

## COMMITTEE REPORT

**Committee:** West/Centre Area

**Ward:** Micklegate

**Date:** 19 March 2009

**Parish:** Micklegate Planning Panel

**Reference:** 05/00048/FUL

**Application at:** All Saints Church North Street York

**For:** Erection of three dwellings to replace existing church hall, erection of extension to vestry, installation of lockable gates at two locations in All Saints Lane

**By:** The PCC Of All Saints Church

**Application Type:** Full Application

**Target Date:** 16 March 2005

### 1.0 PROPOSAL

1.1 All Saints Church Hall North Street comprises a low-rise brick built Victorian Structure in some significant disrepair adjacent to All Saints Cottages (Grade II Starred) and All Saints Church (Grade 1) Listed Buildings and occupying a significant location within the Historic Core Conservation Area. Conservation Area Consent has been sought for demolition under 05/0097/CAC reported elsewhere on this agenda. Planning permission has been sought for erection of three dwellings; two lockable gates a vestry extension to the Church and a Community Room. The scheme has been amended to deal with concerns in respect of design and flood mitigation, in particular a glazed link previously envisaged between the proposed Community Room and the Church itself has been deleted from the proposal. The application has also recently been amended to tackle concerns regarding the residential amenity of the occupiers of 33 North Street lying behind the proposed Community Room with flat above lowering the roof ridge height and creating a solid brick wall to the rear of the proposed bin store.

### 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

Fluvial Flooding Flooding Areas 0234

Listed Buildings Grade 0; 0521

## 2.2 Policies:

CYGP15  
Protection from flooding

CYGP4A  
Sustainability

CYC1  
Criteria for community facilities

CYGP1  
Design

CYGP3  
Planning against crime

CYH4A  
Housing Windfalls

CYHE2  
Development in historic locations

CYHE3  
Conservation Areas

## **3.0 CONSULTATIONS**

### INTERNAL

3.1 The City Council's Drainage Consultancy raise no objection to the proposal.

3.2 Environmental Protection Unit raise no objection to the proposal.

3.3 Highway Network Management raise no objection in principle to the scheme but express concern in respect of the proposed gating of All Saints Lane.

3.4 Urban Design, Conservation and Sustainable Development raise no objection to the proposal as amended.

### EXTERNAL

3.5 North Yorkshire Police Architectural Liaison Officer raises no objection to the proposal.

3.6 British Waterways raise no objection to the proposal.

3.7 Yorkshire Water Services raise no objection to the proposal.

3.8 English Heritage raises no objection to the proposal.

3.9 York Civic Trust object to the proposal on the grounds that the proposed new dwellings would in their opinion appear sub-urban and perfunctory in terms of their design.

3.10 The Environment Agency raise no objection to the scheme as amended.

3.11 Micklegate Planning Panel raise no objection to the proposal.

3.12 Two letters of objection have been received in respect of the proposal on the grounds that gating of All Saints Lane would unfairly deny access to a section of the "Snickleways" and at the same time would materially detract from the character and appearance of the Conservation Area. Concern is also expressed in relation to the impact of the proposal on the residential amenity of 33 North Street by virtue of overshadowing from the rear elevation of the proposal together with the proximity of the proposed bin leading to a loss of privacy. A further letter of objection has been received in respect of the impact of the revised scheme on the residential amenity of No 33 North Street. This expresses concern in respect of the loss of natural light to the rear patio area of No 33 North Street and loss of privacy arising from the second floor accommodation to be constructed above the proposed Community Room.

## **4.0 APPRAISAL**

### **4.1 KEY CONSIDERATIONS**

- \_ Impact of the proposal upon the level of flood risk in the vicinity;
- \_ Impact of the design of the proposal on the character and appearance of the Conservation Area and the setting of adjacent Listed Buildings;
- \_ Impact of the proposed gating of All Saints Lane on the usage of the "Snickleways" and the level of crime and disorder in the vicinity;
- \_ Impact of the proposal upon the residential amenity of 33 North Street;
- \_ Impact of the proposal upon buried archaeology in the area.
- \_ The sustainability of the proposed new development.

