

COMMITTEE REPORT

Committee: West & City Centre Area **Ward:** Guildhall
Date: 22 March 2007 **Parish:** Guildhall Planning Panel

Reference: 06/01703/FUL
Application at: 34 St Marys York YO30 7DD
For: Erection of 7 no. apartments after demolition of existing dwelling
By: Hogg Builders (York)
Application Type: Full Application
Target Date: 9 November 2006

1.0 PROPOSAL

1.1 This application as originally submitted sought permission to redevelop 34 St Mary's, to provide 8 apartments following the demolition of the existing house and garage on the site. Also included is a car parking area at the rear, and a bin and cycle store. The accompanying application for Conservation Area Consent to demolish the existing house and garage is also on the Agenda before Members. Following discussions with officers revisions were made to this original scheme. The number of apartments was reduced by one, to 7 in total; with three of them being two bedroomed and the other four one bedroom. The rear car parking layout was also amended and reduced in size from 9 cars to 7; and the proposed apartment building was set back from the frontage of the site by a further 0.7 metre.

1.2 The recent planning history of this sensitive site, in the Central Historic Core Conservation Area, is very relevant to the current application. In July 2004, an application for 9 apartments (ref. 04/01465/FUL) was refused. In May 2005 an application for 11 apartments (amended to 9) was also refused (Ref 05/00409/FULM). The applications were the subject of an appeal, both of which were dismissed by the Inspector; as were the accompanying Conservation Area Consent applications to demolish the existing house and garage.

1.3 The Inspector's report examines the issues, which led to the dismissals; including the effect upon the character and appearance of the Conservation Area and of adjoining listed buildings, architectural design and impact upon the amenities of adjoining residents. In the current application, the applicant seeks to demonstrate that each of these issues have been resolved. This Agenda report will, therefore refer to the Inspector's findings for information and guidance as necessary. However, Members are advised that the current application is a new one, and should be considered upon its own merits.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Floodzone 2 Flood Zone 2 CONF

2.2 Policies:

CYGP1

Design

CYGP9

Landscaping

CYHE2

Development in historic locations

CYHE3

Conservation Areas

CYHE11

Trees and landscape

CYH4A

Housing Windfalls

CYH5A

Residential Density

CYED4

Developer contributions towards Educational facilities

CYL1C

Provision of New Open Space in Development

3.0 CONSULTATIONS

INTERNAL

3.1 Highway Management -

Comments on the original scheme: to highway objections in principle to the original or revised schemes, subject to standard conditions (as included in the

recommendation). However the application site should be removed from the Marygate residents' parking zone R12, which is heavily subscribed. Also it was noted that the new vehicle access, to the rear car parking area, would have a gradient of 1 in 9. This is steeper than the recommended maximum of 1 in 12, designed to facilitate access by the disabled. This has been corrected in the revised scheme.

3.2 Environmental Regulation -

In the original scheme, to overcome concerns about the impact of noise from the railway line upon future residents, the following measures were required to achieve a noise reduction of 47dB: either (i) by "13/12/13" Pilkington glazing in all habitable rooms facing the railway or (ii) by a combination of "10/12/16" glazing (less effective than the 13/12/13) and an acoustic barrier, of which full details would be needed. Conditions are needed regarding hours of construction, any possible contamination on the site, and an informative regarding demolition and construction methods.

Comments on revised scheme: similarly no objection. However noise protection for future residents, from the nearby railway line, should be achieved by meeting a set internal noise level of 45dBLA max and 30dBLA eq (23.00 - 07.00 hours) in bedrooms.

3.3 Urban Design and Conservation -

The Conservation Officer considers the modest early C20 house and garage to be an incongruous element in the street, in relation to the character and appearance of this part of the conservation area. The building's main contribution to the streetscene is in preserving the space between buildings, which has allowed the monkey puzzle tree to mature. The tree is a fitting and familiar landmark, providing visual relief and interest in the streetscene. St Mary's is a mid-Victorian street. It appears that the application site was left vacant until the existing house was built. Documentary evidence suggests it was previously used as tennis courts.

The principle of redevelopment on this previously developed site has been supported, provided the proposal is of greater merit than the existing buildings in preserving the character and appearance of the conservation area. The proposal is of a similar mass, scale and proportion to neighbouring properties. Similar materials and details are proposed. Although the proposal would not be representative of its era, of today, the traditional approach taken is valid in the circumstances.

Unlike previous schemes for the site, the proposal allows more space between neighbouring properties; permitting views through to the gardens and listed Bootham Terrace beyond. Support for the proposals depends upon safeguarding the monkey puzzle tree. The proposal retains the generous open area to the rear, though mostly for car parking, like the hotel next door. Unusually the entrance would be at the back of the property.

Parameters are tight; that is existing levels have been set to ensure the ridge height is below that of adjacent properties, and the basement lightwells are "pinched" in size to preserve the roots of the monkey puzzle tree.

Therefore, there is no scope for variation. To ensure the proposals would not harm the character and appearance of the conservation area, it is important that the

standard of details and workmanship match those of adjacent properties. Detailed conditions are suggested in achieving this end (and are included in the recommendation of this report).

Regarding the revised scheme, re-siting the building 0.7 metre further back and re-planning the external space have improved the setting of the tree, the relationship of the basement lightwell with the frontage and the use of space generally.

The rear elevation steps forward of its neighbours. Given the progression from No. 26 to No. 34, the extended length and area of gardens towards the north-west and the tree cover alongside the railway line, the impact on the conservation area would be negligible.

The two listed buildings have greater mass and more generous space about them. The effect on the setting of No. 35 would be negligible. Regarding the revised scheme,

3.4 Archaeologist -

The area may contain deposits from the Roman period, or possibly earlier. By condition (ARCH2) an archaeological watching brief is required.

3.5 Landscape Architect -

The extent of development was marked out on the site, to ascertain whether adequate physical protection for the Monkey Puzzle tree would be feasible. It was concluded that, provided the earthworks for the lightwell retaining wall and final ground slope were carried out by hand, in accordance with the detailed method statement, there would be minimal risk to the tree. In the original scheme, it was thought preferable for the building to be pulled back a little, to give a more aesthetically and physically comfortable distance between the development and the tree. The new building would be wider than the existing house, thereby "enveloping" the tree, and higher, thereby accentuating the building's proximity to the tree. The tree canopy will broaden slightly with age. There may be conflict between residents (especially of the basement flats) and the proximity of the tree, regarding light levels and perceived safety concerns. Nonetheless this would not have warranted refusal of the original scheme, because of the proximity that already exists between the house and the tree.

The revised scheme's minor changes are an improvement. The rear landscape solution (around the car park) is better both aesthetically and practically, and good attention has been paid to detail. The extra set back eases the situation for protecting the Monkey Puzzle tree; and goes a little way to improving the visual comfort and compatibility between the proposed dwelling and the tree. A condition should be applied regarding the method statement for works in the vicinity of the tree.

