

COMMITTEE REPORT

Date: 15 November 2012 **Ward:** Micklegate
Team: Major and Commercial Team **Parish:** Micklegate Planning Panel

Reference: 12/02602/FUL
Application at: The Heads House 1 Love Lane Scarcroft York YO24 1FE
For: Erection of 1no. Detached dwelling house (revised scheme)
By: The Mount School
Application Type: Full Application
Target Date: 25 September 2012
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 The Heads House associated with the Mount School comprises a modest brick built structure on a steeply sloping site lying within substantial well landscaped grounds at the south western edge of the Historic Core Conservation Area close to the Mount. Planning permission was previously given for erection of a four bedroom "eco-house" in May 2010 (ref:-10/00538/FUL) partially within the landscaped garden of the property and partially across the site of a block of four disused garages within Love Lane to be demolished as part of the proposal. Residential development within St Aubyn's Place lies a short distance from the site at the foot of the slope. Planning permission for three residential properties within the gardens but on a slightly different site was refused in 2003 on the grounds of an adverse relationship with properties in St Aubyn's Place. The current proposal represents a revised re-submission of the proposal previously approved in 2010.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006
City Boundary GMS Constraints: York City Boundary 0001
DC Area Teams GMS Constraints: Central Area 0002

2.2 Policies:

CGP15A Development and Flood Risk
CYGP3 Planning against crime
CYGP4A Sustainability

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CYGP9	Landscaping
CYGP10	Subdivision of gardens and infill devt
CYGP1	Design
CYHE2	Development in historic locations

3.0 CONSULTATIONS

INTERNAL:-

3.1 Environmental Protection Unit raise no objection to the proposal.

3.2 Highway Network Management raise no objection to the proposal.

3.3 Design, Conservation and Sustainable Development raise no objection to the proposal subject to additional landscape planting and a section of the rear wall retained or reconstructed in brickwork.

3.4 Strategic Flood Risk Management raise no objection to the proposal.

3.5 Lifelong Learning and Leisure were consulted with regard to the proposal on 8th August 2012. Any views will be reported verbally at the meeting.

EXTERNAL:-

3.6 Micklegate Planning Panel raise no objection to the proposal subject to adequate measures being put in place to secure the maintenance of the surrounding landscape.

3.7 The Safer York Partnership raise no objection to the proposal.

3.8 The York CAAP Panel raise no objection to the proposal subject to the brickwork from the sections of existing wall to be demolished being re-used elsewhere on the site.

3.9 Five letters of objection have been submitted. The following is a summary of their contents:-

- * Concern at impact upon the residential amenity of properties in St Aubyn's Place below the site;
- * Concern at the impact upon existing mature landscaping within the application site;
- * Concern at impact upon the local pattern of surface water drainage;
- * Concern at impact upon pedestrians and young children using Love Lane;
- * Concern that the proposed property could be used as a holiday let.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- Impact upon the residential amenity of neighbouring properties;
- Impact upon the setting of the Historic Core Conservation Area;
- Impact of the proposal on highway users within Love Lane;
- Sustainability of the proposal;
- Impact of the proposal on the level of anti-social behaviour taking place in Love Lane;
- Impact of the proposal upon the existing mature landscaping within the site;
- Impact of the proposal upon the local pattern of surface water drainage.

THE NATIONAL PLANNING POLICY FRAMEWORK:-

4.2 The York Development Control Local Plan was adopted for Development Control purposes in 2005; its policies remain material considerations in respect of planning decisions although it is considered that their weight is limited except where in accordance with the National Planning Policy. The National Planning Policy Framework through paragraph 50 seeks the delivery of a wide choice of quality homes creating sustainable, inclusive and mixed communities. Furthermore it indicates that housing applications should be considered in the light of the core planning principles of the NPPF and the broad presumption in favour of sustainable development.

IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES:-

4.3 Policy GP1 of the York Development Control Local Plan sets a firm policy presumption in favour of new development proposals which respect or enhance the local environment, are of a layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area and ensure that residents are not unduly affected by overlooking, overshadowing or dominated by overbearing structures. The massing and elevational treatment of the current proposal as in the case of that previously approved has been utilised to blend in with the adjoining mature landscaping. A significant proportion of the mature landscaping is deciduous however the nature of the topography and the tree crown spread would continue to lessen impact upon nearby properties to a large degree.

