

COMMITTEE REPORT

Team: Central Area
Date: 22 June 2006

Ward: Guildhall
Parish: Guildhall Planning Panel

Reference: 06/00795/FUL
Application at: Land Lying To The Rear Of 14 To 18 Agar Street York
For: Erection of 7 no. town houses with associated access road, car parking and cycle storage (resubmission)
By: Mack And Lawler Builders Ltd
Application Type: Full Application
Target Date: 5 June 2006

1.0 PROPOSAL

1.1 It is proposed to erect a row of seven town four bedroom houses on land which is presently vacant but which was previously used as a private car park associated with offices located within the adjacent buildings fronting onto Monkgate. An earlier application to develop the site in a similar manner was withdrawn due to a lack of information, principally relating to archaeological issues. The site is enclosed on all four sides by built development, the buildings in Monkgate being to the northwest, Sainsbury`s supermarket to the southeast, and the adjacent dwellings in Agar Street and Monkgate Cloisters to the northeast and southwest respectively. Vehicular access to the site would be by way of the existing car park access at the end of Agar Street, a residential cul-de-sac which terminates at the heavily used footpath linking Foss Bank and St.Maurices Road. A secondary, gated access is also available to the site from Monkgate, which would become a pedestrian link from the new dwellings to the city centre.

1.2 The proposed development would consist of a three storey terrace of seven town houses, with the third floor accommodation being accommodated within a mansard roof. Eight residents parking spaces would be provided within the site together with storage for 14 bicycles. Each dwelling would be provided with an individual private garden area (8 m x 5m approx), and there would be space available on the site for a modest landscaping scheme. The site is within the Central Historic Core conservation area and the application has been appropriately advertised/publicised by means of a site notice, newspaper advert and neighbour consultation.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

Schools St. Wilfrid's RC Primary 0230

Conservation Area Central Historic Core 0038

Areas of Archaeological Interest City Centre Area 0006

2.2 Policies:

CYH4

Housing devp in existing settlements

CYHE2
Development in historic locations

CYHE10
Archaeology

CYGP1
Design

CYT16
Long stay car parks

3.0 CONSULTATIONS

3.1 INTERNAL

HIGHWAYS - Comments awaited

URBAN DESIGN AND CONSERVATION - The massing appears to sit comfortably with the adjacent linear developments which are of varied depth of plan and roof form. In development meetings we have had concerns about the mansard roof form which previously appeared overlarge and barn-like for this area. The architects have amended the scheme at roof level and introduced a more pronounced eaves line which would reduce the apparent height of the block and diminish the appearance of the roof from ground level. The building sits behind high walls on this former industrial site and we are pleased to see the retention of both these walls and the remaining separating wall between the proposed scheme and the frontage buildings onto Monkgate. Elevations appear rhythmic and well articulated and the blank end elevation has been relieved by detailing of a suitable scale.

ARCHAEOLOGIST - This site lies in the Area of Archaeological Importance in an area which has produced important archaeological remains. An archaeological evaluation of this site has been carried out by the York Archaeological Trust in December 2005. The evaluation demonstrated that there are archaeological features and deposits of medieval and Roman date surviving on this site. The applicant has submitted a foundation design (Foundation Design, job no 3635, Bowyer Consulting, March 2006). This foundation design consists of a raft whose formation level for the most part is higher than the medieval and Roman features and deposits. There is a small area of the site where the raft will cut into medieval deposits.

It is considered that this foundation proposal represents a reasonable way forward to develop this site and ensure that minimal destruction of archaeological deposits takes place in accordance with policy HE10. However, there will be a need for an archaeological watching brief on all groundworks for this development.

Conditions required as follows:

- an archaeological watching brief
- details of the foundation design, in order to preserve 95% of the archaeological deposits on the site.

ENVIRONMENTAL PROTECTION - No objections in principle but conditions are recommended in relation to working hours, the treatment of any possible contamination, and minimising nuisance to residents as a result of any piling operations.