### **FLOOD RISK**

4.2 Policy GP15a) of the York Development Control Local Plan sets a firm policy framework requiring the successful management of floodrisk with minimal environmental effect in relation to new development in flood prone areas. The current proposal has been subject to a flood risk assessment and flood defences designed to mitigate against a 1 in a 100 year flooding event lie adjacent to North Street. The scheme has been further amended to incorporate integral floodgates, ground floors of concrete construction and location of service points above the Environment Agency's recommended datum. The Environment Agency has recommended the raising of floor levels by 225mm above existing ground level and

the creation of a designated flood escape route. The intended floor levels have already been raised by the required amount and the proposed measures would be appropriate to minimise risk to the occupiers of the proposed development and those adjoining. The terms of Policy GP15a) would thus be complied with.

## CONSERVATION AREA/SETTING OF LISTED BUILDINGS

4.3 Policies HE2 and HE3 of the York Development Control Local Plan set a firm policy framework for the preservation and enhancement of the setting of Listed Buildings and the character and appearance of Conservation Areas. The current proposal lies within the Historic Core Conservation Area as well as the setting of All Saints Church and All Saints Cottages, Listed Buildings. The proposal as amended envisages the erection of a community meeting room with a one bedroom flat above, together with 2no. two storey dwellings and a partially open yard for cycle and bin storage in between. The existing church hall is not felt to be of sufficient architectural merit within the Conservation Area to justify its retention when balanced against the economic viability of refurbishment. The massing and proposed roofscape would follow that of the adjacent All Saints Cottages, a series of two-storey timber framed properties dating from the 15th century. The palette of materials chosen, red/orange rustic mix clay facing brick, white render, clay plain tiles and softwood joinery whilst not used in the direct vicinity are characteristic of recent developments in the wider vicinity. The design has been developed as being subtle and unchallenging in view of the sensitive location of the property. The design of the western most of the proposed dwellings pays reference to All Saints Cottages in terms of its massing and roofscape but precise imitation has deliberately been avoided. The design of the proposed Vestry extension in coursed Magnesian limestone ashlar with a patent glazed and timber link to the early 20th century shuttered concrete "Anchor Hold" would preserve and enhance the Conservation Area. In terms of Listed Building Control the work would fall within the remit of Church Faculty Jurisdiction and no LBC application has been submitted as a consequence. On balance the proposal would preserve and enhance the character and appearance of the Conservation Area together with the setting of the adjacent Listed Buildings in compliance with Policies HE2 and HE3 of the York Development Control Local Plan.

## IMPACT OF THE PROPOSED GATING OF ALL SAINTS LANE

4.4 Policy GP3 of the York Development Control Local Plan sets a firm policy requirement for new development proposals to incorporate a range of crime prevention measures where appropriate to do so. The proposal lies within an area identified by North Yorkshire Police as being at significant risk of drug related crime and anti-social behaviour. The churchyard is regularly cleared of drug taking paraphernalia's a consequence the erection of two 1.8 metre high wrought iron gates has across All Saints Lane has been specified as part of the proposal. The gate would be opened between the hours of 10am and dusk each day with the occupiers of the new properties having key controlled access outside of these times. This reflects the practise in respect of the "Snickleways" surrounding Little Stonegate and Grape Lane, which have also previously experienced problems of anti-social behaviour. There is some evidence in the form of well-defined gate piers and hinges of the Lane having previously been gated. The applicant has established the Lane to be substantively within the churchyard of All Saints, on that basis it would be

possible for the church authorities to arrange for its gating without recourse to the usual procedures within the Highway/Planning Acts. In view of the sensitive location of the property it would be appropriate to require the further submission and approval of the details of the proposed gates and railings as a condition attached to any permission. More indirectly the introduction of a further residential use into the area would introduce an element of " passive surveillance" to further deter crime and anti-social behaviour in the vicinity.