3.6 Structures and Drainage -

No objections in principle. Full details of the drainage layout needed, prior to start on site. All surface water needs to be attenuated by a HydroBrake/storage system, as set out in the applicant's Flood Risk Assessment.

3.7 Lifelong Learning and Leisure -

Committed sums should be paid to the Council for off-site provision of amenity open space, play space and sports pitches.

3.8 Education Planning Officer -

No contribution required, because there are only 4 x 2 bedroom apartments in the scheme (reduced to 3 x 2 bedrooms in the revised scheme).

EXTERNAL

3.9 Conservation Areas Advisory Panel -

The panel have no objection to either the demolition or the new build but are concerned that the monkey puzzle tree is protected during the development.

3.10 Police Architectural Liaison Officer -

The proposed rear car park should be made more secure by lighting or CCTV and by a more secure boundary. The cycle store would have been preferable closer to the apartments. Basement and ground floor windows should have security fitted to "secured by design" standards. (These comments were made on the original scheme. Re-consultation on the revised scheme was not undertaken as no new issues for security were raised).

3.11 Environment Agency -

No objections in principle, subject to a condition limiting the surface water run-off from the site. Comments on the revised will be reported at the meeting.

3.12 Yorkshire Water -

No objections, subject to conditions for full details of foul and surface water drainage, regarding both the original and revised schemes.

3.13 Network Rail -

No objections in principle subject to (i) all surface and foul water discharge must be collected and diverted away from Network Rail property (ii) "failsafe" measures to avoid any plant or materials, used during construction, falling within 3.0 metres of the nearest rail, or overhead electrical equipment (iii) any ground works must not affect the integrity of rail property or structures (iv) security of the railway boundary to be maintained at all times, with any alterations to the property boundary being agreed beforehand (v) there should be no effect upon Network Rail's security fence. The developer is also advised to provide their own trespass proof fence next to Network Rail's boundary (vi) a method statement for any works, generally if within 10 metres of the railway boundary, must be agreed (vii) all buildings should be sited at least 2 metres from Network Rail's boundary (viii) adequate sound proofing should be provided for residents in the development. (These comments were made upon the original scheme. Re-consultation was not felt to be necessary upon the revised scheme as no new issues were raised).

3.14 Planning Panel -

No objections to the original or revised scheme.

3.15 St Mary's Conservation Group

A letter of objection to the original scheme was submitted by the Group, the main points of which are summarised below. The Group's comments upon the revised scheme maintained all the points raised in their original objection with some additional comments as summarised below. The group considers the 14 day re-consultation period for the revised scheme to be inadequate.

Background

- objectors living and working around St Mary's know the neighbourhood character. In contrast, all the applicant's approaches fail to understand the site, the street and conservation area setting, with poor, inaccurate presentations that continue to deceive.
- recent approvals in York show a weak grip upon Conservation Area control, for example the Abbot's Mews development.

Statutory Protection

- the street history and development, the site quality and "sense of place" and setting give substantial character which needs special consideration.
- the objectives of PPS1 and PPG3 must be balanced with PPG15. Proposals fail to comply with North Yorkshire Structure Plan and York Draft Local Plan policies neither preserving nor enhancing the character or appearance of the Conservation Area.

Central Historic Core Conservation Area : St Mary's

- St Mary's gives a special "sense of place". The south-west side presents a very different scale and variety of streetscape. No.34 St Mary's and the Chile Pine (Monkey Puzzle tree) contribute to the strong north-east open character. Historical research confirms the "intended" openness of the space at No.34, to which homes in St Mary's must have had shared access for nearly 80 years, until the existing house was built in 1931.
- the rear gardens of St Mary's adjacent to the rail line have a special character, with the railway acting as an "environmental artery" from the river, with trees, shrubs and wildlife in abundance.

Existing House

- the existing house is not "harmful". It is a good quality example of its period and respects the notional rear building line. The house is in good condition. No effort has been made to re-use it.

Chile Pine Tree (Monkey Puzzle Tree)

- the tree is "significant" and memorable within the streetscene. It contributes to the feeling of "open character" by day and night. Light filters "through" and around the branches.
- the proposed building will substantially block this "open characteristic", and sunlight and dapple lighting into the street, changing the sense of place. Vistas through the site are appreciated by passers-by and by at least 14 houses in part of St Mary's, Bootham Terrace and Bootham.
- the scale and volume of the proposed building means that the increased distance from the tree in the revised scheme is still inadequate. The tree's setting, "incident" effect, character and health will still be damaged. The extra shading of the building will be detrimental to the tree's health.

Openness

The site is a good example of:

- urban "place-making", which is about "creating incident". The proposal contravenes Policy GP1 (c), (e) and PPG15, because the sense of "open space" contributes to the quality of the local environment.
- Wandesford House on Bootham is an example of "incident" and "relief" along Bootham. Yet St Mary's is even more special "collectively" because of; orientation, the tree, light, vistas through to Bootham Terrace and wildlife.

The Proposals

- it is easy to destroy character, but very difficult to build it. Character developed slowly over 150 years would be instantly swept away.

Scheme Presentation

- drawings submitted are inaccurate and misleading, for example: no detailed building survey or condition report of the existing dwelling; no overlay comparison of the existing and proposed; inadequate and inaccurate survey of adjacent buildings; no contextual model or 3D presentations; Chile Pine Tree not shown accurately; no street parking, manoeuvring or site access information.

New Building Design

- flawed, pastiche "design by numbers" scheme - a reduced wallpaper facsimile of No.32, which fails the site and local environment; contrary to Policy HE2.
- the vertical proportions (four storey) are not consistent with this side of the street.
- no conservation area enhancement.
- setting of No.35, a "listed building", affected by new access and ramps, traffic movement, rear projection and scale of proposed building.
- isolated bin and cycle store is a nonsense, and affects tree root systems.
- rear projection harms the rear building line and natural "grain" of the street's buildings; combined with the height proposed, the new building will dominate the rear garden space, as seen from adjoining gardens in St Mary's and from Bootham Terrace. This is made worse in the revised scheme, with the additional 0.7 metre set back.
- dominant "building block" also in views along St Mary's, unrelated to the alignment, scale, proportion, grain and historic location of the area. Alignment is not consistent with the established building line.
- no front entrance from the street; ignoring the street importance and giving priority to the car user.
- the gaps and vistas, characterising this side of the street, will be lost; and the light into the street.
- Chile Pine tree will be overwhelmed.
- suggested building materials are vague and inappropriate.

Landscape

- landscape information in the submission has serious misleading implications for all protected trees, especially the Chile Pine.
- Guidelines of new B.S.5837:2005 are not satisfied.

Sustainability

- not a sustainable solution: embodied energy lost to demolition, to new building material manufacture and increased traffic pollution.
- contrary to Policy H5, no effort to retain the building in use, as a family house. Several properties in St Mary's recently converted from flats, back to single dwelling.
- over-development of the conservation area.

