

COMMITTEE REPORT

Date: 17 November 2011 **Ward:** Rural West York
Team: Major and **Parish:** Nether Poppleton Parish
Commercial Team Council

Reference: 11/01736/FUL
Application at: Town Farmhouse 25 Church Lane Nether Poppleton York YO26 6LF
For: Erection of 1no. dwelling and garage building in the garden of 25 Church Lane with associated access following the demolition of the garage at no.11 Poppleton Hall Gardens (resubmission)
By: Mr Robin Garland
Application Type: Full Application
Target Date: 1 September 2011
Recommendation: Refuse

1.0 PROPOSAL

1.1 The application relates to the land which presently forms the rear garden of 25 Church Lane Nether Poppleton, and at 11 Poppleton Hall Gardens. Permission is sought for a single storey dwelling and detached garage in the rear garden of 25 Church Lane; vehicle access would be from Poppleton Hall Gardens, following demolition of the garage at no.11.

1.2 The site is in the Nether Poppleton Conservation Area, which includes the historic village core, St Everilda's Church and Manor Farm to the east and terminates at the river to the north of the village. The application site runs down to the river to the north, Poppleton Hall Gardens, a 1960's/70's development of 2-storey detached and semi-detached houses around a cul-de-sac is to the west and the rear garden of 27 Church Lane is to the east of the site. Further east is the Moat, a scheduled ancient monument.

1.3 The application is a resubmission, following application 10/01912/FUL which was refused in November 2010. The refused application was for the demolition of 11 Poppleton Hall Gardens, a replacement house and a new dwelling in the back garden of 25 Church Lane. The grounds for refusal were -

- The amount of associated development and removal of landscaping in the garden of 25 Church Lane would have an urbanising effect, in a part of the Nether Poppleton Conservation area which is characterised by its rural green/open appearance. The development would appear out of context, and detract from the character and appearance of the conservation area and its setting.

- The house would have an adverse impact on the amenities of 10 Poppleton Hall Gardens and 27 Church Lane.
- The replacement house in Poppleton Hall Gardens would be of a lesser quality than the existing dwelling, as such there would be harm to the appearance of the conservation area.
- Lack of affordable housing.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Nether Poppleton CONF

2.2 Policies:

CYGP1	Design
CYGP4A	Sustainability
CYGP10	Subdivision of gardens and infill development
CYHE3	Conservation Areas
CYHE11	Trees and landscape
CYH4A	Housing Windfalls
CYL1C	Provision of New Open Space in Development

3.0 CONSULTATIONS

DESIGN AND CONSERVATION

3.1 Design - Object as the proposed development fails to preserve the character or appearance of the conservation area. The open gardens such as that at 25 Church Lane contribute to the appearance of the settlement, and the site is particularly apparent in views from a footpath on the north bank of the river and in longer views of the settlement. The close relationship between the site and the neighbouring scheduled medieval moated site is also clear; in officers opinion the application site contributes to the setting of the scheduled monument.

3.2 Irrespective of the design of the proposed house, the siting fails to preserve the traditional pattern of frontage development which characterises the conservation area. Extensive glazing to the north elevation will draw attention, particularly in the months when the trees to the site are not in leaf.

3.3 Landscape - no objection. Officers reported when the previous scheme was under consideration that the proposed house would result in the removal of one large weeping willow and smaller trees and shrubs mid way down the garden which contribute to the general tree cover in the area. However these are of very limited

visibility from the public perspective of Church Lane and Poppleton Hall Gardens. The large, mature trees along the bottom of this and neighbouring gardens are an essential component of the attractive river side setting especially as experienced along the footpath on the opposite bank of the Ouse. Thus they have a high public amenity value and should be protected.

3.4 Bats - Officers did ask for a bat survey if 11 Poppleton Hall Gardens were to be demolished as the building has potential for supporting roosting bats. It has features such as loose roof tiles and gaps in the soffit boxes, which may provide suitable roosting opportunities. The building is also situated within an area which provides ideal bat habitat and a high level of bat activity has been recorded within the vicinity in the past.

3.5 Otter habitat - A suitable buffer zone should be in place during construction to avoid any disturbance and to minimise any potential impacts, and to ensure that suitable cover for otters and other species is retained away from public use. There are also opportunities for carrying out enhancement work to benefit otters and other wildlife species known to use the surrounding habitats.