LIFELONG LEARNING AND CULTURE - A financial contribution (calculated at £11,410) towards the provision/upgrading of sports and leisure facilities is required. This could be spent on the upgrading of local facilities such as Glen Gardens and/or on East zone priorities for sports provision.

EDUCATIONAL PLANNING OFFICER - Requires a financial contribution of £15,531 towards the provision of one extra secondary school place within the local catchment area.

STRUCTURES AND DRAINAGE - Consider that insufficient information has been provided to determine the potential impact the proposals may have on existing drainage systems.

3.2 EXTERNAL

GUILDHALL PLANNING PANEL - No objections

YORKSHIRE WATER - Recommend conditions requiring a sewer easement to be provided and also details of foul and surface water drainage to be submitted and approved prior to commencement.

POLICE ARCHITECTURAL LIAISON OFFICER - The erection of town houses will eliminate previous problems of car crime associated with the former car park. From a designing out crime point of view, the design and layout is excellent, with good surveillance opportunities of all dwellings, external spaces, paths, roadways and car parking areas. It is noted that the access to pedestrians from Monkgate will be controlled by key coded gates. The alleyway giving access to the rear gardens of the town houses has gates fitted to control access. These gates should be fitted with key operated locks and must not be easy to climb over.

LOCAL RESIDENTS - One letter has been received making the following points:

- the development could create a considerable traffic problem in Agar Street
- amenity could be seriously affected if the dwellings are too close to the properties in Agar Street if the existing open aspect is blocked or the roof line is too tall

4.0 APPRAISAL

4.1 Key Issues

- principle of the proposal
- design issues, impact on character of conservation area
- impact on amenity of neighbours
- highway and parking issues

4.2 The application relates to the erection of seven town houses on 0.15 ha of land formerly used as a private car park, accommodating approximately 70 cars. The site is within the urban area and occupies a sustainable location within walking distance of the city centre, and is effectively a "backland" site enclosed by built development on all sides. The principle of the proposal is supported by Policy H9 of the Approved North Yorkshire Structure Plan which states that provision will be made for the maintenance and, where appropriate, the extension of residential use of property in and around town centres and particularly around the historic core of the City of York, through permitting suitable new development and through the conversion of suitable existing property and vacant upper floorspace.

4.3 Policy H4a of the City of York Draft Local Plan relates to housing windfalls, and states that proposals for residential development on land not already allocated on the Proposals Map will be granted planning permission where the site is within the urban area and is

vacant, derelict or underused, or it involves infilling, redevelopment or conversion of existing buildings, and where the site has good accessibility to jobs, shops and services by non-car modes. Policy H4a also requires development to be of an appropriate scale and density to surrounding development, and not to have a detrimental impact on existing landscape features.

4.4 The site is also within a designated conservation area (Central Historic Core), wherein the City Council, when determining planning applications, has a statutory duty to consider the desirability of preserving or enhancing the character and appearance of the area. Policy E4 of the Approved North Yorkshire Structure Plan states that buildings and areas of special townscape, architectural or historic interest will be afforded the strictest protection. Policy HE2 of the Draft Local Plan states that within conservation areas, development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials. Proposals will be required to maintain or enhance existing urban spaces, views, landmarks and other townscape elements which contribute to the character or appearance of the area. The site is within the York City Centre Area of Archaeological Importance where Policy HE10 provides that planning applications for development that involves the disturbance of existing ground levels will be granted provided the applicant permits a field evaluation to assess the archaeological importance of the site, and it can be demonstrated that less than 5% of any archaeological deposits will be disturbed or destroyed.

4.5 Policy GP1 is a general policy which states that development proposals will be expected to respect or enhance the local environment, be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, using appropriate building materials, and avoid the loss of open spaces, important gaps within development and other features that contribute to the quality of the local environment. Policy GP1 also seeks to ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures. Policy T16 states that the Council will seek to reduce the level of private commuter parking spaces in or adjacent to York City Centre through negotiation with site owners as redevelopment proposals come forward.

