

COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Guildhall
Date: 26 February 2008 **Parish:** Guildhall Planning Panel

Reference: 08/00022/FUL
Application at: 86 Gillygate York YO31 7EQ
For: Conversion and extension of existing rear outbuildings to create
1 no. single storey pitched roof dwelling
By: Mr D Beeson
Application Type: Full Application
Target Date: 3 March 2008

1.0 PROPOSAL

1.1 This application relates to a series of derelict outbuildings at the rear of 86 Gillygate, a Grade II Listed building within the Central Historic Core conservation area. The buildings include an attached garage in the garden area and are linked together by a monopitched tiled roof. Pedestrian and vehicular access to the site is through an archway from Moatside Court, off Lord Mayor's Walk. There is a solitary ash tree within the existing garden area. The distinctive side boundaries of the site comprise of a 2.75m brick wall to the north, and the side wall of the outbuildings and walling form to the south. This long, narrow site is surrounded on three sides by a sheltered housing complex of 23 units over two storeys run by the City of York Council. The existing outbuildings are currently in poor condition and used largely for storage purposes.

1.2 Planning permission is sought for a new two-bedroomed single storey residential unit with its own access and car parking space. This would be achieved by the part demolition of approximately half of the buildings/link canopy roof, combined with the conversion of the existing garage to domestic accommodation. It is intended that the architectural features and windows would be repaired, or replaced with a like-for-like replacement. Two existing doors would be replaced with matching brickwork and windows. The property would be accessed from the existing access from Moatside Court, retaining a car parking space within the site. A new brick wall would separate the new dwelling from 86 Gillygate. It is also intended that an ash tree be removed, as it would be too close to the building's foundations.

1.3 The agent has submitted a justification for the demolition works and has had pre-application negotiations with the Council's planning and conservation officers. Revised plans and additional information have also been submitted at the request of the Local Planning Authority.

1.4 This application has been referred to the West and Central Sub-Committee for determination at the request of Councillor Brian Watson as residents in the surrounding properties have expressed concern about the impact of the proposed development on their amenity. A site visit is required as the officer's recommendation to the sub-committee is contrary to local concerns.

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

2.2 Policies:

CYGP10

Subdivision of gardens and infill devt

CYHE4

Listed Buildings

CYGP1

Design

CYL1C

Provision of New Open Space in Development

CYHE2

Development in historic locations

CYHE11

Trees and landscape

CYT4

Cycle parking standards

CYHE5

Demolition of Listed Buildings and Buildings in Conservation Areas

CYH4

Housing devp in existing settlements

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

Design, Conservation and Sustainable Development - No objections subject to conditions.

Highways - No objections to the principle of the proposal, but it is noted that there is no cycle storage provided within the site. Conditions are recommended. An

additional dwelling would increase the pressure on the heavily subscribed Residents Parking Zone R42 Moatside Court. If approved, this site should not qualify for inclusion within this zone, and the associated costs for removing the site from the parking zone would have to be borne by the applicant.

Lifelong, Leisure and Learning - Response awaited. The creation of an additional residential unit would require an open space commuted payment to comply with Policy L1c.

Environmental Protection - It has been brought to the Council's attention that the garage was previously used as a slaughterhouse, and this issue is currently being investigated.

EXTERNAL CONSULTATIONS /REPRESENTATIONS

Guildhall Planning Panel - No response at time of writing.

6 representations have been received from surrounding neighbours that raise the following planning issues:-

- overdevelopment of the site
- inappropriate site for new dwelling unit as surrounded by and close to sheltered housing
- adverse impact on amenity as a result of noise, light pollution
- loss of tree would harm the amenity of the area and resident's amenity
- disruption and noise during construction phase
- the garage was formerly used as a slaughter-house and proposed ground disturbance may result in contamination in the wider area
- the change of inward opening doors to outward opening doors to the site would create a hazard to older and infirm residents of Moatside Court

The proposal was advertised in the Press, a site notice was displayed on the site, and the abutting neighbours were notified by letter. The consultation period expired on 8.2.2008.