DRAINAGE ENGINEERS

3.6 Ask for the following further information on site drainage:

- Existing and proposed calculations for surface water levels.
- Details of existing surfacing.
- Proposed soakaways must be demonstrated to work adequately, to BRE 365 standards, to demonstrate the ground can accommodate surface water and not lead to flooding of adjacent sites. An alternative method of surface water drainage would be required if soakaways do not work, which would achieve a reduction in surface water run-off. (Surface water run-off should not be connected to any foul or combined sewer).

LIFELONG LEARNING AND CULTURE

3.7 As there is no on site open space commuted sums should be paid to the Council for amenity open space and play space, which would be used to improve a local site within the Parish and sports pitches within the West Zone of the Sport and Active Leisure Strategy.

HIGHWAY NETWORK MANAGEMENT

3.8 No objection to the revised scheme.

BRITISH WATERWAYS

3.9 No objection.

CONSERVATION AREAS ADVISORY PANEL

3.10 With regards the original scheme the panel considered the proposed house was of poor design and would be out of character with the character of the conservation area, of which rear gardens were an important part. The revised scheme will be considered by CAAP in November and an update will be available at committee.

PARISH COUNCIL

3.11 Object on the following grounds:

- Report there is a covenant on the land that precludes development between the house and the river.
- Harm to the character and appearance of the conservation area and contrary to Government advice that advises gardens are not classed as previously developed land.
- The basement in the proposed building would have been susceptible to flooding (note a basement is no longer proposed).
- Increased levels of on-street parking would result, to the detriment of highway safety.
- Harm to the tranquil character of this part of the conservation area. The appeal decision from 7/9 Church Lane is also noted in this respect.
- Potential impact on an Otter holt within 50m of the site.

3.12 The parish council also comment that should the application be approved, the following conditions should apply:

- Development should be subject to an archaeological survey and English Heritage consulted due to the proximity to the - Moat, which is a scheduled ancient monument.
- A contribution should be made towards 'sustainability projects'
- Permitted development rights should be withdrawn for the proposed buildings.

PUBLICITY

3.13 Objections have been received on behalf of 12 properties in the local area, predominantly from residents in Poppleton Hall Gardens and along Church Lane. The grounds of objection are as follows -

Highway safety

- There are already problems with on street parking in Poppleton Hall Gardens. Increased activity, cars reversing onto the street and on-street parking, would each be detrimental to highway safety.

Detrimental to character and appearance of the area and harmful to the conservation area

- The scheme constitutes backland development, contrary to policy GP10 in the Local Plan and the Poppleton Village Design Statement.
- Loss of trees (on the application site and as the development may lead to damage to mature Birch and Sycamore trees at no.27). It is also reported that there is no tree survey and the trees shown on the plans do not appear to resemble those present onsite).
- The urbanising effect the development would have and as it would be prominent from the river.
- Harm to the conservation area, the special character of which is the long gardens between Church Lane and the river. A precedent for resisting such development was set when the council and then the planning inspectorate refused plans to build houses in the back gardens of 7 and 9 Church Lane. The inspector ruled that the remaining garden plots which lead down to the river were a key characteristic of the conservation area and should be protected.
- The design for both the proposed new house and the replacement in Poppleton Hall Gardens (which is no longer proposed) would be alien to the area and harmful to the environment.

Amenity of neighbours

- Overlooking and overbearing over 10 Poppleton Hall Gardens and 27 Church Lane. Loss of outlook from 10 Poppleton Hall Gardens.

Sustainability

- The demolition and re-building of a house, to accommodate one new house would be unsustainable. (Officer Note: demolition is no longer proposed).

Precedent

- If the application were successful, it would lead to proposals to add a further house in the garden of 25 Church Lane and develop other back gardens in the area, both of which would be harmful to the character of the conservation area.

Drainage

- Soakaways may have an adverse impact on neighbouring gardens (due to the topography) and vegetation and as the soakaways are closer to neighbouring land than recommended (in particular 27 Church Lane).

Wildlife

- Excavation by the riverbank may have an impact on a known otter habitat in the nearest part of Moat Field.

4.0 APPRAISAL

KEY ISSUES

4.1 The main issues are whether the revised scheme overcomes the grounds for refusal of the 2010 scheme; the harmful effect on the conservation area and residential amenity and the issue of affordable housing. In addition there are issues of highway safety, drainage and sustainable development.

