

2.2 Policies:

H4 - Housing development in existing settlements

GP1 - Design

SP8 - Reducing dependence on the car

HE2 - Development in historic locations

HE3 - Conservation Areas

HE11 - Trees and landscape

H7 - Residential extensions

T4 - Cycle parking standards

GP4 - Environmental sustainability

GP10 – Subdivision of gardens

3.0 CONSULTATIONS

INTERNAL

3.1 HIGHWAYS NETWORK MANAGEMENT: Access to the site is via two existing dropped accesses. It is not considered by officers that the proposal will lead to a material increase in traffic generated by the site. Car parking for 12 vehicles has been provided, this is in accordance with CYC maximum standards which would allow a theoretical maximum provision of 15. The surrounding streets are protected by traffic regulation orders including residents parking for which the site is currently to apply for a limited number of permits. The proposal has the potential to increase the number of permits that could be applied for by future occupiers. Officers are therefore also seeking members approval to have the property removed from the R34 scheme. The site is located close to the city centre and a wide range of local facilities to reduce the dependence on the private car.

3.2 LEARNING CULTURE AND CHILDRENS SERVICES: A contribution of £31,062 is sought in respect of two pupil spaces required at Canon Lee School.

3.3 ENVIRONMENTAL PROTECTION UNIT: The results of the Phase 2 survey indicates there may be elevated levels of certain contaminants in the soil although a search of previous uses of the site does not indicate likely contamination of the site. In order to ensure that future occupants of the premises are not exposed to potential contaminants, I would request that the following two conditions are placed on the permission should it be granted:

1. Prior to any units at the site becoming occupied, the applicant should provide details of the results of chemical analysis of soil and subsoil samples from areas of grass surfaces and landscaping. The number, location and depth of these samples, and the chemicals for which they are to be analysed shall be agreed with the Environmental Protection Unit in advance.

Reason: To protect human health and the wider environment.

2. Any contaminated material detected during site works 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 of the site.

Reason: To protect human health and the wider environment.

In addition I would request the following conditions to protect the surrounding residents amenity while and after the development of the site:

3. 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.

4. 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 (L_{AMax}) and average sound levels (L_{Aeq}), 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.

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:

Demolition and Construction - Informative

- 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.

3.4 URBAN DESIGN AND CONSERVATION - CONSERVATION:

Conversion.

The principal change is the infilling of the rear yard space with the two storey extension. The scale is subservient and the modern appearance allows the existing building to maintain its character fairly successfully. Considering the limited views to this elevation I think that only materials need to be considered through condition. The use of a different cladding material to brick could set up a more distinct and successful comparison to the main building but I don't believe it is essential.

Noticing the use of upvc on the proposed new dwelling I think it would be wise to condition that all existing windows and doors on the main buildings are retained or replaced like for like unless otherwise agreed. Similarly we should condition samples of roofing materials, details of roof lights and further large scale drawings of the dormer window to the front roof slope.

New Build.

St Peters Grove contains a collection of some of the best late 19th century / early 20th century villas within the city. As a group they display a strong sense of cohesion in terms of scale, layout and quality of build and appearance. Large gardens and mature planting are also very much part of the Grove's historic character and help maintain each buildings presence and status. This character has been undermined

by the infilling of garden plots to such an extent that precedent makes it difficult to object to this part of the proposal on principle.

The position and height of the new building will make it prominent within the street-scene and bring it into direct comparison with No.8 St Peters Grove. In this context the architectural treatment fails, its impact is not matched either by its elevational design or its quality of detailing and materials. The result will not preserve the character of the conservation area.

The plot demands a degree of subservience to No.8 St Peters Grove in order not to appear too prominent. The most obvious difficulty is the height, which needs to be brought down by one storey. The design is ordered but lacks the detail and proportion in comparison to the buildings it references. The side elevations are particularly bland and oppressive. Whilst simple detailing might be a good way forward this approach will be let down by using cheap modern materials such as plastic windows and guttering. Regarding proportion the building appears top-heavy in comparison to No.8. By following the historic gradation of room heights; ground floor as the highest, reducing upwards (albeit in a subtle manner) an extra reference to its context will be achieved.

3.5 URBAN DESIGN AND CONSERVATION - ARCHAEOLOGY: 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 groundwork will be necessary. Please place standard condition ARCH2 on any consent which is granted

3.6 URBAN DESIGN AND CONSERVATION - LANDSCAPE: The trees of greatest value on this site are those along the street frontage, i.e. the Plum, Limes and Willow.

The only cause for concern (in planning terms) for the trees on site is the introduction of parking bays 1 - 5, especially 4 and 5. To instate the latter two, the ground levels would need to be increased over the root plate of the adjacent Lime tree, which is a mature tree and therefore less able to withstand changes in ground conditions. Therefore these two spaces should be omitted. The other four may be possible with a no-dig construction as the ground is more level here, but this will result in a reduced garden aspect to the front. (But looking at other properties in the street, the majority of the front gardens have been forfeited to parking.)