4.0 APPRAISAL

KEY ISSUES

- Proposed land use
- Impact on visual amenity and character of the listed building/ the conservation area/ and the property
- Impact on the residential amenity of the neighbours
- Impact on the highway infrastructure
- Open Space Provision
- Archaeology

ADDITIONAL RELEVANT POLICY

Planning Policy Guidance Note No. 15 " Planning and the Historic Environment "

PPS 1 " Delivering Sustainable Development "

PPS 3 " Housing "

4.1 ASSESSMENT

PROPOSED LAND USE

4.2 Members will note that in 1981, permission was granted for the demolition of the outbuildings at the rear of the neighbouring listed buildings (Nos. 72-84 Gillygate) to allow the development of Moatside Court to proceed. It was felt at that time that the loss of those outbuildings, their poor state of repair and quality offered little contribution to the amenity of the adjoining listed buildings and the wider amenity of the conservation area. The outbuildings that remain at the rear of No. 86 are a relic of the former backland development of Gillygate, and are now more immediately bounded by an adjacent sheltered housing complex.

4.3 The current application seeks permission for the formation of a separate residential unit on the site of the outbuildings and part of the rear garden. This would involve the part removal of the outbuildings to allow a larger structure on the same footprint to be built as part of the proposed dwelling. PPG15 " Planning and the Historic Environment " and HE5 of the Local Plan advise that demolition of buildings in the conservation area and in the grounds of listed buildings contain the presumption in favour of retaining such buildings unless the existing use is impossible, alternative uses have been exhausted, and the applicant has proved that the building is incapable of economic repair. However, in exceptional circumstances demolition can be justified if the merits of the new scheme for the site would benefit the area. The section of the outbuildings to be demolished is of limited architectural or historic merit to the frontage listed building or the wider conservation area. The scale of the existing outbuildings is small and does not lend itself to conversion to residential use without a degree of extension. The form, scale and design of the replacement section of the outbuildings with a single storey building, incorporating the boundary wall to the south, would be unlikely to detract from the setting of the listed building.

4.4 The site would be a sustainable site. New development is generally encouraged on previously used /derelict land and where conversions of existing buildings would allow appropriate development. National planning policy in PPS 1 and PPS 3 aims would to encourage the use of housing on previously developed land. Similarly, Policy H4 of the Local Plan supports windfall housing on suitable, sustainable sites that would be appropriate to surrounding development. The principle of a dwelling that would re-use/ adapt the layout of the existing range of outbuildings would be acceptable in terms of Policy H4 of the Local Plan.

4.5 The proposed residential use would be compatible and not at odds with the general residential character of the area. GP10 of the Local Plan permits the subdivision of gardens where the loss of garden would not be detrimental to the character of the area. The proposed subdivision of the garden would retain small garden areas for No. 86 Gillygate and for the proposed development separated by a new dividing wall.

4.6 The proposed dwelling would be surrounded by the Council's sheltered housing complex. Although concern has been raised about the proximity and the resulting compatibility of a new residential unit in this area, this is an existing range of vacant/underused outbuildings that could be in residential use in conjunction with No. 86. It is possible that any non-residential or alternative use of the outbuildings could be less compatible with the special needs and character of the adjacent sheltered housing.

VISUAL IMPACT

4.7 As indicated above, the loss of part of the outbuildings would not detract from the amenity or character of the adjacent listed building or the wider conservation area. They are not historically important, they are in a poor state of repair, and their general scale, character and form would be incorporated in the replacement structure.

4.8 The new section of the proposed dwelling would be visually subservient to the adjacent two storey rear addition of the listed building. The enlarged building footprint of the new section of the dwelling would occupy much of the adjacent width but would still retain a 600mm wide access width of the plot. Due to the constrained nature of the site, the fenestration would be single aspect on the southern elevation, using existing openings with the addition of rooflights. The agent has confirmed that they would be recessed into the roof plane and would not be visually intrusive. Together with the minimal alterations to the windows that would complement the existing windows, the single aspect character of the outbuildings would be retained. The proposed pitched roof and pantile finish to the new section of the dwelling would not be visually intrusive in its context. All existing boundary walls would be retained and would largely screen the development. The proposed boundary wall that would enclose the rear yard to the listed building would be acceptable subject to approval of its height and finish.

4.9 The conversion of the existing garage to residential use would enable the retention of the existing building within the context of the conservation area. It is intended that the existing fenestration to the garage is retained and refurbished and the design of the new windows would complement the existing, be constructed of timber, with a painted or micro-porous stained finish.

