

COMMITTEE REPORT

Committee: West/Centre Area
Date: 15 July 2010

Ward: Guildhall
Parish: Guildhall Planning Panel

Reference: 10/00016/OUT
Application at: 68 Bootham York YO30 7DF
For: Erection of 2no. dwellings with access from St Mary's following demolition of existing garage block
By: Mr A Woodland
Application Type: Outline Application
Target Date: 25 June 2010
Recommendation: Approve

1.0 PROPOSAL

1.1 Penn House, 68 Bootham comprises a substantial brick built Grade 11 Listed Early Victorian property used in conjunction with the directly adjacent 38 St Mary's to provide accommodation for Bootham School. The substantial brick boundary wall to the south west is separately Listed and the site as a whole lies within the Historic Core Conservation Area. Outline planning permission is sought for the construction of two one and a half storey mews type houses on the cleared site of a disused block of 8 garages with 6 parking spaces to the rear accessed from St Mary's. Details of access, layout, scale and following amendment appearance are submitted for approval at this stage.

1.2 Councillor Brian Watson has called the application in for determination by the Planning Committee in view of concerns in respect of the access to the site.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: Central Area 0002

2.2 Policies:

CYH4A
Housing Windfalls

CYHE2
Development in historic locations

CYHE3
Conservation Areas

CYL1C
Provision of New Open Space in Development

CYGP1
Design

CYGP4A
Sustainability

CGP15A
Development and Flood Risk

CYGP10
Subdivision of gardens and infill devt

3.0 CONSULTATIONS

INTERNAL:-

3.1 Highway Network Management raise no objection in principle to the proposal but express concern in respect of the impact of the loss of parking spaces on the local residents only parking scheme and the configuration of the access track leading to the site.

3.2 Design, Conservation and Sustainable Development raise no objection to the proposal subject to any permission being conditioned to require details of landscaping, external materials and large scale details of fenestration and rainwater goods being submitted for further approval.

3.3 Lifelong Learning and Leisure raise no objection to the proposal subject to a commuted payment being made in lieu of on site open space provision.

3.4 Structures and Drainage Engineering Consultancy object to the proposal on the grounds of insufficient information having been submitted with the application in relation to surface water drainage. Further information has been submitted subsequent to these comments being received , any further comments will be reported verbally at the meeting.

EXTERNAL:-

3.5 Guildhall Planning Panel raise no objection in principle to the proposal but express regret that more natural materials are not being utilised for the proposal.

3.6 York Conservation Areas Advisory Panel raise no objection to the proposal.

3.7 St Mary's Conservation Group object to the proposal on the grounds that the proposed development would not respect the architectural language or contextual scale of its surroundings. Concern is also expressed at the loss of much-needed parking spaces in an area of extreme pressure.

3.8 Four letters of objection have been received in respect of the proposal. The following is a summary of their contents:

- * Concern that the proposal would represent over development with a cramped relationship to the existing plot size;
- * Concern that the proposal would result in loss of outlook for surrounding properties;
- * Concern that the proposal would result in excessive pressure on the availability of parking places in the locality;
- * Concern that the proposal would result in excessive disruption and loss of amenity to local residents during the period of construction;
- * Concern that the proposal would have an adverse impact upon the amenity of adjoining properties;
- * Concern that the proposal would adversely impact upon restrictive covenants benefiting adjoining properties;
- * Concern at the massing, proportions and elevational materials of the proposed properties;
- * Concern at the impact of the proposal upon the character and appearance of the Conservation Area and the setting of Listed Buildings within the wider vicinity.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- Impact upon the character and appearance of the Historic Core Conservation Area;
- Impact upon the setting of adjacent Listed Buildings along the Bootham and St Mary's street frontages;
- Impact upon the residential amenity of neighbouring properties;
- Impact upon mature trees and landscaping fringing the site;
- Impact upon the safety and convenience of highway users using St Mary's and the rear access points to properties fronting on to Bootham;
- Impact upon the local pattern of surface water drainage;
- The presence of contamination within the site;

