

CGP15A
Development and Flood Risk

CYNE1
Trees, woodlands, hedgerows

CYNE7
Habitat protection and creation

CYL1C
Provision of New Open Space in Development

CYHE2
Development in historic locations

CYHE4
Listed Buildings

CYH4A
Housing Windfalls

CYHE3
Conservation Areas

3.0 CONSULTATIONS

INTERNAL

3.1 Design, Conservation, Sustainable Development (Conservation) - The design, scale and mass of the proposed dwelling house would be visually dominant and detract from the character and appearance of the conservation area. The scale and mass of the dwelling would not make a positive contribution to the character and local distinctiveness of the historic environment and would have a negative impact on views from listed buildings opposite the site, to the north east and to the south. The degree of harm to the setting of the listed buildings and the character and appearance of the conservation area would outweigh the wider benefits of the development.

3.2 Design, Conservation, Sustainable Development (Landscape) - The willow tree on the adjacent property is worthy of protection. Its amenity value should be respected by safeguarding the tree during construction and ensuring its compatibility with the development proposals. This information is essential in order for the application to be determined.

3.3 Design, Conservation, Sustainable Development (Archaeology) - The council's standard archaeological watching brief condition ARCH2 should be applied if the application is to be approved.

3.4 Design, Conservation, Sustainable Development (Countryside) - The chapel building is unlikely to provide roosting opportunities for bats. Care should be taken during demolition to minimise potential impacts. The redevelopment would provide the opportunity to enhance bat habitats. Such measures should be made a condition of approval.

3.5 Lifelong Learning and Culture - As there is no on site open space commuted sums should be paid to the Council for amenity open space, play space and sports pitches in the local area. The payment calculation should be based on the latest York formula and through an s.106 agreement.

3.6 Environmental Protection Unit - No objections. The contamination assessment is satisfactory. Standard informatives regarding demolition/construction and the council's low emission strategy should be attached to any approval.

3.7 Structures and Drainage - The development is in low risk Flood Zone 1 and should not suffer from river flooding. Insufficient information has been provided by the developer to determine the potential impact of the proposals on the existing drainage systems.

EXTERNAL

3.8 Stockton on the Forest Parish Council - No response.

3.9 Public Consultation - The consultation period expired on 29 February 2012. Two letters have been received from neighbouring occupiers citing the following planning issues:

- * Impact on the mature willow tree at No.78;
- * Overdevelopment;
- * Impact on the conservation area;
- * Overlooking.

4.0 APPRAISAL

4.1 KEY ISSUES:-

- Impact on the conservation area and listed buildings;
- Impact on Trees;
- Neighbour amenity;
- Highway issues;
- Open space;

- Flood Risk and Drainage;
- Bio-Diversity.

POLICY CONTEXT

4.2 The National Planning Policy Framework states that where a development plan is absent, silent or relevant policies are out of date, permission should be granted for development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted. It sets out 12 core planning principles including that planning should support sustainable economic development, seek high quality design and a good standard of amenity, and conserve heritage assets in a manner appropriate to their significance

4.3 The NPPF states housing applications should be considered in the context of the presumption in favour of sustainable development,

4.4 The NPPF states that in determining planning applications, local planning authorities should take account of:

- i) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- ii) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- iii) the desirability of new development making a positive contribution to local character and distinctiveness.

4.5 Local plan policy GP1 - Development proposals should be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and local character; respect or enhance the local environment; provide/protect amenity space; protect residential amenity; accord with sustainable design principles; include refuse facilities; and include, where appropriate, landscaping.

4.6 GP4a - All proposals should have regard to the principles of sustainable development, including accessibility by means other than the private car.

4.7 GP15a - Discharges from new development should not exceed the capacity of existing and proposed receiving sewers and watercourses and long-term run-off from development sites should always be less than the level of pre-development rainfall run-off.

