

COMMITTEE REPORT

Committee: West/Centre Area
Date: 13 May 2010

Ward: Micklegate
Parish: Micklegate Planning Panel

Reference: 10/00538/FUL
Application at: The Heads House 1 Love Lane York YO24 1FE
For: Erection of 1no. detached dwelling house (resubmission)
By: The Mount School
Application Type: Full Application
Target Date: 18 May 2010
Recommendation: Approve

1.0 PROPOSAL

1.1 The Head's 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 edge of the Historic Core Conservation Area off Tadcaster Road. The proposal envisages the erection of a four bedroom "eco-house" partially within the landscaped garden area 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 the properties in St Aubyn's Place. The current application represents a revised re-submission of an earlier proposal withdrawn after concerns were expressed in relation to the submitted drainage information.

1.2 Councillor Dave Merrett has requested that the application be called in to Committee for determination in view of serious concerns relating to the access to the development from Love Lane and the relationship of the proposal to residential properties in St Aubyn's Place.

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:

CYGP1
Design

CYGP3
Planning against crime

CYGP4A
Sustainability

CYGP9
Landscaping

CYGP10
Subdivision of gardens and infill devt

CGP15A
Development and Flood Risk

3.0 CONSULTATIONS

INTERNAL:-

3.1 Highway Network Management raise no objection to the proposal;

3.2 Lifelong, Learning and Leisure raise no objection to the proposal subject to the payment of a commuted sum in lieu of on-site open space provision;

3.3 Structures and Drainage Consultancy raise continuing concerns with regard to the capacity of the proposed surface water drainage scheme to cope with volumes of water likely to arise.

3.4 Design, Conservation and Sustainable Development raise no objection to the proposal subject to the foundations being designed in order to minimise impact upon the root system of adjoining mature trees.

EXTERNAL:-

3.5 Micklegate Planning Panel were consulted with regard to the proposal on 6th April 2010. Views will be reported orally at the meeting;

3.6 North Yorkshire Police Architectural Liaison Officer raises no objection in principle to the proposal but draws attention to the significant existing problem of anti-social behaviour in Love Lane and the need to design the development to minimise its impact;

3.7 Five letters of representation have been submitted in respect of the proposal. The following is a summary of their contents:

- * Impact upon the setting of the Historic Core Conservation Area;
- * Loss of privacy to neighbouring properties;
- * Impact upon mature trees and landscaping;
- * Impact upon locally occurring bird species;

- * Traffic congestion on Love Lane;
- * Overbearing and over-dominant impact upon properties in St Aubyn's Place;
- * Lack of need for the proposal;
- * Precedent for the loss of other areas of open-space in the vicinity to housing;
- * Loss of a landscaped area donated to Mount School by Joseph Rowntree.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 Key Considerations include:

- * impact of the proposal upon the residential amenity of neighbouring properties;
- * suitability of the design in its context and in relation to the setting of the Conservation Area;
- * impact of the proposal on road users in Love Lane;
- * usage of sustainable materials and other features;
- * impact upon the level of anti-social behaviour taking place in Love Lane;
- * impact upon the existing mature landscaping within the site;
- * impact of the proposal upon the local pattern of surface water drainage.

IMPACT UPON RESIDENTIAL AMENITY:-

4.2 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. Planning application(ref:02/03711/FUL) has previously been refused for the construction of three town houses of conventional design, on the site on the grounds that their scale and massing would lead to an over-bearing impact upon properties in St Aubyn's Place. The massing and elevational treatment of the current proposal is substantially different with the roof form and elevational materials being 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.

4.3 In terms of loss of privacy and overlooking to adjoining properties the nearest property 20 St Aubyn's Place is some 33 metres distant. The principal living areas of the proposed property would be on the north eastern Love Lane frontage. Directly facing the properties in St Aubyn's Place would be the "solar room" which would be constructed in patent glazing. This forms an important sustainable feature of the scheme giving natural heat and light to the principal living rooms of the property. It is felt that this would not give rise to a significant issue of overlooking or loss of privacy to adjoining properties in St Aubyn's Place. Subject to the retention of the existing mature landscaping within the site and its suitable enhancement the terms of Policy GP1 would thus be complied with in relation to the development.

IMPACT UPON THE SETTING OF THE CONSERVATION AREA:-

4.4 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 current proposal lies 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 associated with the properties developed in the 19th Century and since along Tadcaster Road. The proposal would be constructed along the existing ridge line followed by Love Lane. However the proposed steeply sloping gabled roof form together with the use of traditional materials and soft landscaping would minimise its impact upon 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 ON ROAD USERS IN LOVE LANE:-

4.5 Love Lane comprises a single tack 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 giving access to Tadcaster Road and Holgate via a bridge over the railway. It is some 3 metres wide at its narrowest point. Concern has been expressed in respect of the implications for highway safety of constructing an additional house in place of one of the existing disused 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 manoeuvrability of traffic and additional traffic generation is not felt to be so material as to amount to a viable reason to refuse the proposal.