Drainage

- existing system is at full capacity. The proposed storage tank option is not an intelligent sustainable solution.
- sewer collapse occurred adjacent to No.1 in 2006, indicating that the whole street could be in a similar condition.

Highways and Parking

- increased traffic movement, contributing to existing parking and dangerous manoeuvring problems.
- the new highway crossover affects existing street parking allocation.
- existing access to Nos. 32 and 34 adjoin each other; their joint pavement crossing width serving as an important "mid-street turning point" for vehicles.
- new proposals cannot achieve minimum turning and manoeuvring requirements.
- rear parking proposed absorbs the existing garden and damages any preserved amenity.
- visitor parking is inadequate.

Property Damage

- risk of property damage during construction, notably to pavement cellars.
- new building will probably require a large foundation system, affecting adjacent properties and archaeology lower levels.
- dilapidations and condition report for all affected property should be paid for by the developer.

3.16 Neighbours

The main consultation period for the revised scheme expired on 9th February. The results of any remaining additional consultations will be reported at the meeting.

25 individual letters of objection were received to the original scheme, with a further 19 letters to date upon the revised scheme, in addition to the objections from the St Mary's Conservation Group. Objections are summarised below under each of the main reasons of concern arising. Most letters specify more than one reason for objecting. Because the revised scheme dealt only with specific parts of the scheme, it is still necessary to consider all objections, from both the original and revised stages. The objections to the revised scheme reiterate earlier objections, and there is generally no support for the revisions to the scheme.

(i) Too Many Flats/ Family Homes are needed.

13 of the letters received about the original scheme object to the proposal for more flats in the area. They say that family homes are needed, for which the existing house could be re-used.

- St Mary's cannot cope with more flats/bedsits.
- Family homes put life into a community.
- Trend to convert flats back to single dwellings in St Mary's and Bootham Terrace, and new family homes built in St Mary's Lane.
- Flats will increase pressure on over-loaded services, such as drainage, street car parking, road congestion, pollution.
- Area is short of stand-alone family homes; unfortunate to knock down such a house in good condition and with a notable character. It would make an ideal family home.
- Families unlikely to occupy flats - thus spurious argument about benefit of local schools being available.
- York becoming a City of apartments/flats.
- No effort made to continue present use/find suitable alternative.

(ii) Impact upon the Character of the Conservation Area and Street Character

17 of the letters originally received say that the loss of the existing openness of the site, and the form of development, will be detrimental and cause harm to the character of the Conservation Area and the established streetscene; whereas under conservation policies, that character should be enhanced; thus conflict with PPG15.

- any proposal should enhance the character of the Conservation Area and the street.
- siting and scale of the proposal will completely alter the character of this site.
- over-development of the Conservation Area.
- proposal takes away from rather than adds to the Conservation Area.
- the proposed building would clash with the surrounding architecture.
- the only open space left in a densely built up street. It is part of the street's character, providing: light into the street and dappled light as sun shines through the tree; vistas towards Bootham Terrace; a garden space and habitat; and trees. It is the space around AND over the existing house that contributes to the character of the Conservation Area, eg giving views of the tree belt in the rear garden, "...a unique and valuable element of the streetscene, in otherwise continuous built-up frontages when viewed laterally along the street. This visually important sense of open space contributes to the quality of the local environment...", as required in GP1.
- also the open aspect from Bootham Terrace will be lost.
- street will become dark wind tunnel of buildings.
- disagree that "inconsistency" of existing house in the streetscene justifies demolition: York has many examples of inconsistencies that are part of its character, eg Wandesford House, Bootham.
- the original layout and concept of the street will be lost forever.
- currently a breathing space from a wall of bricks: "Just as music has its being within silence, buildings have theirs within space."
- the street has enjoyed this mid-street "breathing place" for 150 years - No.34 was built in 1930 but was inconspicuous in scale and presence.
- existing garden is a good habitat for local wildlife: bats, owls, other birds and a fox have been seen.
- "not every remaining green corner should be crammed with buildings; Georgian and Victorian developers retained green squares as the living and breathing hearts of their ambitious building projects".

- the site has historical precedence as a "green" and open space. When the existing house was built, it was felt that a building matching its much larger neighbours would certainly not constitute an enhancement.
- further loss of any trees will jeopardise the Conservation Area.

(iii) Architectural Design and Siting of the Proposal

7 of the letters originally received object to the architectural design and siting of the building, with reference to the rear building line. Objectors say the architecture is a poor pastiche of neighbouring existing buildings.

- does not achieve the "special relationships between buildings, streets and open spaces" sought in Policy GP1; nor a "standard of design that will secure an attractive development and safeguard or enhance the environment".
- fails to meet Policy HE2, which states that designs should avoid superficial, confused or pale reflections of the existing built environment.
- rear elevation gives the appearance of a utilitarian industrial building or tenement block.
- proposal would clash with surrounding architecture.
- design attempts to reflect a neighbouring property (the Alhambra Court Hotel, No.32), but by squeezing four floors into a building of similar height, the proposal will look peculiar; with window lines being totally out of line. Four storeys not consistent with this side of the street.
- no attempt to preserve or enhance the street's period design.
- "design by numbers" - a reduced wallpaper facsimile of No.32, at odds with the street.
- superficial pastiche of surrounding buildings, trying to fill the space with as many flats as possible.
- no exemplars brought forward to demonstrate design expertise.

(iv) Rear Building Line

2 of the letters originally received object because the rear building line projects beyond that of the existing dwelling.

- in order to cram in eight apartments they have gone half a metre beyond the rear building line - a point specifically picked up by the Planning Inspector at appeal.
- a more restrained building line needs to relate to any increased scale and mass; affects neighbouring No.35 listed building.

(v) No Front Entrance

2 of the letters originally received object because the proposal would have no front entrance, from the street.

- ignores the street importance - a basic design principle; all access to the rear, giving priority to the car, confirming the developer's misunderstanding of the brief and priorities.
- in effect the building will be "back to front", with an adverse effect on the appearance of the street.

(vi) Setting and Stability of Adjoining Listed Building

3 of the original letters of objection refer to specific effects upon the setting of adjoining listed buildings, as well as the general comments made in (ii) above about the character of the Conservation Area.

- sloping (vehicle access) ramp less than two metres from listed building at No.35, gives concerns about short and long term effects; No.35 has a below ground basement.
- setting of No.35 affected by ramp/access projection and building scale.
- contravenes Policy HE2 regarding adjoining listed buildings and other important diverse townscape elements and views.

(vii) Monkey Puzzle Tree

8 of the letters originally received specify that there will be a risk to the future well-being of the Monkey Puzzle Tree on the street frontage.

- the spectacular Monkey Puzzle tree would undoubtedly be killed off by any major development, no matter how carefully site works are carried out.
- at more serious risk, in relation to new BS5837 legislation for tree protection.
- the submitted plans are misleading, with the tree appearing to change position, size and shape.