4.4 In terms of loss of privacy and overlooking the nearest property remains 20 St Aubyn's Place which would be some 39 metres from the proposed property which would be a significantly greater distance than that allowed for with the previously approved scheme. The revised scheme envisages a greater proportion of the

proposed accommodation fronting on to Love Lane. The "solar room" contained within the previously approved scheme has been deleted and replaced by a terrace which would be accessed from the dining room and sitting room of the proposed property. A balcony above would be accessed from the three south facing bedrooms. It is envisaged that the property would be cut into the slope to a significant extent and the applicant has indicated that a significant degree of additional landscape planting would take place to reinforce the boundary treatment with St Aubyn's Place. Furthermore the applicant has submitted a series of detailed cross sections which demonstrate the relationship of the principal living areas of the proposed property with the properties in St Aubyn's Place. These clearly indicate that the south facing windows of the proposed property would in fact overlook the upper part of the crown spread of the mature trees at the site boundary and that there would not be a significant issue in respect of loss of privacy and overlooking of St Aubyn's Place. Subject to the retention of the existing landscaping and its suitable enhancement the terms of Policy GP1 of the Draft Local Plan would therefore be complied with.

IMPACT UPON THE SETTING OF THE HISTORIC CORE CONSERVATION AREA:-

4.5 Policy HE2 of the York Development Control Local Plan sets a firm policy requirement for new development proposals within the setting of Conservation Areas to have due regard to the appropriate scale, proportion and materials. The proposal lies directly adjacent to the south western edge of the Historic Core Conservation Area. In this area the boundary is categorised by large gardens with mature landscaping developed in the early 19th Century and subsequently, along Tadcaster Road. The proposal would be constructed along the existing ridge followed by Love Lane. The proposed roof form and mix of traditional materials and soft landscaping would minimise any impact upon the setting of the Conservation Area, creating an impression of recessing into the surrounding landscape. Impact upon the setting of the Conservation Area would thus be acceptable.

IMPACT OF THE PROPOSAL UPON HIGHWAY USERS IN LOVE LANE:-

4.6 Love Lane comprises a single track road giving access to a section of the Mount School and a single house adjacent to the railway. It is also used as a public footpath access between Tadcaster Road and Holgate via a bridge over the railway. It is some 3 metres wide at its narrowest point. Concern has once again been expressed in respect of the implications for highway safety of constructing an additional house in place of one of the existing blocks of garages. In particular, concern has been expressed in relation to the implications of the proposal at times of intensive use of the nearby access into the Mount School. However, the impact of the proposal in terms of the manoeuvrability of traffic and additional traffic generation is felt to have a materially lesser impact upon traffic flows than the current situation.

SUSTAINABILITY OF THE PROPOSAL:-

4.7 Policy GP4a) of the York Development Control Local Plan sets a firm policy requirement for all new development to have close regard to the principles of sustainable development. These include the provision of high quality design, with the aim of conserving and enhancing the local character and distinctiveness of the City, minimise the use of non-renewable resources and maximise the use of renewable energy resources including heat exchangers and photovoltaic cells. The Policy is elaborated by the Interim Policy Statement on Sustainable Design and Construction and recently adopted Central Government Planning Policy outlined in the NPPFA where it is outlined as a core planning principle. The scheme as revised envisages the development as revised to be designed to the European Passiv House Design Standard with the house conceived as an integrated eco-system within the boundaries of the site. A majority of the space heating and domestic hot water pre-heating would be from solar gain. Rainwater would be harvested for recycling for all non-potable uses within the house and garden. It is envisaged that the thermal mass of the building would be reduced to the lowest possible level by adopting the most advanced available domestic insulation technology; this would be assisted by cutting the ground floor into the ridge. The southern roof slope of the building would also be roofed in sedum. It is therefore felt that the terms of Policy GP4a) and the associated Interim Policy Statement have thus been complied with in relation to the proposal.

IMPACT OF THE PROPOSAL ON THE LEVEL OF ANTI-SOCIAL BEHAVIOUR TAKING PLACE IN LOVE LANE:-

4.8 Policy GP3 of the York Development Control Local Plan sets a requirement in appropriate cases for the inclusion of crime prevention measures including natural surveillance of public spaces in new development. Love Lane include a public right of way giving access for pedestrian traffic to the Holgate area via a bridge across the East Coast Main Line from the north western end of the street. This has formed the focus of a number of incidents of anti-social behaviour including graffiti and other vandalism. The current proposal would result in the removal of a bank of four disused garages where the anti-social behaviour has been focussed and result in the construction of an additional dwelling giving an extra degree of natural surveillance of comings and goings on Love Lane.