## IMPACT OF THE PROPOSAL ON THE RESIDENTIAL AMENITY OF 33 NORTH STREET

4.5 Policy GP1 of the York Development Control Local Plan sets a firm policy presumption in favour of new developments which respect or enhance the local environment, are of a scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials and ensure that residents living nearby are not unduly affected by overlooking, overshadowing or dominated by overbearing structures. The current proposal envisages demolition of the existing Church Hall which is in considerable disrepair and of only modest importance in relation to the character and appearance of the Conservation Area and its replacement with 2no. two storey brick and render built dwellings together with a two storey community meeting room with flat over. As initially submitted the proposal had an awkward physical and visual relationship with the rear yard and living room windows of No 33 North Street and the Old Vicarage. The proposal has been amended to remove the previous gap between the bin/cycle storage yard associated with the two dwellings and the rear garden area of No 33. The boundary would now comprise a solid brick wall with the same broad appearance of the existing rear wall of the Church Hall, but some 0.35 metres higher. There would be some impact upon the level of daylight and sunlight entering the rear upper floor window of No 33 however that impact would not be materially different from that existing. In terms of loss of privacy there are no windows proposed on the elevation facing into the rear patio area and there would be not material benefit arising from the reduction of the accommodation from two to a single storey.

## IMPACT OF THE PROPOSAL ON BURIED ARCHAEOLOGY

4.6 Policy HE10 of the York Development Control Local Plan sets a firm policy framework supporting new built development within the City Centre Area of Archaeological Importance where a field evaluation has been undertaken and the applicant has been able to demonstrate that less than 5% of any archaeological deposits will be disturbed or destroyed. An archaeological evaluation was undertaken in 2004 at the site which revealed the presence of Medieval deposits including burials. Subject to the implementation of appropriate mitigation measures including shallow raft foundations, the archaeological excavation of necessary ground disturbances and the obtaining of a Home Office Licence to excavate any burials then the development would be acceptable in archaeological terms.

## THE SUSTAINABILITY OF THE PROPOSED NEW DEVELOPMENT

4.7 Policy GP 4a) of the York Development Control Local Plan sets a firm policy framework requiring new built development to have due regard to the principles of Sustainable Development in their justification and design. These comprise the accessibility of the site by means other than the car, the contribution of the development towards meeting the wider social needs of the community, the contribution of the development to maintaining the vitality and viability of the City's economy, the maintenance of high standards of design within the City area, the recycling of materials previously used within the existing building and the provision within the development for users to themselves recycle. The proposal would be readily accessible to services and employment centres within the City Centre and surrounding on foot, by bicycle and public transport. The long standing aspiration to enhance the range of residential accommodation available within the City Centre would be further underwritten by the proposal with more consequent usage of local services and a reduction of the levels of crime and anti-social behaviour currently characteristic of the area. A palette of materials characteristic of development within the area would be utilised in the new work and the materials utilised in the existing property would be re-used in the new work wherever possible. The terms of Policy GP4a) would thus be complied with in relation to the proposal.

## **5.0 CONCLUSION**

5.1 All Saints Church Hall comprises a single storey brick and render built structure in poor structural repair and of only modest townscape importance in relation to the wider street scene. It lies within the Historic Core Conservation Area and the setting of All Saints North Street and All Saints Cottages, Listed Buildings. The proposal envisages its demolition and replacement with a development comprising the erection of 2no. two storey dwellings together with a two-storey community room with flat above. Wrought iron double gates would also be erected at both ends of All Saints Lane to restrict access in hours of darkness due to high levels of crime and anti-social behaviour in the area. The scheme has been extensively amended to accommodate concerns in respect of its design, impact upon residential amenity and treatment of floodrisk. Associated with the proposal are alterations to the Church vestry which are subject to Church Faculty jurisdiction. On balance, the development would not adversely impact upon the wide range of constraints impacting upon the site and would preserve and enhance the character and appearance of the Conservation Area.

