals comprise several elements, namely, a replacement shopfront with provision of external seating area and disabled access ramp, and further alterations to the ground floor unit, including a new WC unit projecting from the building line along Garth Terrace, reconfiguration of the adjacent land to provide enhanced back of house space for the premises, and replacement plant, plus replacement 'Tulsi' signage. In order to provide enhanced and compliant access to the residential unit above, a revised access arrangement is provided along Garth Terrace, separating this from the commercial unit in order to allow independent access. It is also proposed to enhance the floorspace of this modest sized residential unit through the incorporation of the second floor, together with the installation of dormers in the pitched roof. No change of use is proposed of either the sui generis takeaway use at ground floor level, or the existing residential unit above.

The proposals are split into two submissions; the commercial aspect entails the first submission with a corresponding advertisement consent application, with the residential works included to the second submission. The revised access stair is included across both applications as its position is relevant to both elements of the proposal.

In accordance with local and national validation requirements, and following the pre-application advice received, the following documentation is enclosed in support of the proposals:

- Completed Application Forms;
- Completed CIL Form;
- Planning Statement (contained within letter), prepared by Firstplan;
- Design and Access Statement, prepared by MBO Architects; BSL-K-DAS Commercial v2 Reduced, BSL-K-DAS Residential v2 reduced
- Site Location Plan (drawing no. BSL-K-006-2-B);
- Existing Plans and Elevations (drawing no. BSL-K-51-1-A);
- Commercial Proposed Plans and Elevations (drawing no. BSL-K-52-2A)
- Residential Proposed Plans and Elevations (drawing no. BSL-K-53-2-A);
- Proposed Shopfront Elevations (drawing nos. 4772/03/* and 4772/04/*);
- Noise Reports, prepared by RP Acoustics

The requisite fees of £366 and £234 have been paid online respectively (Ref: PP-10165481 & PP-10165534). The remainder of this letter sets out our supporting case for the comprehensive proposals.

Site Description

The application site comprises an end of terrace two storey property located on the north-western side of Burton Stone Lane at the junction with Garth Terrace, within the area of Clifton and northwards from York city centre. The property features a ground floor commercial food use unit, last occupied by Hong Kong House - a Chinese takeaway - with a residential unit on the upper floor, accessible only via the ground floor commercial unit. A variety of outbuildings and stores are located to the land adjacent along Garth Terrace. Along Burton Stone Lane is a cleared area separating the property from the pavement beyond. Along the Garth Terrace elevation is a low wall set on the boundary line. Two extract ducts running to high level and the projecting bay dominate the side elevation.



Figure 1. Front view of application site

The surrounding area, particularly along Burton Stone Lane, is mixed-use in nature, with several commercial establishments on the ground floor and residential properties above; including a currency exchange service, a restaurant/takeaway, a motorbike dealer and a florist. Garth Terrace is a residential street, with predominantly traditional two storey residential units located along its length. There is, however, a greater variety of property types and styles towards the junction with Burton Stone Lane and notably the rear land parcel which mirrors the application site has already been developed in a similar way – see below.

The application site has no specific designations, is not located within a Conservation Area and is not statutory or locally listed. Further, the site is located within Flood Zone 1, indicating a low risk of flooding. Of note, the site is within the Burton Stone Lane Neighbourhood Parade.

Planning History

The following applications have been identified through the online planning register, however they are no longer available for viewing:

- 7/002/08349/FUL Alterations to shopfront. Granted
- 7/002/08349A/ADV Display of internally illuminated fascia signs. Refused
- 7/002/08349B/ADV Display of externally illuminated fascia sign (revised scheme). Permitted
- 18/01831/FUL Conversion of hot food takeaway and first floor apartment into 2no. apartments and erection of 1no. apartment to rear following demolition of existing outbuilding. Status: *'Finally disposed of'*.

Of note, within the same terrace the neighbouring property to the south, No. 189, gained permission in November 2016 for: *'Alterations to ground floor commercial unit including new shop front with single storey extension to rear to facilitate formation of two separate flats on ground and first floor'*, ref: 16/02089/FUL. The Officer Report stated that the proposal was acceptable in principle as the scheme followed the character of other properties and the site is not otherwise allocated. Further, the report stated *'while there is going to be some intensification in use of the site, it would still be in keeping with the character of the area'*.