IMPACT UPON EXISTING MATURE LANDSCAPING WITHIN THE SITE:-

4.9 Policy GP9 of the York Development Control Local Plan sets a clear policy requirement that where appropriate new development should incorporate detailed landscaping proposals which reflect the character of the locality and surrounding development and include an appropriate range of indigenous species. On a related issue Policy GP10 sets a firm policy presumption against the sub-division or infilling of existing garden areas other than where it would not be detrimental to the

character or amenity of the local environment. The principal characteristic of the application site is the dense belt of mature landscaping running directly below ridge level. The application details indicate that the existing landscaping would be retained other where limited clearance is required to allow construction to take place. The application details furthermore give outline details of significant boundary planting to reinforce the existing and to compensate for anything lost. The terms of Policies GP9 and GP10 of the Draft Local Plan have therefore been complied with.

IMPACT UPON THE LOCAL PATTERN OF SURFACE WATER DRAINAGE:-

4.10 Policy GP15a) of the York Development Control Local Plan sets a firm requirement for developers to satisfy the Local Planning Authority that any flood risk will be successfully managed with the minimum environmental effect and ensure that the site can be properly developed serviced and occupied. Details have been submitted with the proposal indicating that surface water can be effectively attenuated and then re-used for a variety of purposes within the building. Subject to a condition attaching to any permission then requiring strict compliance with these details then the development is felt to be acceptable and the terms of Policy GP15a) have been complied with.

SECTION 106 ISSUES:-

4.11 Policy L1c) sets out a policy requirement for the payment of commuted sums in lieu of the provision of open space and recreational facilities off site. In the current case this would give rise to a requirement for a payment of £2,836 which would be secured by the means of a Section 106 Agreement.

OTHER ISSUES:-

4.12 Concern has been expressed that the proposed property would be used as a holiday let. The applicant intends to occupy the property as their own. However use of the property as a holiday-let would not be development and is not material to the determination of this application.

5.0 CONCLUSION

5.1 The proposal in common with the previous proposal for the site seeks planning permission for the erection of a four bedroom "eco" house within the garden area associated with the Head's House to the Mount School. The current proposal seeks the construction of a "Passivhaus" which is as close as feasibly possible to carbon neutral in terms of its impact. The scale and massing of the proposal which would be partially sunk into the existing ridge when combined with the proposed landscape planting would have a significantly reduced impact upon the residential amenity of properties along St Aubyn's Place when compared with the previously approved scheme. Concern has once again been expressed in respect of the impact upon

traffic in Love Lane, though it is felt that this would not be materially different from that currently experienced and it has been demonstrated that the site can be effectively drained in terms of surface water with out harm to neighbouring properties. The proposal gives rise to the requirement for a commuted sum payment of £2836 in lieu of the provision of on-site open space which can be secured by the means of a Section 106 Agreement. The proposal is felt to comply with the core principles of the NPPF and to be acceptable in planning terms, approval is therefore recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve subject to Section 106 Agreement

1 TIME2 Development start within three years -

2 The development hereby permitted shall be carried out in accordance with the following plans including associated drainage details:-

Drawing Refs:- A12 Rev A; A15 Rev A; A05 Rev A; A08 Rev A; A06 Rev A; A04 Rev A; A07 Rev A; Dated 18th September 2012. A11; A10; A14; A02 and A03 Date Stamped 30th October 2012.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 VISQ8 Samples of exterior materials to be app -

4 VISQ4 Boundary details to be supplied -

5 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A, B, C, E and F of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of the amenities of the adjoining residents the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

6 Before the commencement of the development hereby authorised a detailed scheme to secure the protection of the mature landscaping on site for the duration of construction work including details of fencing and location of site huts, service runs and storage compounds shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict

accordance with the details thereby approved.

Reason: - The existing planting is considered to make a significant contribution to the amenities of the area.

7 No trenches, pipe runs for services or drains shall be sited within a 3 metre radius from the trunk(s) of the tree(s) on the site without the prior approval in writing of the Local Planning Authority.

Reason: To safeguard existing trees on the site.

8 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees, shrubs and other landscape planting. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

9 HWAY19 Car and cycle parking laid out -

10 HWAY31 No mud on highway during construction -

11 HWAY40 Dilapidation survey -

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the residential amenity of neighbouring properties, impact upon the setting of the Historic Core Conservation Area, impact of the proposal upon highway users in Love Lane, sustainability of the proposal, impact upon the level of anti-social behaviour in Love Lane, impact upon the mature landscaping within the site and impact upon the local pattern of surface water drainage. As such the proposal complies with Policies GP15a), GP3,GP4a),GP9, GP10,GP1 and HE2 of the City of York Development Control Local Plan.

2. CONTROL OF POLLUTION ACT 1974:-

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 adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

(b) 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".

(c) 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.

(d) 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.

(e) 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.

(f) There shall be no bonfires on the site

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