IMPACT UPON THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA:-

4.2 Policy HE3 of the York Development Control Local Plan sets a firm policy requirement that planning permission will only be forthcoming for development within the Conservation Area where there would be no adverse effect upon the character or appearance of the area. Applications for development in the Conservation Area will also only be considered if full design details are included. The current proposal envisages the erection of two small scale mews type dwellings on a back land site to

the rear of 68 Bootham and 37 St Mary's. The site is presently occupied by a block of disused garages. The surroundings comprise a densely developed area of Late Georgian/Early Victorian terraced housing with long gardens containing mature landscaping. Directly to the north of the site lies a recently constructed small scale garage/workshop building associated with the properties on the Bootham frontage. This is constructed in a light red brick with a slate roof. The proposed development would follow the same broad design principles with principle living areas facing into the site, a shallow pitched roof in Welsh slate and a massing and roof form that doesn't seek to compete with the properties surrounding the site. External amenity space for both properties whilst not substantial would be entirely consistent with similar inner urban developments. The scheme as envisaged would not amount to an over-development of the site. On balance it is felt that the scheme would fulfil the statutory test of preserving and enhancing the character and appearance of the Conservation Area and that the terms of Policy HE3 of the Draft Local Plan would therefore be complied with.

IMPACT UPON THE SETTING OF ADJACENT LISTED BUILDINGS:-

4.3 Policy HE2 of the York Development Control Local Plan sets a firm policy presumption that new development within the setting of Listed Buildings must respect adjacent buildings and their settings and have regard to local scale, proportion, detail and materials. The current proposal envisages a conjoined development of two 1 and 1/2 storey brick built properties set well back from the rear of the properties facing onto both Bootham and St Mary's. In terms of their scale and massing the proposed properties would fit closely with the existing garage block to the north associated with properties facing Bootham and would compare closely with the stable and coach house developments commonly associated with such sites. The suggested palette of materials in terms of brick colour, texture and detailing would appear somewhat different to the dark red, blue or buff of surrounding properties but the nature of views into and out of the site mean that no material harm would be engendered. The terms of Policy HE2 would thus be complied with and the setting of nearby Listed Buildings would be safeguarded.

IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES:-

4.4 Policy GP 1 of the York Development Control Local Plan sets a firm policy presumption in favour of new development which respects or enhances the local environment, is of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials and ensuring that residents living nearby are not unduly affected by noise disturbance, overlooking, overshadowing or dominated by overbearing structures. The proposal envisages the erection of a "mews" style development with the windows associated with principal living areas focussed into the yard area shared between the two properties. At ground floor level the boundary with the rear garden of 78 Bootham would be a 1.7 metre high brick wall with an art stone coping. There would be no issue of overlooking from the kitchen window of the more northerly of the two properties due to the relationship of the window to the boundary wall. There would be some potential for overlooking from the rear first floor windows of the more northerly property. It is recommended therefore that any permission be

conditioned to ensure that these windows are obscure glazed and non-opening. Concern has been expressed in terms of the potential loss of outlook for properties on Bootham and St Mary's arising from the proposal. The relationship of the proposal to nearby properties is however such that in direct views it would be blocked, by existing boundary walls, mature landscaping and the garage block to the north east. The terms of Policy GP 1 of the Draft Local Plan would thus be complied with.

IMPACT UPON EXISTING MATURE TREES AND LANDSCAPING FRINGING THE SITE:-

4.5 A significant characteristic of the visual amenity of the surrounding street scene is the preponderance of mature trees and other landscaping in surrounding gardens and adjacent to the York to Scarborough railway. A detailed tree report was submitted with the application. This clearly demonstrates that the proposal would not have an adverse impact upon the physical health or townscape significance of the surrounding trees. In order to further enhance the sylvan nature of the surroundings and to enable the development to blend in with its surroundings it is recommended that any approval be conditioned to require the submission of a detailed landscaping scheme for further approval.

IMPACT UPON THE SAFETY AND CONVENIENCE OF HIGHWAY USERS:-

4.6 The application site lies within a residents parking area presently under a significant degree of pressure. The applicant has confirmed that the existing garage block and associated parking are significantly under-utilised with places rented to staff and students who can easily be accommodated elsewhere within the school campus. There would be no implications for on-street parking arising from the current proposal. The proposed development would have a communal yard area and space directly adjacent for parking two cars. This is consistent with the parking standards for the inner urban area. Concern has been expressed in relation to the configuration of the access road to the application site and the rear garages serving the adjacent properties. The access track is bounded by the side wall of Constantine House St Marys and the rear boundary wall of Penn House, 68 Bootham. Both structures are of significant townscape importance and Listed in their own right. The track is some 2.6 metres wide for the 17 metre section approaching St Mary's. The track is wide enough, with sufficient visibility for the envisaged volume of pedestrian and vehicular traffic to access the site in safety without the need to demolish the rear boundary wall of Penn House to the north east with consequent adverse impacts upon the character and appearance of the Conservation Area.