No. 183 gained permission in May 2004 for works including a new shopfront, single storey flat roof rear extension and repositioning of air conditioning units, ref: 04/00826/FUL.

193 Burton Stone Lane gained permission in February 2009 for *'external alterations to shop front including new roller shutter, installation of extractor flue, construction of external staircase and railings to rear, formation of pedestrian access to rear yard'*, ref: 08/02761/FUL.

The applicant has engaged in Pre-App discussions in June 2021 (ref: 21/01215/PREAPP), whereby the acceptability of a much more comprehensive scheme was discussed and, following receipt of these comments, significant amendments were made in line with the comments received. This is discussed further below. The external works to the commercial unit in particular were regarded positively and it was agreed that the site would hugely benefit from the investment proposed.

Proposals

The enclosed scheme of refurbishment and enhancement has been significantly revised following officer comments and represents a contemporary design solution that will improve the building and its setting. Indeed, it equates to a unique and exciting proposal fitting of this important corner unit and the applicant firmly believes that it will act as a catalyst for wider regeneration of this important area of York. The proposals are set out in more detail within the enclosed architectural drawings and DAS but a summary is provided below.

External alterations

At present the existing shopfront is in a poor state of repair and is dated and has been untouched for some time. It is of no architectural merit. The proposals respond to this, and alongside the significant investment proposed internally, the exterior will be significantly enhanced in order to create an attractive, contemporary unit which will draw people to the unit. An extract of the proposals is provided at Figures 2 and 3 below.

The scheme comprises:

- Full height wrap around glazing with powder coated aluminium frames;
- Replacement fascia in composite timber to align with adjacent unit – reduced in scale from the pre-app proposal as the integrated roller shutter is removed;
- Powder coated aluminium post cladding to match shopfront frame;
- New bi-fold doors;
- New ramp with handrail;
- Small pop-out extension along Garth Terrace to allow for new WC to serve enhance customer and staff facilities for the existing takeaway unit;
- New sash windows at ground floor level;
- New gated entrance proposed within the wall to form side entrance to commercial unit with existing wrought iron gate reinstated;
- Timber gate installed to the existing access to rear of commercial unit;
- New cold storage rooms proposed to the rear with parapeted flat roof in place of the existing dry store;
- 2 no. velux windows installed to the existing back of house.

External seating area

To further maximise the use of this existing commercial unit, the applicant/operator intends to create an external seating area in order to simultaneously increase covers at the commercial unit whilst also creating a valuable use for this otherwise unused private land. This will add interest to the front part of the property, creating a new destination for customers, and providing an opportunity for longer dwell times:

- External seating area featuring decking and enclosed with 1.1m stainless brushed steel posts balustrade with powder coated mesh;
- Retractable awning to project outwards to provide cover for the seating area.

Signage

In order to identify the new commercial food operator, a proportionate signage scheme is proposed:

- 1 no. 'TULSI' fascia sign to the main elevation
 - 600mm x 1025mm;
 - Built up perspex letters;
 - Internally illuminated with white halo lighting.

The menu box and circular sign to Garth Terrace is located behind the glazing, thus does not require advertisement consent.

Replacement residential access

At present the current access to the upper level residential unit is shared with the takeaway unit, compromising and undermining the commercial value of both units. It also prevents independent access of either unit, thus the existing residential unit is of limited purpose.

As such, it is proposed to install a new dedicated independent access along Garth Terrace which will provide separation between the commercial and residential units. A new mono pitch slate roof will be erected over the entrance, angled towards the pitched roof structures at the rear of the property as it follows the line of the new enclosed staircase.

Replacement plant

The existing plant relates to a particularly unsightly addition to the unit – it dominates the Garth Terrace elevation and needs replacing. Accordingly, the scheme seeks a more discrete design solution entailing:

- Replace the 2 no. existing extract flues with 1 no. modern flue along Garth Terrace to discharge at high level, partly concealed at low level and the upper section painted to limit visual impact
- 3 x condenser units are proposed behind parapet walls of the flat roof over the replacement cold storage rooms to the rear of the site;
- Suitable noise mitigation will be incorporated.