4.8 H4a - Permission will be granted for new housing development on land within the urban area providing: it is vacant/derelict/underused or involves infilling, redevelopment or conversion; has good access to jobs, shops and services by non-

car modes; and, is of an appropriate scale and density to surrounding development and would not have a detrimental impact on existing landscape features.

4.9 NE1 - Trees, woodlands and hedgerows, which are of landscape, amenity, nature conservation, or historic value, will be protected by: refusing proposals which will result in their loss or damage. When trees are to be removed, appropriate replacement planting should be proposed to mitigate any loss.

4.10 L1c - Requires that all housing sites make provision for the open space needs of future occupiers. For sites of less than 10 dwellings a commuted payment will be required towards off site provision.

4.11 HE2 - Within or adjoining conservation areas and in locations that affect the setting of listed buildings, scheduled monuments or archaeological remains, development proposals must respect adjacent buildings open spaces, landmarks, and settings and have regard to local scale, proportion, design and materials. Proposals will be required to maintain or enhance existing urban spaces, views, landscapes and other townscape elements that contribute to the character or appearance of the area.

4.12 HE3 - Within conservation areas demolition will only be permitted where there is no adverse effect on the character or appearance of the area.

4.13 HE4 - Consent will only be granted for the following types of development where it would not have an adverse effect on a listed building: development in the vicinity of a listed building, demolition, internal or external alterations, change of use or erection of an antenna.

4.14 NE1 - Trees, woodlands and hedgerows, which are of landscape, amenity, nature conservation, or historic value, will be protected by: refusing proposals which will result in their loss or damage. When trees are to be removed, appropriate replacement planting should be proposed to mitigate any loss.

4.15 NE7 - Development proposals will be required to retain important natural habitats and, where possible, include measures to enhance or supplement them. New developments should include measures to encourage new habitats.

THE APPLICATION SITE

4.16 Single-storey vacant chapel alongside the main road through Stockton village. The site is within a conservation area and close to listed buildings to the side, rear and front (including 69 The Village, 71 The Village, 78 The Village and Stockton Grange). The immediate area is residential.

PRINCIPLE OF DEVELOPMENT FOR HOUSING

4.17 The site is in a sustainable location within the village envelope and with access to shops and public transport. The principle of the use of the site for housing is acceptable.

IMPACT ON THE CONSERVATION AREA AND LISTED BUILDINGS

4.18 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on local planning authorities to preserve or enhance the character or appearance of conservation areas. The current application should be assessed against this duty.

4.19 The site is in a conservation area and within the setting of a number of listed buildings. They include: no. 69 The Village, a grade II, two-storey detached house dating from the mid to late eighteenth century; no. 71 The Village, a Grade II, two-storey house, dating from the early nineteenth century; Elm Tree Farmhouse at no. 78 The Village, a Grade II, two-storey, detached house dating from the mid to late eighteenth century; and Stockton Grange, a Grade II detached dwelling house dating from 1907 and designed by Walter Brierley.

4.20 The Methodist chapel dates from the mid twentieth century. It is of limited architectural interest and makes a neutral contribution to the character and appearance of the conservation area. The demolition of the chapel is unlikely to harm the character and appearance of the conservation area, subject to acceptable detailed proposals for the redevelopment of the site.

4.21 The proposed dwelling house is of a relatively large scale and mass when considered within the context of existing buildings in The Village. The mass of the dwelling house is increased by the two storey additions to the side and rear. The two storey addition to the south west serves as a double garage with billiard room to the rear and bedrooms to the first floor. Although the ridge height of this two storey addition is stepped down from that of the principal building, the front gable protrudes forward of the principal elevation of the dwelling house. The design of the forward projecting addition contributes to the bulky, incongruous appearance of the proposed dwelling house and steps forward of the building line of the neighbouring cottage at no. 76 The Village. The design of the two-storey and part single-storey addition to the rear also contributes to the large scale, mass and building footprint of the proposed dwelling house.