4.6 The relevant Central Government advice is contained within Planning Policy Guidance Note 3: "Housing" (PPG3). This states that local planning authorities should give priority to re-using previously developed land within urban areas, bringing empty homes back into use, and converting existing buildings, in preference to the development of greenfield sites. Particular emphasis is now placed on focussing new development in sustainable locations close to existing amenities and services, in order to encourage the use of modes of transport other than the private car.

4.7 The proposal would extinguish the lawful use of the site as a private car park, which is actively encouraged by Policy T16 of the Draft Local Plan and would contribute towards a reduction in commuter trips into the city by private car. The proposal would provide family sized four bedroom dwellings in this central location, a welcome departure from the current trend of small one and two bedroom apartments. The Conservation Architect is now satisfied that the massing and design of the proposed block is acceptable in this location, following concerns in relation to the earlier scheme. In particular, alterations to the roof in order to diminish its appearance from ground level and to reduce the apparent height of the block, in addition to the retention of historic boundary walls within the site, are welcomed. The proposed development would be orientated in the same direction as the existing adjacent developments in Monkgate Cloisters and Agar Street (i.e. northwest to southeast). This is considered to be the most appropriate way of developing the site as it would respect the existing urban grain. Overall, it is considered that the proposed development would improve

the appearance of this now derelict site and as such would enhance the appearance of the conservation area.

4.8 The proposed layout would provide separation distances of 16 - 18 metres (front elevation of new development to rear of dwellings in Agar Street) and 13 metres (rear of new development to rear of dwellings in Monkgate Cloisters). Whilst these distances may appear to be below accepted standards, the adjacent properties are for the most part single aspect dwellings with principle windows orientated away from the application site. Thus nos. 14 - 16 Agar Street contain only two small bathroom windows at first floor level. Extensions which have been approved to the rear elevations of nos 14 and 16 Agar Street have been designed to take account of the possible future development of the car park, with principle windows orientated away from the site. Although the rear elevations of nos. 17 and 18 Agar Street have a conservatory and sun terrace at first floor level, provision has been made for a small planted area between these dwellings and the proposed development. This area could accommodate two or three light canopied trees (such as silver birch) in order to provide a degree of screening without eliminating the outlook from, or the daylight to, these properties. It is considered that the outlook from the rear of these properties would, on balance, be improved through the removal of the car park use. The use of a mansard roof in the design would reduce the massing and visual impact of the new block.

4.9 The adjacent properties in Monkgate Cloisters consist of a terrace of ten properties, again with the principle elevation orientated away from the application site. The rear elevations of these properties contain a pair of doors at ground floor level, screened from the new dwellings by a boundary wall at least two metres in height, and kitchen windows at first floor level consisting of fixed lights fitted with translucent glazing. The bedrooms at second floor level are served by high level rooflights approximately 1.8 metres above floor level, and as such it is not considered that any significant loss of light or outlook would occur. It should also be noted that the new development would be sited to the northeast of Monkgate Cloisters, which would minimise the effect of any overshadowing or loss of light.

4.10 The comments of Highways (Network Management) are awaited. However, it is considered that in principle, the removal of the existing private car park is to be welcomed in terms of reducing the volume of car borne commuter journeys into the city centre. The development would provide a reasonable level of on-site car parking bearing in mind the location of the site and the type of property provided, i.e. one space per dwelling with up to three visitor spaces and 14 cycle parking spaces. Central Government advice in Planning Policy Guidance Note 13: "Transport" promotes walking, cycling and the public transport in preference to car use and advises that developers should not be required to provide more parking spaces than they themselves wish, which has effectively removed the need to impose minimum parking standards on developers. Following the submission of an archaeological evaluation and a subsequent raft foundation design for the development, the Council's Archaeologist is satisfied that the site can be developed with minimum destruction of archaeological deposits, in accordance with Policy HE10 of the Draft Local Plan. There will, however, be a need for an archaeological watching brief on all groundworks for the development.