In response to concerns you have received regarding the two Hollies at the rear of the site, neither are worthy of protection by way of a TPO such as to prevent development per se in this area. The foliage of the variegated Holly is sparse, which greatly reduces its amenity value. The plain Holly is a better specimen and is worth

retaining but not worth a TPO due to small size, distance from the street and the limited location from where one can see it. I note the proposals suggest its retention anyway, which appears to be possible.

The Pyracantha and Cherry are attractive trees and are worthy of retention , but again due to their small stature and limited visibility, they should not pose a restriction to development.

3.7 LIFELONG LEARNING AND CULTURE: As there is no on site open space commuted sums should be paid to the Council for

- a) amenity open space
- b) play space
- c) sports pitches

The contribution to off site provision is to be based on "Harrogate" or latest York formula through a Section 106 Agreement.

EXTERNAL

3.8 CLIFTON PLANNING PANEL: We have no objections.

3.9 PUBLICITY: The application has been advertised by neighbour letter, site notice and press notice. A total of five responses have been received raising the following points:

- loss of privacy in building and garden
- loss of light
- detriment to amenity of garden
- height of building exceeds neighbours and is overbearing
- width of building narrower than neighbours and incongruous to setting
- bin store sited against our boundary
- boundary wall should be raised to provide security and protect amenity
- conditions recommended to secure: high walls at rear, landscaping, external lighting, site management, use of flat roofs. p.d. rights removal, retention of trees
- parking pressure on St. Peters Grove
- housing density already too high
- noise disturbance
- loss of mature trees harmful to area, these should be subject of TPO

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 as proposed.

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 in modern style similarly has no impact on the street scene. Careful selection of materials will be required to ensure that the juxtaposition of styles is successful. The first floor living room window would introduce sideways looking in towards flats on the adjacent site to the north. Given the distance of separation of these windows it is considered that the effect will be to provide inadequately for privacy in both existing and proposed dwellings. Works of alteration 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 PPGs 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 design of the proposed building, by virtue of its height and siting, is considered to be unduly prominent and this prominence of a new build is considered to be detrimental to the character and appearance of the Clifton Conservation Area. Further to this whilst the broad approach to the design of the building is acceptable the detailed elevational treatment and detailing is considered unsuccessful. The comments of the Conservation Officer (see paragraph 3.4) are noted.

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 layout of cycle and bin stores 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 Whilst those trees within the site that are proposed to be removed make limited contribution to the appearance of the conservation area the mature trees on the site frontage are an important part of it. 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. The arrangement of parking spaces 4 and 5 are considered unacceptable detrimental to the health of the mature Lime Tree which is prominent in the street scene.

Privacy

4.8 The proposed development would introduce additional corner windows in the extension to the rear of numbers 8 and 9 that would be separated by just thirteen metres from window in the flats to the north. This is considered to result in unacceptably low levels of in building privacy both within the proposed development and the existing flats.

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 does however include small windows in the south west elevation which are in close proximity to the boundary and are considered to unacceptably reduce the privacy at 7 St. Peters Grove. opposing windows in this instance are separated by a distance of less than 8 metres.

4.11 The proposals are considered to impinge unacceptably on the levels of privacy of neighbouring dwelling in the manner discussed above and hence are considered to be contrary to the aims of policy GP1 of the Draft City of York Local Plan and PPS 1.

Noise nuisance

4.12 The proposals include an area 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. The area on the front are hemmed in by parking and the areas at the rear small and directly related to ground floor windows. As such these spaces are of visual amenity value

rather than a practical useable amenity space. The site is relatively remote from areas of public open space and it is considered necessary to include some open amenity area for use of residents on site. The provision of children's play, adult recreation and any shortfall of general amenity 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.

5.0 CONCLUSION

5.1 For the reason discussed above it is recommended that this application be refused.

6.0 RECOMMENDATION: Refuse

- 1 The proposed development, by virtue of the height, siting and design of the proposed new build block, would be detrimental to the character and appearance of Clifton Conservation Area. As such the proposals are considered to be contrary to the aims of Policies HE3 and GP1 of the Draft City of York Local Plan and the aims of PPS1 and PPG15.
- 2 The proposed development, by virtue of layout and construction of parking spaces, would be detrimental to the long term health of the Lime identified as T2 on the site layout plan. This tree is considered to make an important contribution to the appearance of the street scene and to be an important part of the character of the Clifton Conservation Area. As such the proposals are considered to be contrary to the aims of Policies HE3 and HE11 of the Draft City of York Local Plan and the aims of PPS1 and PPG15.
- 3 The proposed development, by virtue of the position of windows to habitable rooms within the extension to the rear of number 8 and 9 St. Peters Grove and the new build block, is considered to provide inadequately for the privacy of residents within the proposed development and result in an unacceptable detriment to living conditions through loss of privacy to the occupiers of 7 St. Peters Grove and St. Peters Court. As such the proposals are considered to be contrary to the aims of Policies GP1 and H4 of the Draft City of York Local Plan and the aims of PPS1.

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