Figure 2. Proposed shopfront elevation



Figure 3. Proposed Garth Terrace Commercial Elevation

Extension to residential unit – separate application

The second application submission relates to the concurrent proposals to increase and enhance the current residential offer within the site:

- New independent access from ground floor level with stairs rising to first floor level, enclosed via mono pitch slate roof and brick walls;
- Small extension to the Garth Terrace elevation at first floor level with 1 no. window to the side elevation (facing Burton Stone Lane) with existing windows repositioned as necessary;
- Existing bay windows rebuilt;
- 4 no. windows in new bay over new stairs, comprising 2 No windows to the principle Garth Terrace elevation and 1 No. either side of the return of the bay, to match the existing bay window style;
- 2 no. modestly sized traditional style dormers to the roof pitch to provide natural light to second floor level;
- 1 no. conservation style rooflight to side elevation;
- Semi gauged smooth red facing brick to match existing throughout.

decisions on proposals in a positive and creative way; Councils should work proactively with applicants to facilitate developments that will improve the economic, social and environmental conditions of an area.

The framework stands to promote the goal of making an effective use of land; **Paragraph 69** emphasises that small and medium sites can make an important contribution to meeting the housing requirement of an area.

The importance of utilising brownfield sites is also emphasised; **Paragraph 120 c)** stresses that ‘substantial weight’ should be given to the value of brownfield land and opportunities should be regenerate such land.

The importance of supporting economic growth taking into account local businesses needs is also highlighted in **Paragraph 81**.

Paragraph 126 affirms that creating high-quality, beautiful and sustainable buildings is central to what the planning system should achieve. Accordingly, **Paragraph 130** sets out that proposals should: function well and contribute to the overall quality of an area, be visually attractive, sympathetic to the local character and built environment, optimise the potential of the site to both accommodate and sustain an appropriate amount and mix of development.

Draft Local Plan Publication Draft, February 2018

The emphasis of local policy is to ensure that extensions and alterations to properties marry with the host building and surrounding area and do not undermine amenity.

Draft R2 District and Local Centres and Neighbourhood Parades states that for development proposals entailing town centre uses within Neighbourhood Parades, regard will be attributed to enhancing the function, vitality and viability of such areas. Proposals should not have a significant detriment impact on local residents or on the surrounding area.

Indeed, supporting Paragraph 4.29 goes on to stress that:

“Neighbourhood parades can provide local services in sustainable locations, such as convenience, hairdressers and cafes and these cater for different communities. These parades make a major contribution to the sustainability and cohesion of the communities and neighbourhoods”.

Draft Policy EC3 Business and Industrial Uses within residential areas confirms that proposals for the change of use or extensions of existing business and industrial premises within residential areas will only be permitted where they will not significantly harm the amenity of the surrounding area. Of significance, proposals are particularly sought that enable the improvement of the appearance of existing buildings.

Draft Policy D1 Placemaking stipulates that proposals must enhance, respect and complement the surrounding built environment; the mass of proposals must be appropriate to its proposed use and neighbouring context.

Draft Policy D11 Extensions and Alterations to Existing Buildings stands to ensure that development responds positively to its immediate architectural context and local character in terms of the use of materials and detailing, scale, proportion, landscape design and the space between buildings. Further, development proposals must protect the amenity of current and neighbouring occupiers.

Draft Policy D12 Shopfronts states that proposals to alter or replace existing shopfronts will be supported where they conserve and enhance the special qualities of the host building and are reflective of their context in terms of design, scale, material and colour.

Draft Policy T1 Sustainable sets out that proposals must incorporate suitable access for all pedestrian users.

House Extensions and Alterations Supplementary Planning Document (2012)

This document provides additional advice in respect of residential proposals. In particular, proposals should not result in overlooking or loss of daylight/sunlight or undermine outlook. Extensions should be in-keeping with the appearance, scale, design and character of the host building and street generally. Proposals should also be considered subservient to the original building.

Of note, the guidance highlights how where possible, the opportunity should be seized to improve the appearance of an existing building, such as through the removal or replacement of unsightly alterations that have been completed in the past.

Moreover, it is noted that imaginative and contemporary additions can add interest to the streetscene and enhance the wider area. Dormers, if attentively designed, can add visual interest and rhythm to the streetscene.

Planning Assessment

Following the revisions to the scheme following the pre-application advice received, the central considerations related to the proposals are considered to be:

- Principle of development;
- Quality of design;
- Implications on surrounding amenity.

Each matter is addressed in turn below.