(viii) Car Parking and Traffic Conditions in St Mary's

14 of the letters originally received state that existing parking problems for residents in St Mary's would be exacerbated by the proposal.

- parking is at breaking point and a daily issue with not enough spaces to match the "payed for" residents' parking permits.
- despite the assumption that (recent) development at 25 St Mary's and the "regeneration" at 35 St Mary's are technically excluded from the residents' parking scheme, still potentially another 21 cars for visitors - where only 32 spaces in the road.
- inevitable increase in traffic would exacerbate a fairly desperate situation.
- street parking space will be lost due to proposed exit/entrance.
- knock-on effect in St Mary's Lane, as several residents of St Mary's park in St Mary's Lane; also delivery trucks deliver to the several small businesses in St Mary's from the Lane or block the carriageway in St Mary's, creating a hazard. Concern about emergency vehicle access into St Mary's Lane.

(ix) Drainage

11 of the letters originally received state that there are already drainage problems, without the additional pressure from new development.

- pressures are already at breaking point, upon already barely adequate Victorian drainage system.

- can sewers and drains cope with new flats at No.25 and the proposal - recent flooding of houses in St Mary's.
- number of households planned in this area is not sustainable.
- problems in St Mary's Lane, with overflowing at steps to car park whenever prolonged rain.

(x) Amenity of Adjoining Occupants

2 of the original letters of objection refer to the loss of amenity to adjoining occupants.

- No.32 St Mary's (Alhambra Court Hotel); the proposed four storey buildings height and size will take away natural light from six bedrooms (two private and four guest rooms), that would then have a direct outlook on to a sheer brick wall.
- No.35 St Mary's; the building will affect the level of daylight, sunlight and outlook currently enjoyed by the ground floor kitchen window overlooking 35 St Mary's.

(xi) Construction Works

12 of the letters originally received include objections about the detrimental effects of construction work upon conditions in the street and upon individual buildings.

- works would restrict residents access.
- York stone pavements already damaged regularly by builders and delivery vehicles, and road full of potholes and uneven surfaces.
- danger of damage to historic cellars under pavement, and the Victorian sewer; difficult for heavy vehicles to manoeuvre in this narrow street, without mounting the pavement.
- disruption to residents/businesses.
- parking of contractors vehicles will worsen existing problems in the street.

(xii) Accuracy of Submitted Plans

3 of the letters originally received say that the submitted plans are misleading and inaccurate.

- relationship of new building and Monkey Puzzle Tree inaccurate.
- existing and proposed drawings inaccurate, misleading, and wholly inadequate for a site of this sensitivity.
- essential details missing, eg drainage pipes.

(xiii) Other Objections

The following individual objections have also been received:

- 1 letter received states that there is no appropriate amenity space provision.
- 1 letter received, from the Alhambra Court Hotel, saying that the proposal would have a devastating effect upon business: many guests chose the hotel because of its quiet convenient location, but the hotel could no longer be advertised as offering

this. Passing trade would be non-existent. No-one wants to be on holiday next to a building site. (The hotel also referred to loss of light to private and guest bedrooms, as summarised in paragraph (x) above.)

- 1 letter received states that demolishing a well-built house would be a complete waste of world resources and most of the rubble would end up in landfill.

- 1 letter received considers that the design is not good, but the use of appropriate materials will help save it. The letter also says noise is a serious issue, as the new trains (2007) cause a great noise on the Scarborough run, which will be more problematic in summer. Thus it is considered that the noise surveys done in 2003, submitted with the application will be out of date. The writer of the letter is contacting the train operator to seek a speed restriction on this section of line to mitigate the noise.

The letter expresses disappointment that the Inspector's view on the rear development line has not been fully adhered to, but adds that the majority of the building does respect this. The success of the traditional design will be through the use of appropriate materials: bricks of traditional size, colour and joint thickness and finish; windows as traditional timber recessed sash, not top hung opening, with all timber painted white and not a self finish; rainwater goods cast-iron and painted; roofing of welsh slate, with lead dressings and real stone details; location of gas condensing boiler outlets to be agreed; landscaping completed as early as possible, and maintained for the maximum period allowable; protection and re-instatement of stone footpath and cast-iron railings; tree protection; protection of bird life during the nesting season; restricted construction hours and regulation of contractor's vehicles.

3.17 Council for British Archaeology -

The existing house makes a positive contribution to the Conservation Area. It is evidence for 20th Century domestic architecture. A case for demolition has not been made.

3.18 Site Notice (expired 25 October 2006) -

No comments received.

3.19 Press Advert (expired 18 October 2006) -

No comments received.

4.0 APPRAISAL

4.1 Key Issues

- A. Principle of Housing Development
- B. Design and Layout in relation to Conservation Area and setting of nearby Listed Buildings.
- C. Existing Trees and Garden
- D. Amenity of Neighbours
- E. Amenity of Future Residents
- F. Car Parking in St Mary's
- G. Drainage and Flood Risk

H. Contributions towards Education and Open Space Provision

I. Method of Construction

4.2 The relevant DRAFT LOCAL POLICIES are:-

POLICY GP1 - DESIGN - In relation to this application, this policy requires proposals to (i) respect or enhance the local environment (ii) be of a density, layout, scale, mass and design compatible with neighbouring buildings, spaces and the character of the area, using appropriate materials (iii) avoid the loss of open spaces, important gaps within development, vegetation and other features that contribute to the locality (iv) provide and protect private amenity space (v) ensure nearby residents are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

POLICY GP9 - LANDSCAPING - requires development proposals to incorporate suitable landscaping.

POLICY HE2 - DEVELOPMENT IN HISTORIC LOCATIONS - requires proposals in Conservation Areas to respect adjacent buildings, spaces, landmarks and settings, and have regard to local scale, proportion, detail and materials.

POLICY HE3 - CONSERVATION AREAS - within Conservation Areas, demolition of a building (whether listed or not) or external alterations will only be permitted where there is no adverse effect on the character and appearance of the area.

POLICY HE4 - LISTED BUILDINGS - development in the immediate vicinity of listed buildings should not have an adverse effect upon their character, appearance or setting.

POLICY HE11 - TREES AND LANDSCAPE - existing trees and landscape which are part of the setting of Conservation Areas or Listed Buildings should be retained, and provision made for planting within new development, where appropriate.

POLICY H4a - HOUSING WINDFALLS - proposals for residential development on land not allocated on the Proposals Map, will receive planning permission where (a) the site is within the urban area and is vacant, derelict or underused, or involves infilling, redevelopment or conversion (b) the site has good accessibility to jobs, shops and services by non-car modes (c) scale and density is appropriate to surrounding development.

POLICY H5a - RESIDENTIAL DENSITY - requires the scale and design of residential development to be compatible with the character of the surroundings, with no harm to local amenity. Residential development, depending upon the individual site and public transport accessibility, should aim to achieve a net residential density of 60 dwellings per hectare in the City Centre (for this purpose St Mary's is defined as part of the city centre).

