



## Conservation Area Clifton 0013

### 2.2 Policies:

- SP10 - Strategic Windfalls
- SP8 - Reducing dependence on the car
- H3 - Sequential test for new housing
- H4 - Housing devp in existing settlements
- H5 - Residential densities over 25 per ha
- T4 - Cycle parking standards
- T13 - Car park standards in York CC/District C
- GP1 - Design
- GP3 - Planning against crime
- GP4 - Environmental sustainability
- GP9 - Landscaping
- GP11 - Accessibility
- NE1 - Trees, woodlands, hedgerows
- HE2 - Development in historic locations
- HE3 - Conservation Areas
- HE5 - Demolition of Listed Buildings and Buildings in Conservation Areas
- HE11 - Trees and landscape
- L1 – Open space

## 3.0 CONSULTATIONS

### INTERNAL

- 3.1 UDC - CONSERVATION OFFICER: The principle of converting the existing building was considered acceptable in the previous scheme. Revisions appear to be limited to the removal of corner glazing which was considered to affect the privacy of the neighbouring development. The extension is not within the architectural genre of the area, but it appears to be of good quality within itself and its location and relative size in relation to the parent building would limit its impact on the character and appearance of the area. Removal of the existing outbuilding would be beneficial to the setting of this large building.
- 3.2 The new building was considered acceptable in principle. It appeared over-assertive in its environment though. It has now been moved back 1m, approx in line with existing buildings, thereby retaining the open frontage. The eaves height is much reduced and the pitch has increased. This has the effect of reducing the bulk whilst preserving the symbolic "sheltering" roof - a type characteristic of buildings in the street (Arts & Crafts).
- 3.3 Although the original buildings towards the bottom of St Peter's Grove are generally lower than the closer spaced houses towards the main road, some of them use architectural devices to increase their stature and interest - such as the house opposite which has a strident tudored gable breaking the front elevation. The new building would appear to sit comfortably within its context thereby preserving the character and appearance of the conservation area.

- 3.4 Please include in these conditions: [attached as conditions 3-6]
- 3.5 UDC - COUNTRYSIDE OFFICER: Much of the loft area on the side wing has already been converted, however the front and rear pitch appear to be unaltered and could therefore provide suitable bat roosting habitat. However no obvious access points are visible. There is also potential for roosting elsewhere on the building. I do not consider though that there is sufficient reason to warrant a survey. I would though suggest that a condition securing mitigation to replace potential habitat is attached. [attached as condition 9]
- 3.6 UDC - ARCHAEOLOGIST: This site lies immediately outside the AAI. It lies in an area which has produced evidence for Roman burials. Evidence for a series of Roman cemeteries has come to light from the 17th century onwards. These finds indicate extensive exploitation of the areas on both sides of Bootham and Clifton in the Roman period. In the post-Roman period, this settlement and burial activity ceases and the land is given over to low-impact agricultural activity. This means that the Roman deposits tend to be well preserved beneath a variable depth of medieval and later plough and garden soils. It is possible that this development may reveal Romano-British features and deposits including burials. Therefore an archaeological watching brief on all groundworks will be necessary. Please place standard condition ARCH2 on any consent which is granted. [attached as condition 18]
- 3.7 UDC - LANDSCAPE: No objections. Conditions suggested. [attached as conditions 6,7 and 8]
- 3.8 ENVIRONMENTAL PROTECTION UNIT: Have considered the application with regard to EPU interests namely air quality, contaminated land and noise and other amenity issues. There are no concerns regarding air quality as the site is a considerable distance from the main A19. With regard to contaminated land, in order to protect the proposed future occupants of this site, I would request that should permission be granted, suggested conditions 1- 6 below are placed on the permission [attached as conditions 10-15]. Finally I considered noise and other amenity issues. The area is residential, so the future occupants are not likely to be adversely affected by any existing activities nearby. However, those nearby residents could be disturbed during the conversion and construction of the development or if air conditioning units are to be installed. I would therefore request that should permission be granted my suggested condition 7 and 8 below be placed on that permission, along with the informative to the developer [attached as conditions 16, 17 and informative 2] .
- 3.9 CITY DEVELOPMENT: No policy objection is raised regards the change of use. The Planning Officer should be satisfied that policy requirements relating to mix of dwellings, design and scale, historic context and trees and landscaping are met.
- 3.10 HIGHWAYS NETWORK MANAGEMENT: The site is currently eligible to apply for a limited number of permits to the R34 residents parking scheme. The proposed development has the potential to greatly increase the number of

permits that could be applied for. In order to protect the existing residents the proposed development should be omitted from the residents parking scheme and the necessary funding secured from the applicant to do this. No objections subject to exclusion from the RESPARK scheme and imposition of conditions. [suggested conditions attached as conditions 22 –23]

3.11 LIFELONG LEARNING AND LEISURE: A contribution to the funding of two additional secondary school places at Cannon Lee School should be secured in accordance with Supplementary Planning Guidance on developer contributions to education [secured by condition 20].