4.22 The proposed dwelling house would be visually dominant within the setting of the listed buildings opposite at nos 69 and 71 The Village and within the setting of Elm Tree Farmhouse situated to the north-east of the site. The scale and mass of the proposed dwelling house would dominate views from nos 69 and 71 The Village looking to the south-east. The design, scale and mass of the north-east elevation of

the proposed dwelling house, including the two-storey and part single-storey rear addition to the principal building, would have a negative impact on views from the setting of Elm Tree Farmhouse looking to the south-west.

4.23 The proposed house would be visible from the setting to the north-west of Stockton Grange. The scale and mass of the proposed house, together with the design of the two storey glazed section to the rear elevation, would detract from existing views from the setting of Stockton Grange looking north towards, the cumulative change to the setting of Stockton Grange associated with the impact of the proposed dwelling house replacing the existing Methodist Chapel should be considered together with current proposals for a two-storey house to the south-east of the development site (ref. 11/03296/FUL).

4.24 In conclusion, the design, scale and mass of the proposed dwelling house would be visually dominant within the context of existing buildings in this part of The Village and detract from the existing character and appearance of the conservation area. In considering the requirements of the National Planning Policy Framework, the scale and mass of the proposed house does not make a positive contribution to the character and local distinctiveness of the historic environment within the context of The Village. The design, scale and mass of the proposed dwelling house would have a negative impact on views from the listed buildings opposite at nos 69 and 71 The Village, from Elm Tree Farmhouse to the north-east and from the setting of Stockton Grange to the south. The degree of harm to the significance of the designated heritage assets, that is the setting of the listed buildings and the character and appearance of the conservation area, would outweigh the wider benefits of the proposed development.

IMPACT ON TREES

4.25 The application form incorrectly states that there are no trees or hedges on adjacent land that could influence the development. There is in fact a large, mature, attractive willow within the curtilage of no.78 The Village and very close to the north east boundary of the application site. The tree has high amenity value by way of its visibility along The Village street in both directions. The tree forms part of the landscape setting of the listed building and the development site and makes a positive contribution to the character and appearance of the conservation area.

4.26 Although the tree is not currently subject to a tree preservation order (TPO) it is located within the conservation area therefore work to the tree requires notification to the local planning authority. A 30% crown reduction has been agreed between the owner of no.78 and the council. The tree is a fine mature specimen with a large bole. Its root protection area as a circle around the centre of the trunk could have a 12m radius.

4.27 Officers recognise that part of the chapel is within the recommended root protection area of the tree; therefore it would be acceptable for the proposed dwelling to exist on the same footprint on this side. But no part of the footprint should come closer to the willow such that it enters the root protection area. Consideration must also be given to the height of the proposed dwelling in relation to the crown spread of the tree. Willow is a species with a high water demand; therefore the foundations of the property would need to be designed to take account of the tree's presence.

4.28 In order for the application to be approved the applicant will need to demonstrate that the development proposals would be compatible with the tree and that it would be properly protected during construction. To do this the tree should be accurately plotted, showing the location of the tree trunk in relation to the property boundary; the crown spread in all directions; the diameter of the trunk at 1.5m above ground level; the root protection area based on 12 x the diameter; and the footprint of the existing building. This information, which has not been provided by the applicant, should guide the design of the proposed dwelling and is essential before the application can be considered for approval.

NEIGHBOUR AMENITY

4.29 The dwelling would be unlikely to have a material impact on adjacent occupiers due to one or more of the following mitigating factors: (a) the distance the proposed house and neighbouring houses; (b) absence of significant windows facing the neighbouring houses; (c) absence of windows on neighbouring houses facing the site; (d) boundary walls, fences and planting.

HIGHWAY ISSUES

4.30 The development would use the chapel's existing access from The Village. Sight lines are adequate and traffic flows are likely to be much lower than for the chapel use. The proposed double garage would provide adequate space for cycle storage.