VISUAL IMPACT AND EFFECT ON THE NETHER POPPLETON CONSERVATION AREA

4.2 National planning policy advises schemes should only be permitted when they are of acceptable quality. PPS1 states design which is inappropriate to its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted. PPS3: Housing states development should be distinctive, maintain character and make efficient and effective use of land. Local Plan policies GP1 and GP10 follow PPS1 requirements in that they require schemes to respect or enhance the local environment and not be detrimental to the character and amenity value.

4.3 The site is in the Nether Poppleton Conservation Area, which includes the historic village core around Church Lane and Main Street. Within conservation areas the Local Planning Authority has a statutory requirement to ensure that developments preserve or enhance the character and appearance of the area.

4.4 PPS5: Planning for the Historic Environment advises that a successful scheme will be one whose design has taken account of the following characteristics of the surroundings:

- The significance of nearby assets and the contribution of their setting.
- The general character and distinctiveness of the local buildings, spaces, public realm and the landscape.
- Landmarks and other features that are key to a sense of place.
- Topography.
- Views into and from the site and its surroundings.
- Green landscaping.
- The current and historic uses in the area and the urban grain.

4.5 The Poppleton Village design statement establishes design guidelines which seek to preserve and respect the village setting. In particular it states 'new development on the village periphery should be in-keeping with both the surrounding properties and the countryside, and should give high priority to landscape design, to protect and enhance external views of the village'. The document advises that part of the special character of the Nether Poppleton Conservation Area is the historic layout, of note the traditional relationship between Nether Poppleton and the river.

4.6 In 2001 appeals were dismissed for the development of 2-storey houses behind nos. 7 and 9 Church Lane. In dismissing the appeals the inspector amplified that the special relationship between the village and the river, whereby frontage development is backed by long gardens running down to the river's edge, is a key characteristic of the conservation area. It was determined that the visual impact of the houses, coupled with the loss of trees, would have a harmful visual impact.

4.7 The amended scheme proposes a single storey 2-bed house within the rear garden and a detached garage. The new dwelling would be accessed via Poppleton Hall Gardens following demolition of the garage at no.11. The buildings would be of brick walls, with a pitched roof. Because the site slopes down to the river, the height of the house would be staggered, with varying eaves levels of 3.6m increasing to 4.5m, and 2.5m, the ridge level would be a further 2.6m higher. The access route and parking space in the existing rear garden of no.11 would be of re-enforced grass.

4.8 The development would have an urbanising effect on what is presently a landscaped rear garden. This would be evident in particular due to the height of the proposed house, which even though single storey would be 7m high to ridge level at its highest point, the proximity of the garage to the house and the likely presence of parked cars within the gardens of 25 Church Lane and at 11 Poppleton Hall Gardens. Additionally the front garden area at 11 Poppleton Hall Gardens and any front boundary treatment would be lost to accommodate hardstanding and car parking. The result would be harmful to the character and appearance of the conservation area, in particular the special character identified in the village design statement, contrary to planning policy and the statutory requirement to preserve the conservation area, established in the Planning (Listed Buildings and Conservation Areas) Act 1990. There is also a concern that should the proposed house be built, it would lead to demand for the further removal of trees by the riverbank. The trees made a positive contribution to the character and appearance of the conservation area.

RESIDENTIAL AMENITY

4.9 Policy GP1 requires development proposals have no undue adverse impact from noise disturbance, overlooking, overshadowing or overdominance. Proposals are

also expected to provide adequate space for storage for future occupants, in particular for cycles and bins.

4.10 The proposed buildings would be single storey and main living windows are orientated so they would not look directly toward neighbouring land. Other windows could be obscure glazed where necessary to avoid direct overlooking and any future extensions/alterations restricted via removal of permitted development rights. On this basis there would be no undue harm to the amenity of surrounding neighbours. There is the potential for disturbance from cars coming and going, which would, due to the location of the access road and parking spaces, affect 12 Poppleton Hall Gardens. However the amount of disturbance that would result is not deemed to be grounds for refusal.

4.11 The development would provide adequate storage space for each dwelling.

SUSTAINABLE DEVELOPMENT

4.12 The development is currently expected to meet the requirements of the Council's planning guidance Interim Planning Statement on Sustainable Design and Construction. The document asks that all new housing achieves a code for sustainable homes rating of 3 stars or more and that at least 5% of energy demand is met by onsite renewable resources.