Principle of development – Commercial

In the first instance, the application site is a well established takeaway unit (operating since 1975) with linked residential unit above, both of which are in major need of investment and improvement. The submitted proposals respond, seeking to rejuvenate the commercial unit in conjunction with the upcoming occupancy of Tulsi, a new, exciting and vibrant food business whose offering is labelled as 'Grilled, Gelato, Go', relating to the provision of a range of grilled food options and gelato (ice cream) in a predominantly takeaway format.

Tulsi has specifically chosen to open their first commercial food unit in this location, owing to the opportunities provided by the prominent corner plot in this largely under-served location. There is nothing like the proposal in the immediate area, or indeed in York, and the hybrid offer of high quality grilled food with side and gelato desserts, in a takeaway format is an exciting prospect.

To this end, the proposals will transform the existing unit, introducing a new kitchen, servery, storage areas and toilet facilities for what is hoped to be a very popular commercial food unit. The scope of works has been revised in line with comments received during our pre-application discussions, but the final solution remains of a contemporary yet appropriate design, maximising use of the site. Overall, the mass and scale has been reduced from the original proposal, in particular the proposed ground floor toilet has been reduced in size, and moved away from the existing projecting bay, and a small window added to break-up the brick mass, in line with the comments received. The fascia scale and height is reduced too, by almost one third as the

security shutters previously proposed to be contained within are omitted, allowing a lower profile finish to this part of the shopfront. The use of black composite timber to the fascia has changed to a softer, warmer colour, whilst the squared profile creates a modern appearance, still acknowledging the position and arrangement of the existing projections positioned on Burton Stone Lane and Garth Terrace.

The significant improvements to the external appearance of the unit will undoubtedly improve the building's setting in the streetscene, thus adhering to local policies intended to preserve and enhance Neighbourhood Parades. The end result is intended to welcome customers to Tulsi as a new food destination, which should justify the significant expenditure initially proposed.

Beyond the building line, the proposed utilisation of the forecourt for external seating (6 tables and 12 covers) is supported, and officers noted that this will add vibrancy to the streetscene. Comments around the specific details of this element of the proposal (cutting back the corner etc) have been noted and incorporated.

The improvements to the mechanical plant for the commercial unit are also notable and will come at significant cost to the applicant as they replace redundant, dirty and noisy equipment (particularly in respect of the extract ducts) for a modern, quiet and efficient system that will significantly enhance the amenity enjoyed by the existing properties. Alongside these improvement works, general upgrade and reconfiguration works throughout the unit will make the unit much more usable, internally and externally. Dedicated dry and cold storage will be provided, a staff and customer toilet with washbasin (as already identified), and front and back of house kitchens will create a unit that is efficient in its operation, ensuring the necessary number of customers can be served quickly and efficiently.

Principle of development - residential

A key facet of the proposals, and, moreover, the initial driver for any of the additional works outside of enhancing the commercial unit, was to introduce dedicated, independent access to the existing residential unit above. Indeed, the existing unit is un-lettable at present. The revised access arrangement will render the application site more appealing in both commercial and residential terms and will allow for the rationalisation and distinction of the commercial and residential layouts, whilst creating modest amounts of additional usable floorspace for both uses. By facilitating independent access, and allowing open-market access, immediately the building assists the local area with its housing and accommodation needs.

In terms of the residential dimension of the proposals, the original ambition to provide an HMO unit has been revised following Officer comments. Accordingly, the proposals now seek to increase and enhance the existing poor quality C3 residential unit to fulfil identified need within the local housing market by providing additional space within the roofspace. Whilst this in itself does not require permission, the installation of 2 no. dormers to provide natural light, together with a rooflight, does. This will allow for natural light to flood this space, and of course, offers an improved layout across both floors. In line with core planning principles (see NPPF paras 120 and 130) by maximising the usable floorspace of this brownfield site, the available accommodation increases, as does the project's viability, and this is achieved through an exciting external appearance and without detrimental impact on amenity.

Principle of development - summary

As such, the proposed scheme represents a significant investment and enhancement to the host property which at present is of limited value and distinction; the additions and revisions to the appearance of the commercial unit will increase the usable floorspace for customers and staff alike, improve the customer experience and make the unit an exciting destination. The external alterations proposed at ground floor level, which include the use of high quality materials and a modern treatment across both elevations will augment the street scene; and the external seating area will create interest to the otherwise unused parcels of land to

the front of the property, creating an exciting al fresco dining opportunity, which is particularly relevant in the current climate in which spending time outside is strongly encouraged. Of course, this will also serve to enhance the viability of the commercial operation providing additional space for customers.