POLICY ED4 - DEVELOPER CONTRIBUTIONS TOWARDS EDUCATION FACILITIES - proposals for new residential development should be assessed in relation to the approved Supplementary Planning Guidance; with a financial

contribution for additional school place provision secured by a Section 106 Agreement where necessary.

POLICY L1c - PROVISION OF OPEN SPACE - commuted payments will be required, where appropriate, for off-site open space provision, based upon local needs and facilities.

In addition, Government guidance is contained in PPS1 (Delivering Sustainable Development), PPG3 (housing) and PPG15 (Planning and the Historic Environment).

Relevant North Yorkshire County Structure Plan Policies are:

Policy H9 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 in and around the historic core of the City of York, through permitting suitable new development and through conversion of suitable existing property and vacant upper floorspace'.

Policy E4 states that 'Buildings and areas of special townscape, architectural or historic interest will be afforded the strictest protection'.

THE APPLICATION SITE AND ITS SURROUNDINGS

4.3 St Mary's is part of the City Centre Conservation Area. The street was created in the late 19th century: a straight street lined by a formal terrace of houses on its south-east side; whilst the north-west side includes detached and semi-detached "pavilions" or "villas" and short terraces with gaps of varying size between them. The street is elegant and well ordered, with fine architectural and historic quality. The front and rear elevations of buildings follow a consistent building line. Several buildings are listed: Nos. 1-9 (consecutive), Nos. 35 (adjacent to the application site), 36 and 37. St Mary's has a strong identity of its own, set within the wider historic enclave bounded by Bootham, the City Walls and the Scarborough railway line. There are changes in ground level both along the street as it slopes down towards Marygate car park, and also with changes in ground level going back from the street, as at the application site. These are important in the way buildings relate to the street frontage, for example allowing semi-basements to be created.

4.4 When St Mary's was laid out, the application site at 34 St Mary's remained undeveloped, being originally a tennis court, until the 1930's, when the existing two-storey house and a garage were built, in a pleasant though suburban style of its time. With the striking monkey puzzle tree in its front garden, the house has become a familiar part of the streetscene. There is a large garden to the rear, with a lawn and several mature trees. The house is currently unoccupied.

ISSUE A. PRINCIPLE OF HOUSING REDEVELOPMENT

4.5 The existing house is in good condition. It could once again provide a viable family home, and continue as part of the streetscene and the local community. However it is in the heart of the inner-City, a single suburban style dwelling set amidst relatively high-density, urban housing. The submitted application makes it

necessary to consider the principle of redevelopment. The site could provide either a replacement or additional homes in this sustainable location; subject to the conservation, design and practical issues this raises. The Planning Inspector considered the existing site to be under-utilised in relation to the advice given in Planning Policy Guidance No. 3 (PPG3) for making the best use of urban land. The originally proposed scheme represents a density of 88 dwellings per hectare, exceeding the minimum of 60 dwellings per hectare stipulated in Policy H5a. Although St Mary's has some commercial uses, it possesses overall a strong residential character. Appropriate redevelopment would help to consolidate this.

4.6 Objectors consider that the existing house should be retained as a family home. Furthermore they object to the proposal for more flats in the area, saying it is family homes that are needed, and that St Mary's cannot cope with more flats or bedsits. Indeed they point to a trend to convert flats back into single dwellings in St Mary's and Bootham Terrace, and that no effort has been made to continue the present use of the site.

4.7 As Members appreciate, it is necessary to appraise the scheme as submitted. Officers believe, under current planning policies and advice, it is not possible to recommend refusal of the application on the principle of it being for apartments. It would be necessary to demonstrate that some material harm occurs from flats, as opposed to family homes; for example to the character of the conservation area, or by creating undue pressures upon the street, such as car parking or resident amenity. Officers did discuss the possibility of a smaller number of family units for the site with the applicant. However, the applicant wishes the current scheme to be considered, but did reduce the number of apartments from 8 to 7. During the appeals upon the previously refused schemes, the Planning Inspector did not cite apartments in themselves as a reason for dismissing the appeals.

ISSUE B. DESIGN AND LAYOUT IN RELATION TO THE CONSERVATION AREA AND SETTING OF NEARBY LISTED BUILDINGS

4.8 EXISTING CHARACTER. The existing character of the site and its contribution to the overall qualities of this part of the Conservation Area are crucial in this application. Many of the objectors to the scheme consider that the existing house should be retained. This is not just because it is a pleasing building that could still provide a home but also because, being relatively low and with a gap on each side, it creates a unique feeling of space. It offers a break in an otherwise strongly urban street, allowing views around and over the house, to and from Bootham Terrace; bringing a play of light and contrast into St Mary's. It is one of those inconsistencies that can be found in York, with an appeal of their own. Objectors believe this has become an essential and familiar part of St Mary's character, over the years; contributing to a special sense of place faithful to the historical precedent of the site being left as an open space. They say what exists does not harm the conservation area, whereas the proposal would cause harm. Officers appreciate these concerns, but have to consider (i) if the qualities of the house and the extent of space around it are sufficient to justify refusal of any redevelopment and (ii) if redevelopment can be contemplated, what form should it take, to contribute to the character of this part of the Conservation Area.

4.9 Officers agree that the existing house is pleasing and a well established part of the street scene. It can be accepted and could continue for what it is. However the house does not share the architectural qualities nor presence in the street, of its neighbours. Despite its appeal, it can be regarded as incongruous in this historic context. Whilst it does give a valuable sense of space, it does not fully retain the original historic spatial quality of this part of St Mary's. The Planning Inspector concluded that "the house does not make a positive contribution to the character or appearance of the conservation area.....and there is no presumption in favour of its retention". Redevelopment might mean losing the appeal of the present "inconsistency", but a building of appropriate form and design could contribute to the streetscene. It could create a more resolved and "completed" appearance by complementing its historic neighbours, whilst retaining something of the sense of space between buildings that characterises this side of St Mary's. Balancing this out, officers believe that the existing house and the space around, and over, it are not in themselves of sufficient quality to justify refusal of any redevelopment in principle. However it is essential that any replacement preserves or enhances the character of the Conservation Area, in accordance with PPG15.

4.10 THE PROPOSED SCHEME. The proposed building occupies approximately the same footprint as a line drawn around the extremities of the existing house and garage. However the rear of the building would be positioned 0.7 metres further back than the existing house, to give more space around the monkey puzzle tree, on the street frontage. The building would also be positioned midway between its neighbours (No. 32 and No. 35 respectively), leaving a 6 metre gap to either side. Officers believe these gaps will allow space to "flow" around the proposed building, into St Mary's, and retain significant views through to the gardens, trees and Bootham Terrace beyond, consistent with the character of this side of St. Mary's. The schemes dismissed at appeal filled more of the site frontage, leaving only 2.2 metres between the building and No.35, and had a larger footprint. The Planning Inspector commented that a degree of spaciousness should be retained, and that with the mass, width and design of the previous schemes, a cramped and incongruous appearance would result. Overall, the footprint of the currently proposed building is in scale with, indeed smaller, than that of traditional buildings on the north-west side of St Mary's.