4.13 The supporting documentation with the application advises it is expected that due to the level of construction and energy and water efficiency measures that could be incorporated, the building could achieve at least 4 stars; above the minimum requirement. No details of renewable energy have been provided, although the requirement could be requested as a condition if necessary.

DRAINAGE

4.14 Policy GP15a: Development and Flood Risk requires that sustainable drainage is encouraged. Otherwise discharge from new development should not exceed the capacity of receptors and water run-off should, in relation to existing run-off rates, be reduced. It would be necessary, if the scheme were approved that prior to commencement it be demonstrated that the soakaway proposed would work, or surface water run-off would need to be reduced, to prevent flood risk elsewhere. The proposed houses are at an adequate AOD level, so they would not be at undue risk from flooding.

4.15 The proposed method of surface water drainage is via soakaways. If these did not perform to BRE standards then an alternative would be necessary. There is space on site for attenuation tanks underground onsite, if these were subsequently necessary (subject to archaeology). Drainage could suitably be dealt with via a

condition if necessary. Due to the AOD level of the proposed house it would not be at any unreasonable risk of flooding.

HIGHWAY SAFETY

4.16 The revised plans provide 2 off street car parking spaces for the existing house and at least 2 spaces for the proposed house. There is adequate off-street car parking provided. It is unlikely the additional activity, due to one further dwelling, would have a material impact on highway safety in Poppleton Hall Gardens due to extra traffic.

PROTECTED SPECIES

4.17 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. Planning permission will not be granted where developments will cause demonstrable harm to species protected by law or their habitats. Policy NE7 asks that where possible, developments include measures to enhance or supplement existing habitats and habitat creation is encouraged.

4.18 Due to the location of the proposed house development could commence with suitable measures to protect wildlife established by the river. A bat survey is not required as it is no longer proposed to demolish 10 Poppleton Hall Gardens. If the scheme were supported, a suitable condition could require features to encourage bat roosts within the development.

ARCHAEOLOGY

4.19 The Moat site to the east of 27 Church Lane is a Scheduled Ancient Monument and it may be the site contains valuable archaeology. Local Plan policy HE10 requires archaeological deposits of national importance to be preserved in situ. To fulfil this requirement developers are required to undertake an archaeological survey to assess archaeological value. Sites should be developed so valuable deposits are retained in situ, otherwise an excavation of deposits will be required. A survey could be required as a condition if the scheme were supported, along with the requirement for excavation of deposits if this were necessary.

AFFORDABLE HOUSING

4.20 As the site is within a village with a population of under 5,000, policy H2a applies as the site is over 0.03ha in area. As such a contribution towards affordable housing, in line with the 2010 Affordable Housing Viability Study, is potentially required. As only 1 house is proposed there would be no affordable housing requirement. The site could not potentially accommodate further development, so

there is no case here that the site would be underdeveloped to avoid an affordable housing contribution.

OPEN SPACE

4.21 In accordance with policy L1c, a contribution toward open space could be secured through an appropriate condition, if the scheme were supported. Based on the 2011 figures the contribution would be £1,172 for a 2-bed house.

5.0 CONCLUSION

5.1 The scheme is not supported because of the urbanising effect the development would lead to. It would have a detrimental impact upon this part of the conservation area, which is at the periphery of the village, and lead to the loss of the distinctive historic character which is retained by the remaining historic plots with gardens that lead down to the river. The development would fail to preserve or enhance the distinctive character of the area, contrary to PPS1 and Local Plan policies GP1 and GP10, and there would be harm to the character and appearance of the Nether Poppleton Conservation Area, contrary to PPS5, Local Plan policies HE2 and HE3 and the policies set out in the Poppleton Village Design statement.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The proposed development, because of its location, the scale of the proposed house, the amount of associated development (ancillary building and vehicle parking and turning areas) and removal of existing landscaping would have an urbanising effect.

The application site is in part of the Nether Poppleton Conservation Area which is characterised by its green/open character, on the periphery of the settlement where the distinctive historic character is retained by the remaining historic plots with gardens that lead down to the river and the presence of the Scheduled Ancient Monument to the east.

The scheme would not preserve or enhance the distinctive character of the area, contrary to PPS1 and Local Plan policies GP1 and GP10, and there would be harm to the character and appearance of the Nether Poppleton Conservation Area, contrary to PPS5, Local Plan policies HE2 and HE3 and the policies within the Poppleton Village Design Statement.

7.0 INFORMATIVES:

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