3.12 EXTERNAL

3.13 POLICE COMMUNITY SAFETY OFFICER: It is welcomed that the applicants have improved perimeter security and I would hope that lighting and CCTV for the site would support that. I still have concerns regards the orientation of cycle sheds and that they remain slightly hidden. Lack of storage for children's toys and pushchairs may result in these lying around susceptible to crime.

3.14 CLIFTON PLANNING PANEL: We have no objections.

3.15 PUBLICITY: The application has been advertised by neighbour letter, site notice and press notice. Six letters of objection have been received raising the following issues;

- taller than adjacent buildings
- out of keeping
- loss of trees
- overlooking
- boundary wall (to Burton Stone Lane properties) should be raised to 3 metres
- increase in traffic
- vehicles parking at rear will cause noise and disturbance
- the new build will be taller than the existing building
- loss of privacy
- trees mislabelled
- all windows to the northwest should be obscure glazed
- loss of light to garden
- bin store should not be against our garden

## 4.0 APPRAISAL

4.1 There is no objection on principle to the change of use of this conference centre to flats. There is no objection to the removal of the modern building at the rear or the outbuilding and external staircases.

Conversion of 8 and 9 St. Peters Grove.

4.2 The proposed dormer windows to the front are arranged symmetrically and sit within the roof slope. The roof extensions at the rear are contained within the shape of the existing roof and have no impact on the street scene. The

proposed extension at the rear has no impact on the street scene. The works of alteration to the existing building can be conditioned to protect external appearance and retain existing windows.

New build.

- 4.3 Whilst infill development for housing on the site is supported in principle any such proposal will need to preserve or enhance the character and appearance of the Clifton Conservation Area and be of an appropriate scale and density in accordance with the aims of policies HE3 and H4 and GP1 of the Draft City of York Local Plan and PPS 1 and PPG's 3 and 15. Development will also need to ensure that nearby residents are not unduly affected by noise, disturbance, overlooking or dominated by overbearing structures in accordance with the aims of policy GP1 of the Draft City of York Local Plan and PPS 1.
- 4.4 The siting of the proposed new build has been amended from the previous scheme by setting the building back a further metre from the highway. The design has also been amended to better reflect the design detailing of existing buildings in the conservation area and reduce the ease level. The comments of the Conservation Officer (see paragraphs 3.1 - 3.4) are noted. The amended design is considered acceptable pursuant to draft local Plan policies GP1, HE2 and HE3 and the aims of PPS1 and PPG15.

Highways and transport.

- 4.5 It is proposed to use the existing two vehicle crossing points for access onto the site. Parking for one car per unit and covered secure cycle parking for one cycle per unit is proposed on site. As such the proposals accord with CYC maximum parking standards which indicate that a maximum of 15 car parking spaces is appropriate. Given the level of on site parking proposed, the limited capacity of the surrounding road network and the potential additional demand for further parking that the site could generate - and in the interests of encouraging use of means of transport other than the private car in this highly sustainable location - it is considered reasonable that the applicant fund the exclusion of the site from eligibility for parking permits within the R34 zone.
- 4.6 The design and layout of cycle and bin stores and boundary treatments could be amended to further reduce the impact on neighbours and improve security, and a condition to reserve and secure such details should be attached to any consent.

Effect on long term health of trees.

- 4.7 Those trees within the site that are proposed to be removed make limited contribution to the appearance of the conservation area and there is no objection to their removal. The mature trees on the site frontage make an important contribution to the character and appearance of the conservation area. The protection of the long term health of these trees in accordance with the aims of policies HE3 and HE11 of the Draft City of York Local Plan and the protection of these trees can be secured by condition.

## Privacy

- 4.9 The introduction of new windows at the rear of the site facing properties on Burton Stone Lane, both in the new build and the extension to number 8 and 9 St. Peters Grove is considered acceptable as opposing windows would be separated by a distance of 30 metres.
- 4.10 The proposed new build also includes small windows in the south west elevation which are in close proximity to the boundary but will be obscure glazed and as such are considered to adequately protect privacy at 7 St. Peters Grove.
- 4.11 The proposals are not considered to impinge unacceptably on the levels of privacy of neighbouring dwellings and hence are considered to accord with the aims of policy GP1 of the Draft City of York Local Plan and PPS 1 in relation to overlooking and privacy.

## Noise nuisance

- 4.12 The proposals include an area at the rear for the parking of five vehicles. This represents a significant increase over existing levels of activity in this area of the site and is considered likely to have a detrimental impact on the living conditions enjoyed by neighbouring occupiers. However, these movements would be associated with a residential use, and can be ameliorated by appropriate boundary treatments. On balance it is considered that the proposed car parking arrangements are not unacceptably detrimental to the living conditions of occupiers of adjoining residential units.