4.11 The eaves and ridge height of the proposed building would be slightly lower than that of neighbouring buildings, as seen from both the front and rear elevations. Comparable heights in the refused schemes were, in contrast, somewhat higher, and contributed to the Inspector's concerns about the overall mass of the building. Officers consider that the massing of the current scheme, the space around it, and the set-back from the street frontage combine to make the building sit more comfortably within the streetscene.

4.12 ELEVATIONAL TREATMENT. The proposal takes a traditional architectural approach, reflecting the scale and detailing of neighbouring buildings; for example the splayed bay windows, string courses, and overhanging eaves. Being rooted in an earlier period, the architecture would not be representative of today. Objectors consider this to be a poor pastiche, a "wallpaper" representation of adjoining buildings. However, as the Conservation Officer says, officers believe on balance that the approach is valid in this case, because of St Mary's very consistent historic

character. Whilst there is a variation in style and detail, the street overall reflects a particular, and indeed very fine, period of architecture. The application is realistically the last opportunity for infill development in St Mary's. The key to this architectural approach being successful is to ensure that the detailing and materials are faithful and implemented skilfully. Conditions for large-scale details are essential if approval were to be granted.

4.13 The rear elevation is rather more simple, without the degree of modelling and variation found on the frontage. This is considered to be appropriate in principle. The rear elevations of adjoining buildings are three storey, whereas the proposal is for four storeys; although with "half-storey" windows on the top floor. Objectors say that this creates a cramped, cluttered appearance compared with the more vertical proportions of the traditional buildings, expressed from the elegance of historic room heights. The introduction of four floors, within a height of façade traditionally having three floors, was a concern to the Inspector in the refused schemes. However, the Inspector did refer specifically to the front elevation in that case, which did not have the traditional detailing and the same vertical proportions found in the current scheme's frontage.

4.14 Officers consider that the proposed rear elevation does strike a balance; accommodating the practicalities of lower, modern day room heights, in a restrained and still well-proportioned rear elevation. Again good detailing of the windows and brickwork is essential to carry this approach through. On the front elevation the issue of floor heights is not so apparent, because of there being a semi-basement, and because of the more modelled façade.

4.15 REAR PROJECTION OF BUILDING. The rear elevation of the original submission followed the line of the existing house. The revised scheme is set back by a further 0.7 metre. Objectors are concerned this will have a detrimental impact upon (i) the conservation area by increasing the dominance of the rear of the building, in relation to its rear garden setting and contravening the general line of development to the rear of St Mary's and (ii) upon the listed building at No.35, which is set back some 4.3 metres from the rear of the existing house. The rear building line along St Mary's was an issue of concern to the Planning Inspector in the previous schemes, who said that the rear elevations of buildings on this side of St Mary's broadly follow a similar line, with Nos 31-34 projecting furthest into the rear area. The appeal schemes were considerably more bulky in overall rear projection, compared with the current scheme.

4.16 Nos.26-32 St Mary's do exhibit some slight "stepping back" in relation to each other, as the rear gardens lengthen going towards the top of the street. Officers believe that the proposed extra rear projection of 0.7 metre is consistent with that pattern of development, and that it still leaves an acceptable relationship with the rear of No.35. The benefit of the set-back is to provide more space around the Monkey Puzzle tree on the street frontage. The Conservation Officer considers that the impact of the set-back on the Conservation Area would be negligible.

4.17 FRONT ENTRANCE. The pedestrian entrance to the scheme is at the rear, from the proposed car park. Objectors say that the lack of a front entrance neglects the importance of the street. The Conservation Officer comments that this

arrangement is unusual. It is preferable generally for schemes to have a front door to the street. However in this case, the lack of an entrance does reduce the amount of groundworks around the Monkey Puzzle tree and the front elevation is well proportioned in itself. On balance officers consider the arrangement to be acceptable in this case.

ISSUE C. EXISTING TREES and GARDEN

4.18 The monkey puzzle tree has become an established feature of the streetscene and indeed has come to mark and to characterise the site. The proposed building would not affect the tree's canopy. Some changes in ground level in the front garden are proposed, to create a ramp (between Nos. 34 and 35) to the rear car park. The ramp is clear of the tree's canopy. Submitted drawings indicate that proposed levels are set to safeguard the tree. Objectors are understandably very concerned about the well-being of the tree, because of the changed conditions around it from groundworks and the higher and larger building proposed.

4.19 The Council's landscape architect was satisfied that the original submission, subject to an agreed method statement, would enable the tree to be adequately protected in relation to building works. In addition it was thought that it would be preferable for the building to be pulled back a little, to give a more aesthetically pleasing and physically comfortable distance between the development and the tree. The 0.7 metre set-back in the revised scheme gives a clearance of approximately 3 metres between the outer edge of the canopy and the centre of the building. The landscape architect considers this an improvement, helping the protection of the tree and going a little way to improving the degree of visual comfort and compatibility between building and tree.

4.20 The existing garden at the rear of the house is a large lawn, with attractive mature trees near the rear boundary. A car park for 8 cars plus 1 visitor space was originally proposed, which would have enabled the remaining (approximately one third) of the lawn to be retained, with all the mature trees. The revised scheme, with 7 spaces and a more compact layout is an improvement, as noted by the landscape architect.

4.21 The loss of green space is a drawback in redeveloping the application site. However officers have to consider this in the context of the area. Some properties to either side also have rear car parking areas. Retaining the backcloth of the mature trees as proposed is important: to keep the characteristic landscaped setting along this section of the railway line; to maintain this element of the outlook from Bootham Terrace; and to contain the proposed car park visually. The Planning Inspector did not comment adversely about the principle of establishing a car park. Officers believe that if the proposed apartment scheme is acceptable in principle, the impact of car parking has been minimised as far as practicable. The option to reduce parking provision, and rely on public car parks is probably unrealistic.

ISSUE D. AMENITY OF NEIGHBOURS

4.22 Officers believe the following main issues need to be considered, as follows, and as identified by the Planning Inspector in the previous schemes.

4.23 EFFECT UPON RESIDENTS AT 35 ST MARY'S. This property has been converted into flats. Windows on the side elevation facing the application site include a kitchen, which is classed as a habitable room. The side wall of the earlier refused scheme would have been only 2.5 metres away from the window and stretched right across it, because the new building was nearer to the street frontage than the current scheme. The Planning Inspector concluded that the loss of daylight and sunlight to that window were unacceptable.