4.10 Concern has been raised by residents from the sheltered housing complex that the development would overdevelop the site. However the development would be visually contained within a screened site, would involve an acceptable degree of extension of the footprint, would retain the traditional form and appearance of outbuildings, would maintaining the visual relationship with more historic frontage buildings, maximise the use of limited space within the site, and not impinge on the character of the adjacent development. An acceptable level of amenity space would be provided for both properties. It is therefore considered that the design has sensitively addressed the site constraints and would not conflict with the policy guidance contained in GP1, HE2, HE3, HE4 of the Local Plan seek to ensure that new development respects the character and appearance of its context, listed buildings and conservation areas. As the outbuildings are attached to the two storey

outshot of the listed building, listed building consent would also be required for the development if Members are minded to approve the planning application.

4.11 Residents were also concerned that the agents have indicated that the ash tree on the site would be removed. This tree contributes to the amenity of the backland area and is especially enjoyed by nearby residents. The Council's Landscape Architect advises that the tree is not worthy of a Tree Preservation Order because of its limited public amenity value and is an unsuitable species for this restricted situation. It is currently a fraction of its mature size and is not a species that would tolerate pruning to keep its size in check. Policy HE11 of the Local Plan encourages the retention of trees in historic locations and if planning permission is granted, it would be reasonable for the Local Planning Authority to require the applicants to plant a more suitable species in an agreed location. The agent has agreed to an agreed replacement tree/shrub that would contribute to the future amenity of the area.

IMPACT ON NEIGHBOURS/ RESIDENTIAL AMENITY

4.12 PPG 3 (2000) at paragraphs 9-11 state that in response to a change in the composition of households local authorities should adopt policies which take full account of changes in housing needs in their areas and which will widen the range of housing opportunities to allow these to be met. It continues by stating that the Government believes that it is important to help create mixed and inclusive communities, which offer a choice of housing and lifestyle. It does not accept that different types of housing and tenures make bad neighbours. The nearby residents are concerned that the permanent occupation of the outbuildings as a separate residential unit would increase noise levels and would lead to greater disturbance. This could be the case, but the site is well screened at ground level by existing walling, which also would protect the amenity of ground floor residents of the adjacent sheltered housing units. The first floor residents of the sheltered housing complex would overlook the proposed single storey development and have a greater impact on the living conditions of the new development. Any new residents of the development would be aware of this issue. As there would be no significant increase in mass from the proposed extension that would affect the neighbours and no additional overlooking from the proposed development, it is considered that the living conditions of the neighbours would not be significantly harmed and the proposal would comply with the general guidance in GP1 of the Local Plan.

4.13 In conclusion, the proposed development would largely have the scale and form of the existing range of buildings and it is not likely that there would be significant change to the outlook of neighbouring residents. The increased use of the buildings for domestic use may lead to more noise filtering from the site to the surrounding residents within the sheltered housing complex. It is unlikely and not feasible to assess whether the level of noise would be excessive from a two-bedroomed unit in the city centre until occupied. It is considered that any increase would not be significant to warrant refusing the development for this reason.

4.14 It has been brought to the attention of the Local Planning Authority that the garage building has been formerly used as a slaughter house. The Environmental Protection Unit is currently investigating this possible use and the likelihood of soil

contamination, and Members will be advised of the outcome at the committee meeting.

HIGHWAY IMPLICATIONS

4.15 The proposal would retain an off-street car parking space within the site for the use of the development, and if approved, there would be no additional pressure on the area's heavily subscribed Residents Parking Zone. It would be appropriate to remove this site from qualification for inclusion in this zone and the applicant has agreed to cover the costs of the amendment to the zone under the Road Traffic Regulation Act 1984.

4.16 The Highway Authority notes that the submitted plans do not indicate cycle parking for the development. However, it could be provided within the site, thereby complying with Policy T4 of the Local Plan.

4.17 The originally submitted plans proposed that the existing inward opening garage doors be replaced with doors that open outwards from the site over a pedestrian access that links the two sides of the development. To overcome potential hazards to residents and pedestrians, the applicant has agreed to change the proposed gates to a sliding gate. There is sufficient space within the site to accommodate this revision. Details would have to be agreed by the Local Planning Authority.