PUBLIC OPEN SPACE

4.31 A developer contribution of £3,668 would be required for the provision of public open space in accordance with policy L1 of the local plan. If planning permission were to be granted this should be included as part of a planning obligation.

FLOOD RISK AND DRAINAGE

4.32 The development is in low risk Flood Zone 1 and should not suffer from river flooding. However, insufficient information has been provided by the developer to determine the potential impact the proposals may have on the existing surface water drainage systems. Part of the site would be drained by means of soakaways but no evidence has been supplied to show that, in this area, soakaways would work. An appropriate assessment should be carried out to prove that the ground has sufficient capacity to accept surface water discharge from the proposed permeable paving, and to prevent flooding of the surrounding land and the paving itself. Part of the site would drain to main drains but the applicant has not shown how the run-off would be attenuated. In agreement with the Environment Agency/IDB/City of York Council, peak run-off from developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven connected impermeable areas). As no soakaway test has been carried out the proposed permeable paving cannot be included in the run-off calculations and cannot be used to show a reduction in surface water run-off.

BIO-DIVERSITY

4.33 The chapel building appears to be well sealed so is unlikely to provide roosting opportunities for bats. Therefore a bat survey is not required. Care should be taken during demolition to minimise potential impacts. The redevelopment would provide the opportunity to enhance bat habitats. Such measures should be made a condition of approval.

4.34 Council records show a lot of bat activity, as well as confirmed roost sites, within Stockton on the Forest including an old record of a roost at a property next to the application site. Whilst this is not a recent record, bats can very often return to the same roosting sites year after year and there is good quality foraging, commuting and roosting habitat in the area. The existing chapel appears to be well sealed so is unlikely to provide roosting opportunities for bats. For this reason a bat survey is not required as part of this application. However, the surrounding area does provide good bat habitat so care should be taken during demolition to minimise any potential impacts. The redevelopment of the site also provides opportunities for carrying out habitat enhancement work to benefit bats such as provision of bat tiles or bat bricks into the new dwelling. This should be made a condition of any approval.

5.0 CONCLUSION

5.1 The proposal would have an unacceptable impact on the character and appearance of the conservation area and listed buildings in the vicinity of the site. The application does not show how a mature willow tree in the vicinity of the site would be protected or how surface water would be attenuated.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The proposal would, by reason of its location, size and design result in an incongruous form of development that would be out of scale and character with the street scene and, given its prominence, would be harmful to the character, appearance and visual amenity of the conservation area and to the setting of listed buildings in the vicinity of the site. There is considered to be no substantial public benefit from the development that would outweigh the degree of harm to the setting of the neighbouring listed buildings, contrary to the provisions of the National Planning Policy Framework regarding Heritage Assets and policies GP1 (Design), HE2 (Development in Historic Locations), HE3 (Conservation Areas) and HE4 (Listed Buildings) of the City of York Local Plan Deposit Draft.

2 The protected willow tree along the north-east boundary of the site contributes to the character and appearance of the conservation area. The application has not demonstrated that the design and scale of the proposed dwelling and the construction method for building it would protect the tree from irreversible damaged, which would be detrimental to the character and appearance of the conservation area and the setting of listed buildings in the vicinity of the site, contrary to policies NE1 (Trees, Woodlands and Hedgerows), HE2 (Development in Historic Locations), HE3 (Conservation Areas) and HE4 (Listed Buildings) of the City of York Local Plan Deposit Draft.

3 Insufficient drainage details have been submitted to show how foul and surface water generated by the proposal would be properly attenuated and how flood risk from all sources to the development itself and to others will be managed. The application therefore conflicts with Central Government policy within the National Planning Policy Framework seeking to minimise flood risk , policy GP15a (Development and Flood Risk) of the City of York Local Plan Deposit Draft; Policy CS22 of the emerging City of York Core Strategy; and the council's adopted Strategic Flood Risk Assessment.

7.0 INFORMATIVES:

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