4.24 The proposal now before Members pulls the building further from the window (to a clearance of 6 metres). Also the frontage of the proposal in the revised scheme is set further back, so the new building would not "cover" the window. In effect this means that an outlook from the kitchen is maintained towards the street. The proposed building will reduce daylight and sunlight to the window to some degree, because the building would be higher than the existing house. However officers believe that adequate daylight and periods of sunlight will still reach the window, which faces south -west, and the set-back in the revised scheme gives some further improvement in these respects.

4.25 EFFECT UPON 32 ST MARY'S. This property is a hotel, separated from the application site by a driveway. Its side elevation includes windows serving both hotel and private bedrooms, and bathrooms. The proposed building would be 6 metres away from these windows. This relationship is similar to the earlier application. The Planning Inspector found this to be acceptable, with sufficient daylight still reaching the rooms. The side elevation of No. 32 faces north-east and does not in any case receive direct sunlight. The additional set back in the revised scheme also helps to improve slightly the light reaching these windows. The Hotel also objected because of the effect of construction works upon business. Conditions would be applied to limit the hours of site work, and a method statement for the construction.

4.26 EFFECT UPON THE REAR ELEVATION OF NEIGHBOURING PROPERTIES. The rear of the proposal is set somewhat further back, towards the railway line, than its neighbours. Officers believe this does not cause any loss of amenity to neighbours, either through loss of light or outlook. The earlier refused scheme did project further backwards still, but the Planning Inspector found it to be acceptable in this particular respect.

4.27 EFFECT UPON PROPERTIES OPPOSITE THE SITE, NOTABLY 10-16 (CONSECUTIVE) ST MARY'S. These properties, on the south-east side of the street, currently enjoy a more open outlook than most others in the street, because the existing house opposite them is relatively low, with space to either side. This also reduces the amount of overshadowing to Nos. 10-16, compared with other properties on the south-east side, when the sun drops behind the taller houses opposite.

4.28 Officers appreciate that residents, particularly in 10-16 St Mary's, have a benefit in this respect, that would be lessened to some degree by the proposal. The Planning Inspector considered this issue, but concluded that, "given the separation between buildings and their orientation, ...the sunlight penetration is likely to remain at a reasonable level".

4.29 The current scheme would leave a wider gap between the new building and No. 35 than the earlier scheme (6 metres compared with 2.5 metres) and be set back further from the street front. The gap to No. 32 would be the same, at 6 metres. Officers believe this will provide rather more sense of light, openness and better views through, either directly or obliquely, from 10-16 St Mary's than the earlier scheme.

4.30 PRIVACY. The only windows proposed to face neighbours to either side would be for bathrooms. Conditions would be attached for obscured glazing to these windows.

4.31 NOISE AND DISTURBANCE. The proposed rear car park would introduce noise from the manoeuvring of vehicles into the hitherto quiet garden area. However, some neighbouring properties have their own parking areas. The railway line is also a source of noise for all residents. In this context, officers believe the proposal is satisfactory. The Planning Inspector considered the car park would not be unduly harmful to amenity.

ISSUE E. AMENITY OF FUTURE RESIDENTS

4.32 The frontage of the proposal faces a relatively quiet residential cul-de-sac. However the rear elevation faces the railway line, the nearest line being approximately 32 metres away. Environmental Regulation originally specified a noise reduction of 47dB to be achieved, so that internal noise levels in the apartments would meet World Health Organisation guidelines. The noise level to be achieved has been revised, to set internal levels of no more than 45dBLA max and 30dBLA eq (23.00 - 07.00 hours) in bedrooms. This will take into account changes in operating noise from trains, as mentioned by in a contributor's letter.

4.33 The measures needed to achieve these levels and implications for the detailed design of the windows will be investigated and a further report made at the meeting.

4.34 Approximately one third of the rear garden will remain as amenity space for residents of the proposed apartments, with an improved layout in the revised scheme.

ISSUE F. ACCESS and PARKING

4.35 The revised scheme proposes 7 car and cycle parking spaces, one for each apartment. Visitor parking is not provided. The gradient of the vehicle access ramp to the car park has been lessened to 1 in 12 to meet Highway Regulation's requirements. The width of the access gates has also been reduced, to 3.2 metres, to lessen the impact of the new driveway upon the streetscene. Highway Regulation are satisfied with these arrangements, subject to conditions.

4.36 Objectors are very concerned about pressures for car parking in St Mary's, and the inconvenience, congestion and possible threat to the physical fabric of the street that this poses. Highway Regulation require an agreement with the applicant that the residents of and visitors to the proposed scheme will be excluded from the

ResPark zone R12, so that the zone will not be placed under further pressure. Officers appreciate that, even though the nearby Marygate car park has spare capacity, residents or visitors may still seek to park in the street at times. However this is not in itself sufficient reason for refusal. In this inner-city location it would not normally be required to increase on-site parking provision. This would in any case take up more of the rear garden, to an unacceptable degree.

4.37 A further report will be made at the meeting upon the detailed design and implications for car parking on the section of the street outside the application site.

4.38 The proposed driveway will introduce vehicle movements alongside No.35, which has a side kitchen window. Officers consider this is acceptable, bearing in mind the use of the room and the physical separation between the new building and No.35.

ISSUE G. DRAINAGE AND FLOOD RISK

4.39 Planning Policy Guidance Note No. 3. (PPG3 - "Housing") identifies flood risk as a material consideration in sites for new housing. In accordance with this and PPG25 ("Development and Flood Risk"), the applicant has consulted the Environment Agency and prepared an independent Flood Risk Assessment Report.

4.40 The application site is partially within Flood Zone 2. This zone is the Agency's best estimate of land that could flood under extreme conditions, with a 1000 to 1 chance of flooding. The Agency has no record of any past flooding on the site. The 1 in 100 year flood level for the area is 10.43m AOD. The Report says that water storage facilities are needed on site, to accommodate up to a 20% increase in rainfall due to climatic change. The car park is level and varies between 11.85m-12.3m AOD, and the report concludes that no emergency egress in times of flood would be needed.

4.41 The Report concludes that the development complies with PPG 25. The Council's Drainage Section raise no objections to the Report, subject to detailed conditions regarding the drainage layout.

4.42 Objectors raise concerns about the drainage system in St Mary's being unable to cope with any additional development. The proposal includes a Drainage Study, which recommends providing a storage area, of pipework, to prevent overloading of the public sewer network. Yorkshire Water are satisfied with the proposals in the original and revised scheme, subject to the details of the measures to ensure that water run-off does not exceed that of the existing use of the site. The Environment Agency were similarly satisfied with the original scheme, and their comments upon the revision will be available at the meeting.

ISSUE H. EDUCATION and OPEN SPACE PROVISION

4.43 Because there is no on-site open space, commuted sums are required for the provision off-site of amenity open space, play space and sports pitches. The contribution should be based on the "Harrogate" or latest York formula through a Section 106 Agreement. Further details will be given at the meeting.