OPEN SPACE PROVISION

4.18 The development would result in a need for additional open space provision. If Members were minded to approve the application, the applicant would be required to pay an open space payment of £1242 that would go towards the provision of open space within the area. The agent has indicated that the applicant would agree to pay this payment.

ARCHAEOLOGY

4.19 The proposal would result in ground disturbance and if approved, the Council's Archaeologist requests an archaeological watching brief on works that involve ground disturbance.

5.0 CONCLUSION

The proposed residential development would take place within a site with tight physical constraints. The proposed design would be sympathetic to these constraints whilst allowing the site to be developed as a separate residential unit. The existing buildings are an anachronism at the rear of the property, dominated by the surrounding two storey sheltered housing complex that has lessened its relationship with the frontage buildings. The detachment of the outbuildings from the listed building on the frontage would not be an important historic loss given the extensive demolition of the historic layout at the rear of Gillygate. The proposed design retains the massing and character of the outbuildings and would not significantly alter the character of the area. It is unfortunate that the tree would be felled but replacement

planting in a more suitable location of an appropriate species would contribute to the long-term amenity of the conservation area. The residential use of the site would be compatible with surrounding land uses and would be in a highly sustainable location. It is therefore considered that the development would comply with Policies HE2, HE4, HE5, HE11, H4, GP10, L1c of the Local Plan and related national guidance.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing No. SRDP/07/1079/SCH002-D, Received 4.1.2008,

or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans.

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

3 HWAY9 Vehicle areas surfaced

4 HWAY18 Cycle parking details to be agreed

5 HWAY19 Car and cycle parking laid out

6 S106OS IN Section 106 Open Space

7 ARCH2 Watching brief required

8 Prior to the commencement of the development hereby approved, the following details shall be submitted for the written approval of the Local Planning Authority, and thereafter implemented and retained in accordance with the approved details:-

- i) The height and finish of the new boundary wall
- ii) Details of the design, materials and finish of the entrance door
- iii) Details of the retention and repair works to the existing boundary walls
- iv) Design of the replacement sliding gate
- v) The species and location of a replacement tree/ shrub

Reason; In the interests of the visual amenity and architectural character of the listed building and the visual amenity of the locality.

9 All new windows of the development hereby approved shall be timber framed, with a painted or micro-porous finish, and thereafter retained as such.

Reasons: In the interests of the historic and architectural character of the listed building.

10 VISQ8 Samples of exterior materials to be app

7.0 INFORMATIVES: Notes to Applicant

1. PARTY WALL etc Act

You are advised that the development may involve building work covered by the Party Wall etc Act 1996 that is separate from planning or building regulations control. Do not commence work on the development until you comply with the provisions of this Act. An explanatory booklet may be obtained from the City of York's Department of City Strategy, or alternatively it is available on the Department of Communities and Local Government, www.communities.gov.uk.

2. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to:-

- the surrounding land uses
- the visual amenity and character of the adjacent listed building/ the conservation area/ the host buildings
- the residential amenity of the neighbours
- highway safety
- open space provision
- archaeology

As such, the proposal complies with Policies GP1, H4, HE2, HE3, HE4, HE11, GP10, T4 and L1c1 of the City of York Development Control Local Plan- Incorporating the Proposed 4th Set of Changes (2005); and national planning guidance contained in Planning Policy Statement 1 " Delivering Sustainable Development, " Planning Policy Statement 3 " Housing, " and Planning Policy Guidance Note No. 15 " Planning and the Historic Environment. "

3. AMENDMENT TO THE RESPARK ZONE

The property falls within Respark Zone R42, Moatside Court which is currently oversubscribed. As the development would place unacceptable pressure on the zone, it is considered that the property should be removed from the zone under the Road Traffic Regulation Act 1984, and the legal cost of amending the Traffic Order shall be covered by the applicant.

4. LISTED BUILDING CONSENT

You are advised that some of the works would appear to require listed building consent under separate legislation. You must not commence work on the development in advance of obtaining this consent from the Local Planning Authority, and the development must be carried out strictly in accordance with the approved plans and the terms and conditions of the Listed Building consent.

5. REPLACEMENT TREE/SHRUB INFORMATION

The Landscape Officer advises that the replacement tree/shrub could be a Sorbus aucuparia 'Sheerwater Seedling,' Betula pendula 'Fastigiata' and/or Cotoneaster 'Cornubia.'

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