## Amenity Space.

- 4.13 The proposals include two small areas of open space at the rear of the buildings with two small formal areas between the buildings and the street. These spaces are of visual amenity value and general amenity space for use of residents on site. The provision of children's play and adult recreation space would be acceptable by contribution in lieu of on site provision in accordance with policy L1 of the draft City of York Local Plan.

## Sustainability

- 4.14 The site lies within easy travel by modes other than the private car and is close to local services. As such the site is considered to be in a sustainable location. The sustainability statement details measures to improve energy efficiency in the converted building, however achieving a similar BREEAM rating for the conversion is considered to conflict with the aim of protecting the character of the existing building. The applicant has agreed to achieve a BREEAM rating of 'very good' or 'excellent' for the new build element and this can be secured by suggested condition 21.

## 5.0 CONCLUSION

- 5.1 It is considered that the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the character and appearance of the Clifton conservation area, the living conditions of occupiers of neighbouring dwelling and highway safety. As such the proposal complies with Policies SP8, SP10, GP1, H4, H3, NE1, T4, T13, HE2, L1, HE3 and HE5 of the City of York Local Plan Deposit Draft and the aims of PPS1, PPS3, PPG13, PPG15. The application is therefore recommended to be approved.

## 6.0 RECOMMENDATION: Approve

1 TIME2

- 2 The development hereby permitted shall be carried out only in accordance with the following plans:-

Drawing number 02 revision C received 21 December 2006

Drawing number 06 revision D received 21 December 2006

Drawing number 04 revision D received 21 December 2006

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

4 VISQ7

- 5 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.

details of construction and installation of windows in new dev't

details of verges and eaves

balcony parapet and rail detail

Reason: So that the Local Planning Authority may be satisfied with these details.

6 LAND1

7 LAND2

8 LAND3

- 9 No development shall commence on site until details of measures to accommodate bats within the building (including such measures as special tiles, soffit boards and bat boxes) have been submitted to and approved in writing by the Local Planning Authority have. The approved details shall thereafter be implemented on site before the dwellings hereby approved are first occupied.

Reason: In the interests of the protection of a protected species.

- 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: To protect the health & safety of workers and future occupants of the site.

- 11 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.

- 12 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).

Reason: To protect the health and safety of workers on site, occupiers of the site and the integrity of structural components and any proposed underground services.

- 13 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.

Reason: To protect the health and safety of workers on site, occupiers of the site and the integrity of structural components and any proposed underground services.

- 14 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: To protect the health and safety of workers on site, future occupiers of the site and the integrity of structural components and any proposed underground services.

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

Reason: To protect the health and safety of workers on site, occupiers of the site and the integrity of structural components and any proposed underground services.

- 16 All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site, shall be confined to the following hours:

|   |                |
|---|----------------|
| Monday to Friday                        | 08.00 to 18.00 |
| Saturday                                | 09.00 to 13.00 |
| Not at all on Sundays and Bank Holidays |                |

Reason: To protect the amenity of the local residents.

- 17 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible outside of the site boundary when in use, shall be submitted to the local planning authority for approval. These details shall include maximum sound levels (LAMax) and average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of the local residents.

- 18 ARCH2

- 19 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 alternatives 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 L1 of the City of York Draft Local Plan.

- 20 No development shall commence unless and until a scheme to ensure the provision of adequate additional foundation and 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.

- 21 No development shall take place until the applicant has provided to the Local Planning Authority for approval a BREEAM report that achieves 'Very Good' or 'Excellent' rating with certification for the new build element shown on drawing ref. 06 revision D. The approved scheme shall then be provided in accordance with these details. A certificated BREEAM Post Construction Review, or other verification process agreed with the Local Planning Authority, shall be provided, confirming that the agreed standards have been met, prior to the first occupation of the development.
- 22 Prior to the development commencing details of the cycle parking areas and bins stores, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and bin stores and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles and storage of bins.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

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

Reason: In the interests of highway safety.

## **7.0 INFORMATIVES:**

### **INF1. 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 the character and appearance of the Clifton conservation area, the living conditions of occupiers of neighbouring dwelling and highway safety. As such the proposal complies with Policies SP8, SP10, GP1, H4, H3, NE1, T4, T13, L1, HE2, HE3 and HE5 of the City of York Local Plan Deposit Draft and the aims of PPS1, PPS3, PPG13, PPG15.

## INF2. Demolition and Construction - Informative

The developer's attention should also be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be attached to any planning approval:

1. The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".
2. All plant and machinery to be operated, sited and maintained in order to minimise disturbance. 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.
3. 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.
4. All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.
5. Any asbestos containing materials shall be removed by licensed contractors to a licensed disposal site.
6. There shall be no bonfires on the site.

INF3. The alternative arrangements 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, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £9768.00

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.

INF4. 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 £31,062.00 . 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 discharged and you are reminded of the Local Planning Authority's enforcement powers in this regard.

**Contact details:**

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