5.0 CONCLUSION

5.1 The proposal is considered to be satisfactory and would make beneficial use of this (close to) city centre site through the provision of family size housing in a sustainable location. It is considered that the proposal would improve the appearance of the site and thus would enhance the appearance of the conservation area, whilst at the same time being acceptable in terms of the impact on adjacent occupiers.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 The development hereby permitted shall be carried out only in accordance with the following plans:-

GEM FL 01 Rev "D" - site layout, sections and cycle store
GEM FG 01 Rev "D" - floor plans, elevations and sections
3635 - S - 500 - foundation detail

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

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.
- 3 VISQ8 Samples of exterior materials to be app
- 4 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

Eaves and verge details
Gable end detail
Windows and external doors

Reason: So that the Local Planning Authority may be satisfied with these details.
- 5 LAND1 IN New Landscape details
- 6 HWAY19 Car and cycle parking laid out
- 7 VISQ3 Boundary walls to be retained
- 8 ARCH2 Watching brief required
- 9 ARCH3 Foundation design required
- 10 A desk study should be undertaken in order to identify any potentially contaminative uses which have or are currently occurring on site. This shall include a site description and a site walkover and shall be submitted to and approved by the local planning authority prior to development of the site.

Reason: In order to ensure that any potentially contaminative uses are identified and appropriate remedial action is taken.
- 11 a) A site investigation shall be undertaken based upon the findings of the desk study. The investigation shall be carried out in accordance with BS10175: Investigation of potentially contaminated land:code of practice. The results of the

investigation shall be submitted to and approved by the local planning authority in writing prior to any development commencing on site.

b). A risk based remedial strategy shall be developed based upon the findings of the site investigation. The remedial strategy shall be submitted to and approved by the local planning authority in writing. The approved strategy shall be fully implemented prior to any development commencing on site.

Informative: The remedial strategy shall have due regard for UK adopted policy on risk assessment and shall be developed in full consultation with the appropriate regulator(s).

c). A validation report shall be submitted to and approved by the local planning authority, detailing sample locations and contaminant concentrations prior to any development commencing on site.

d) Any contamination detected during site works that has not been considered within the remedial strategy shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development on site.

Reason: In order to ensure that any potentially contaminative uses are identified and appropriate remedial action is taken.

- 12 A timetable of proposed remedial works shall be submitted to the local planning authority prior to any works being undertaken on site.

Reason: In order to ensure that any potentially contaminative uses are identified and appropriate remedial action is taken.

- 13 All works and ancillary operations during demolition and construction, including collections and deliveries to the site shall only be carried out between the hours of 08.00 and 18.00 Mondays to Fridays and 09.00 to 13.00 on Saturdays and not at all on Sundays and Bank Holidays.

Reason: To protect the amenity of nearby residents.

- 14 Any piling operations shall be carried out using the quietest practicable method available. The details should be submitted to and approved in writing by the local planning authority before commencing work. Local residents should be notified of the dates, times, likely duration and works to be undertaken.

Reason: To protect the amenity of nearby residents.

- 15 HT1 IN Height
9.7

- 16 Unless otherwise agreed in writing by the local planning authority, no building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the sewer, which crosses the site.

Reason: In order to allow sufficient access for maintenance and repair work at all times

- 17 The site shall be developed with separate systems of drainage for foul and surface water on and of site.

Reason: In the interests of satisfactory and sustainable drainage.

- 18 No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by the local planning authority.

Reason: To ensure that the development can be properly drained.

- 19 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to the completion of the approved foul drainage works.

Reason: To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.

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

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

INFORMATIVE: The alternative arrangements referred to in the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards the provision of open space. The obligation should provide for a financial contribution calculated at £11,410

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

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

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

INFORMATIVE:

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

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

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to:

- principle of the proposal
- design issues, impact on character of conservation area
- impact on amenity of neighbours
- highway and parking issues
- protection of archaeological deposits

As such the proposal complies with Policies H9 and E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies H4, HE2, HE10, GP1 and T16 of the City of York Local Plan Deposit Draft.

2. Noise and dust nuisance

- (i) All plant and machinery to be operated, sited and maintained in order to minimise disturbance.
- (ii) All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions
- (iii) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

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