USAGE OF SUSTAINABLE MATERIALS AND OTHER FEATURES:-

4.6 Policy GP4a) of the York Development Control Local Plan sets a requirement for all new development to have 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 recently adopted Interim Policy Statement on Sustainable Design and Construction. This requires a minimum of Code 3 compliance with the Code for Sustainable Homes in relation to new residential development . The current proposal aims for compliance at a code 6 level(Carbon Neutral). The scheme incorporates the use of a solar room to maximise heat gain within the building, a grey water system to supply the toilets and washing machine, photovoltaic panels on the roof of the south elevation, light wells to reduce the need for artificial lighting, wood burning stoves and the use of locally sourced sustainable materials notably timber. Furthermore the design of the proposal cut into the sloping site using natural materials and zinc rainwater goods would go a significant way towards blending in with the surrounding landscape. The terms of Policy GP4a) and the associated Interim Policy Statement would thus be complied with in relation to the proposal.

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

4.7 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 includes 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 concentrated 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:-

4.8 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 suggest that this would be largely retained and reinforced in order to soften the impact of the proposal on the surrounding area. However the applicant has not supplied details of how the proposal would be constructed without damaging the existing mature landscaping and the method of construction would therefore need tight control in the event of an approval in order to prevent damage or loss of the existing mature landscaping of substantial townscape quality. Furthermore precise detail of the proposed landscaping has as yet not been forthcoming. There is a mixture of deciduous and non-deciduous planting in the surrounding area and the precise location of new and retained planting is of substantial importance in safeguarding the character of the site and securing the residential amenity of nearby properties. Detailed approval of these matters is therefore required in advance of any work being commenced on site.

IMPACT UPON THE LOCAL PATTERN OF SURFACE WATER DRAINAGE:-

4.9 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 arising from the site will be attenuated by means of a rainwater harvesting system connected to a cellular in-line attenuation tank which would control surface water run off to the agricultural rate up to and including a 1 in 100 year storm event with a 20% allowance for the impact of climate change. Concern continues to be expressed in relation to the capacity of the scheme to successfully attenuate the expected volumes of surface water. However with a modest amount of redesign this will be feasible. Subject to the precise detail of the scheme being approved by condition then the terms of Policy GP15a) would be complied with in relation to the development.

4.10 The need for the proposal, the status of the site as "gifted land" and a possible precedent in relation to other sites are not material considerations in relation to consideration of the proposal.

5.0 CONCLUSION

5.1 The proposal seeks to construct a four bedroom "eco" house within the garden area associated with the Head's House to the Mount School. Planning permission for a scheme to construct three town houses of conventional design has previously been refused on the site due to an overbearing and over dominant impact upon the properties in the adjacent St Aubyn's Place. The current proposal envisages a more subtle low key development incorporating a range of sustainable materials and technologies to achieve a rating of 6(carbon neutral) on the Code for Sustainable Homes. The scale and massing of the proposal utilising the existing site topography would have some impact upon nearby properties in St Aubyn's Place but are not thought to be such as to justify refusal of the proposal on those grounds. Concern has also been expressed in relation to the impact of the proposal on highway conditions in Love Lane . However any impact is not felt to be so material as to justify refusal as the level and distribution of traffic would not be any different from the current situation. In respect of the re-submitted scheme, detailed drainage principles have been established involving a rainwater harvesting system and a network of in-line attenuation tanks. This would secure the usual requirement to attenuate the rate of surface water run off at the agricultural rate in the event of up to a 1 in 100 year storm with a suitable allowance for climate change. Subject to appropriate conditions to safeguard the residential amenity of neighbouring properties the scheme is therefore appropriate and approval is therefore recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing No s: 1212.01; 1212.03 ; 1212.04 ; 1212.05 ; R-N2492_301 ; DO J-DO392 163 RO ; DO J-DO392 149 R1 ; DO J-D0392 122 RO. Date Stamped 22nd March 2010.

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 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.

5 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

Reason: In the interests of the visual amenities of the area.

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 the 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 this area.

7 No trenches, pipe runs for services or drains shall be sited within a 3 metre radius from the trunks of the trees 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 and 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 The development hereby authorised shall be undertaken in strict accordance with the submitted foul and surface water drainage scheme as outlined in drawing refs: DO J-D0392 163 Rev R0 and DO J-D0392 149 Rev R1 Date Stamped 22nd

March 2010, which shall be retained in use thereafter.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

11 Prior to the commencement of development a report demonstrating that the dwelling would comply with the Code for Sustainable Homes Level 3 assessment for the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in strict accordance with the approved report.

Reason: To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction.

12 Prior to the commencement of development, full details of a renewable energy strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include i) the dwelling's proposed renewable energy generation, which shall be at least 5% of total energy generation ii) measures to reduce energy demand iii) measures to reduce CO2 emissions to a level lower than required under Building Regulations Part L. The development shall then be carried out in accordance with the approved assessment.

Reason: To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction

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, suitability of the design in context in relation to the setting of the Conservation Area, impact on the safety and convenience of highway users in Love Lane, usage of sustainable construction materials and other features, impact upon the level of anti-social behaviour taking place in Love Lane, impact upon the existing mature landscaping within the site and impact of the proposal on the local pattern of surface water drainage. As such the proposal complies with Policies GP1 , GP3 , GP4a) , GP9 , GP10 and GP15a) of the City of York Development Control Local Plan.

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 the site.

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