## **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:-

Drawing Ref: 1240/03 Rev J. Date Stamped 02/02/2009

or any plans or details subsequently agreed in writing by the Local Planning Authority as 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 VISQ8 Samples of exterior materials to be app

4 The site shall be developed with separate systems of drainage for foul and surface water on site.

Reason:

In the interests of satisfactory and sustainable drainage.

5 No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works have been submitted to and approved in writing by the local planning authority.

Reason:

To ensure that the development may be properly drained.

6 Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason:

To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.

7 The development hereby authorised shall be erected in strict accordance with the flood proofing works outlined in the applicants letter dated 21st October 2008 and stamped as received on 24th October 2008.

Reason:

To minimise the risk of flooding and to secure compliance with Policy GP15a of the York Development Control Local Plan.

8 Notwithstanding the details approved under condition 7 a written specification identifying a safe route into and out of the site in the event of flooding shall be submitted to and approved in writing by the Local Planning Authority before work on site commences, and be kept free and available for use thenceforth.

Reason:

To minimise the risk from flooding of the site and to secure compliance with Policy GP 15a) of the York Development Control Local Plan.

9 ARCH1 Archaeological programme required

10 ARCH2 Watching brief required

11 ARCH3 Foundation design required

12 Notwithstanding the application details hereby approved 1:20 drawings of the external elevations and sections of the development showing the articulation of the building envelope at wall and window positions shall be submitted to and approved in writing by the Local Planning Authority before work on site commences.

Reason:

To safeguard the visual amenity of the street scene and to secure compliance with Policies HE2 and HE3 of the York Development Control Local Plan.

13 Notwithstanding the application details hereby approved 1:5 drawings of the following items illustrating them in context shall be submitted to and approved in writing by the Local Planning Authority before work on site commences:

i) Verges;

ii) Eaves Details;

iii) Window details (inc details of window openings ie lintels, cills and reveals showing any set backs).

iv) Doors (inc details of door openings ie lintels, thresholds).

Reason:

To Safeguard the visual amenity of the street scene and to secure compliance with York Development Control Local Plan Policies HE2 and HE3.

14 Notwithstanding the application details hereby approved full details of the proposed gates, railings and boundary walls including materials, colours and fine detailing shall be submitted to and approved in writing by the Local Planning Authority before work on site commences. Work shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason:

To safeguard the visual amenity of the street scene and to secure compliance with Policies HE2 and HE3 of the York Development Control Local Plan.

15 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 and shrubs together with details of hard landscaping which shall include the re-use of existing York Stone paving flags. 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 in order to preserve and enhance the character and amenity of the conservation area in accordance with policy HE2 of the Development Control local plan.



16 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, D, G and H; of Schedule 2 Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenities of the adjoining residents, impact upon the character and appearance of the Conservation Area and the setting of All Saints Church and All Saints Cottages Listed Buildings, 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.

## **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 No 33 North Street, impact upon the character and appearance of the Historic Core Conservation Area, impact upon the setting of All Saints Church North Street and All Saints Cottages Listed Buildings, impact upon the level of flood risk affecting prospective residents and others living in the area, impact upon buried archaeology at the site and impact upon the level of crime and anti-social behaviour within the locality. As such the proposal complies with Policies GP1, GP3, GP4a, GP15a) HE2, HE3 and HE10 of the City of York Local Plan Deposit Draft.

### **2. DEMOLITION AND CONSTRUCTION**

i) 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.

ii) 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".

iii) 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.

iv) 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.

v) 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.

vi) There shall be no bonfires on site.

### 3. ARCHAEOLOGY

The foundations for the built development hereby authorised must consist of a shallow raft. The site must be excavated archaeologically to the formation levels for the raft, any service connections and the re-profiled All Saints Lane. Permission must be given by the Diocesan authorities and the Home Office to excavate, study and rebury any human burials from the site and to build over any burials which will remain in-situ below the formation levels described above.

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