For the residential unit, the ability to provide independent access, opening this up for independent residential use, is particularly significant. Furthermore, make use of the existing loft space through the provision of the modest dormer structures results in a high quality residential unit befitting of this location.

In the light of the above, the enclosed proposals, which have been considerably revised since the pre-application submission (both in terms of use and scale), are considered acceptable in principle and represent an exciting opportunity to refresh this tired property.

Quality of design

The comprehensive scheme for the existing building is of high-quality and contemporary design, whilst also reflective of the host building and wider streetscene.

The bulk, mass and scale have been significantly reduced in response to pre-application advice received, including the height of the fascia which has been reduced alongside the removal of the roller shutter. The toilet structure moves to reflect the scale and position of the mirrored bays to Garth Terrace. The independent residential access is subtle and sits comfortably alongside the service access for the commercial unit and the minor reconfigured extensions and additions adjacent.

And in respect of the residential unit, the dormers have been significantly reduced in scale, no longer projecting over the pair of bays to Garth Terrace, recessed well behind the gutter line and shrunk in terms of overall width. The upgrade to the existing residential accommodation is therefore significant, but respectful of the policies already identified, and the initial advice from officers.

The chosen materials and colour palette marry with the host dwelling yet will provide visual interest to this area and the glazing and cladding to the commercial unit will substantially improve the aesthetics. The improved shopfront will add to the overall quality of the area whilst being sympathetic to the host building and surrounding built form, reflecting the scale of the projecting bays as existing, and simply 'connecting' these on the corner of the property. The external seating deck and balustrading with planting to screen from the adjacent property is a further indication of the applicant's aspirations for the site as a high quality al-fresco dining area will be created. The disabled access ramp demonstrates Tulsi's consideration of future customer requirements, to ensure this is a destination for all.

The profiled fascia signage is of limited scale, and the subtle illumination is such that it will not create glare. It offers a discreet signage solution that should be supported.

Perhaps the most noticeable improvement from the existing will, however, be to Garth Terrace on which the mis-match of existing materials, and the two extract ducts, will be replaced with a coherent design, which integrates the replacement, single extract duct.

In this respect, the proposals adhere to the goals of the NPPF, and the council's emerging policies as significant investment is proposed to transform this property and create an exciting high quality, uniquely designed solution to satisfy both the residential and commercial identified need.

Impact on surrounding amenity

All aspects of the proposals have been so designed in order to preserve and protect existing and future amenity.

The final fenestration proposal is of high quality and will provide sufficient daylight/sunlight, thereby facilitating high quality residential accommodation.

The proposed scale of the development is appropriate in relation to the site's context and the extensions at ground floor level will not lead to overshadowing. The scheme will work to increase visual amenity through a contemporary, unified design that is a considerable improvement on the existing built form.

In respect of noise, the enclosed acoustic report confirms that the replacement plant will preserve existing amenity. The proposed plant has been designed in conjunction with specialist HVAC Engineers, Caswell Ventilation, and therefore the extract system incorporates the necessary odour control (cookline filters and in line fan etc) and, of course, this therefore offers a much-improved solution that the two-duct system which was evidently in a bad state of repair and had not been cleaned for some time. We are confident, therefore, that it will comply with Environmental Health requirements.

Finally, in terms of use and operation of the external seating area, this can be appropriately managed so it can operate successfully and without detriment to the amenity currently enjoyed.

Conclusions

The submitted proposals are comprehensive, enhancing the existing mixed-use of the site. The resultant development will fully optimise the potential of the site and represents a significant investment on the part of the applicant.

The existing residential unit is sub-standard and suffers from shared access with the commercial takeaway. Accordingly, the prospect of inserting a dedicated access alongside enhanced internal arrangements and dormer extensions, which will work to increase the standard of residential accommodation on this brownfield site, should undoubtedly be supported.

I therefore trust you have been provided with sufficient information to allow for the successful determination of the concurrently submitted application proposals. Nevertheless, should you require any further information or clarification please do not hesitate to contact me. In the interim, I anticipate receipt of validation and look forward to discussing the merits of the scheme with you in due course.

Yours sincerely,

A black rectangular box redacting the signature of Sam Harper.

SAM HARPER
Director

Enc.