4.44 No contribution is required in this case towards Education facilities.

ISSUE I. METHOD OF CONSTRUCTION

4.45 Several objectors are concerned about the effects of construction traffic and work generally upon the stability of adjoining properties, the street fabric and the amenities of residents. Network Rail also raise specific requirements in relation to the safety of the railway line. Being a cul-de-sac, provision will be needed for the turning of vehicles, without damaging pavements or any basements which extend underneath them.

4.46 St Mary's is a narrow street with restricted manoeuvring space and retains valuable historic stone paving, including large stone slabs. A condition is suggested, requiring a detailed method statement for construction works. A further report upon the details of this will be given at the meeting. A condition restricting working hours during demolition and construction work is also suggested.

5.0 CONCLUSION

5.1 The existing house at the application site and its associated garden, over an 80 year life, have become a familiar part of the streetscene, together with the monkey puzzle tree that has grown in the small front garden. Officers appreciate objectors concerns about the loss of a family home. Also the house, as an "exception to the rule" in relation to the architecture and townscape of the rest of the street, is an appealing incident in the streetscene. It allows a sense of openness and light into St Mary's and recalls the original use of the site as a completely open space. As objectors say it does not cause harm to the character of the Conservation Area and could continue in its present role.

5.2 However the site is a previously developed site in a sustainable location, and the subject of recent planning history. Potentially, redevelopment can provide a more sustainable use of the site and complement the streetscape, not with the same "incident" as existing, but in a more formal way of reflecting the massing and architecture of adjoining buildings. However it is essential that any scheme preserves or enhances the character of the Conservation Area and does not place undue pressure upon the amenities and surroundings of existing residents.

5.3 Previously refused schemes, dismissed at appeal, were an over-development of the site. The current scheme seeks to resolve the concerns raised in the Planning Inspector's report. The massing, scale, elevational design and space around the current proposal now achieve a more balanced scheme; that reflects the streetscape, retains a significant feeling of space between the scheme and neighbouring buildings, and allows protection of the monkey puzzle tree and mature trees in the rear garden.

5.4 If the scheme is approved, it is essential that high quality detailing and materials are used to ensure that the proposed traditional architectural treatment is successful.

It is accepted that a house and setting that is established and cherished would be lost. However, these qualities are not quite sufficient in themselves to sustain reasons for refusal for re-development in principle. The Planning Inspector said there is no presumption in favour of the house's retention. The proposal will bring about substantial change to the sensitive townscape in and around the site. However, on balance, officers are able to support the proposal, as preserving the character of the Conservation Area in the long run, albeit in a new and different way.

5.5 An update upon outstanding issues and further conditions as necessary will be given at the meeting. On this basis, officers believe the proposal complies with national guidance, notably PPS1, PPG3, PPG15 and PPG25; and with the relevant draft York Local Plan Policies GP1, GP9, HE2, HE3, HE11, H4A, H5A, ED4 and L1C, and with North Yorkshire County Structure Plan Policies H9 and E4.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2

2 PLANS2

3 VISQ8

4 VISQ4

5 Large-scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development, and the works shall be carried out in accordance with the approved details.

- i. eaves and verge treatment
- ii. window details, including glazing bar sections
- iii. string courses
- iv. bay windows
- v. main door
- vi. entrance porch
- vii. rainwater goods

Reason: So that the Local Planning Authority may be satisfied with these details, in the interests of the appearance of the conservation area.

6 External service runs shall be avoided, with no flues, cabling or ductwork on the front façade of the proposed building.

Reason: To maintain the character and appearance of the conservation area.

- 7 VISQ10
- 8 ARCH2
- 9 LAND1
- 10 LAND2
- 11 LAND3
- 12 Adequate sound insulation shall be carried out, as identified below, to the satisfaction of the Local Planning Authority. Details of the measures to be taken shall be submitted to and agreed by the Local Planning Authority, prior to the commencement of works upon the site, and be fully implemented before any occupation of the building.
- To achieve internal noise levels of 45dBLA max and 30dBLA eq (23.00 - 07.00hrs) in bedrooms, with World Health Organisation guidelines for noise levels in habitable rooms being met, for all living rooms and bedrooms on the rear elevation, facing the railway line.
- Reason: To achieve an acceptable level of amenity for residents of the proposed scheme.
- 13 Any suspect contaminated materials detected during site works shall be reported to the Local Planning Authority. Any remediation required for this contamination shall be agreed in writing with the Local Planning Authority, and fully implemented prior to any further development of the site.
- Reason: In the interests of the well-being of existing and future residents, in and adjoining the application site.
- 14 NOISE8
- 15 HWAY9
- 16 HWAY14
- 17 HWAY17
- 18 HWAY19
- 19 HWAY29
- 20 HWAY31
- 21 HWAY40
- 22 Prior to the commencement of any works upon the site, a detailed method of works statement identifying the programming and management of site

clearance, preparatory and construction works, and servicing of the site by construction traffic, shall be submitted to and approved in writing by the Local Planning Authority. The statement shall specifically include how the site will be managed in relation to the safety and stability of the railway line to the rear of the application site, of adjoining properties and of properties opposite the appeal site. Development shall be carried out in accordance with this approved statement.

Reason: To protect the safety, amenities and structural integrity of adjoining properties and structures, and the safety and convenience of highway users.

23 DRAIN1

24 FLOOD1

25 HT1

26 Details of any underpinning or other works to the existing boundaries on the north-east and south-west side of the application site, shall be submitted to and agreed in writing by the Local Planning Authority before the commencement of works upon the site.

Reason: To protect the stability and appearance of the curtilages of the site.

27 No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved on 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: To comply with the provisions of Policy L1c of the City of York Draft Development Control Local Plan, incorporating the 4th set of changes (April 2005).

INFORMATIVE

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 £4,444.

28 Prior to the commencement of works upon the site, details shall be submitted to and agreed in writing by the Local Planning Authority, for security measures upon the site, including lighting and measures to "secured by design" standards.

Reason: In the interests of the safety of future residents.

7.0 INFORMATIVES: Notes to Applicant

1. INFORMATIVE:

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

2. INFORMATIVE

Upon commencement of development on the site, the applicant is requested to contact the Council's Network Management Section (1904 551450) in order that an amendment to the Residents Parking Scheme R12 can be implemented prior to the occupation of the development.

3. INFORMATIVE

The developer's attention is 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 followed:

(i) 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".

(ii) 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.

(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.

(iv) 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.

(v) There shall be no bonfires on the site.

4. 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; in particular the character and appearance of the Conservation Area, the setting of adjoining listed buildings, and the amenities of adjoining occupants. As such the proposal complies with Policies H9 and E4 of the North Yorkshire County Structure Plan (Alteration No. 3 Adopted 1995), and Policies CYGP1, CYGP9, CYHE2, CYHE3, CYHE11, CYH4A, CYH5A, CYED4, and CYL1C of the City of York Development Control Local Plan Deposit Draft, incorporating the 4th set of changes (April 2005).

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