IMPACT OF THE PROPOSAL UPON THE LOCAL PATTERN OF SURFACE WATER DRAINAGE:-

4.7 Policy GP15a) of the York Development Control Local Plan sets a firm policy requirement for new development to manage flood risk with minimum environmental effect ensuring that the site can be developed, serviced and occupied safely. Discharges should not exceed the capacity of the existing and proposed surface water drainage network and levels of run-off should always be less than the level of pre-development run-off. The application site lies entirely within Flood Zone 1 and the applicant has submitted detailed drainage information relating to the site

including the availability of a surface water sewer connection. Detailed design of the surface water drainage scheme is currently on-going and is the subject of a draft condition to be attached to any approval.

THE PRESENCE OF POSSIBLE CONTAMINATION WITHIN THE SITE:-

4.8 Concern has been expressed in relation to the possible presence of contamination on the site relating to previous activities that have taken place. The applicant has submitted a brief contamination assessment in view of the proposal being for residential development which is categorised as a potentially vulnerable use. This clearly indicates that the previous use of the site as a walled garden mean that it is unlikely to have been subject to significant or hazardous contamination.

RESTRICTIVE COVENANTS:-

4.9 Concerns have been expressed in respect of the relationship of the proposal to restrictive covenants governing rights of access to the rear of the properties facing Bootham. Such matters relating to private property rights are not material considerations in the determination of the current application.

5.0 CONCLUSION

5.1 Penn House, 68 Bootham comprises a substantial brick built Early Victorian Grade 11 Listed Property within the Historic Core Conservation Area. Outline Planning permission with only landscape details reserved is sought in respect of the erection of two conjoined "mews" style properties on the cleared site of an existing garage block to the rear of the site. The surrounding area is characterised by a series of Late Georgian/Early Victorian villas set within long well landscaped garden.

5.2 The current application site part of the detached former walled garden associated with 68 Bootham. The scheme envisages the erection of two conjoined 1 1/2 storey mews type properties in a mid-red brick with a reconstituted slate roof. A garage block constructed to a similar scale with a similar palette of materials lies directly to the north east. The scale, massing and design of the scheme would not give rise to an adverse impact upon the character or appearance of the Conservation Area or the setting of Listed Buildings surrounding the site. Adequate amenity space would be provided for the occupiers of both proposed properties and the scheme would have the nature of coach house or stable developments characteristic of such locations. The scheme would not represent over-development development of the site and any impact upon the residential amenity of neighbouring properties would be minimal. Any impact upon the availability of off-street parking in the area would similarly be minimal. On balance the scheme would preserve and enhance the Historic Core Conservation Area and approval is therefore recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 OUT1 Approval of Reserved Matters

2. OUT2. Landscaping

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

Drawing Refs: BSPH-130-P5 ; BSPH-133-P1; BSPH-131-P3 ; BSPH-132-P4 ; BSPH-141-P2. Date Stamped 7th January 2010.

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

4 VISQ8 Samples of exterior materials to be app

5 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

i All external doors and window types in the context of their openings at 1:20 and 1:5; Timber only shall be used;

ii Section through the eaves showing the position of roof lights and upper windows;

iii All rainwater goods including proposed material.

Reason: So that the Local Planning Authority may be satisfied with these details.

6 DRAIN1 Drainage details to be agreed

7 No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The Open space shall thereafter be provided in accordance with the approved scheme or the alternatives arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: In order to comply with the provisions of Policy L1c of the Development Control Local Plan which requires that all new housing sites make provision for the open space needs of future occupiers.

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £4,248

No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of

the local planning authority's enforcement powers in this regard.

- 8 Prior to the development commencing details of the cycle parking areas, including means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details , and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote the use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours

- 9 Prior to the development coming into use, all areas used by vehicles shall be surfaced, sealed and positively drained within the site, in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority.

Reason:- To prevent egress of water and loose material onto the public highway.

- 10 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 H; 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 and to safeguard the character and appearance of the Conservation Area 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.

- 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 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 character and appearance of the Historic Core Conservation Area; impact upon the setting of adjacent Listed Buildings; impact upon the residential amenity of neighbouring properties; impact upon mature trees and landscaping fringing the site; impact upon the safety and convenience of highway users; impact upon the local pattern of surface water drainage. As such the proposal complies with Policies H4a), HE2, HE3 ,L1c); GP1 ; GP4a) GP15a) GP10 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 site.

3. VEHICLE CROSSING WORKS:-

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980

(unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

4. RESIDENTS PARKING ORDER:-

The Highway Authority recommend that the site be removed from qualification for inclusion within the R12 Marygate Respark Zone. This will involve amendment to the Traffic Regulation Order and the costs incurred in making such an amendment shall be born by the applicant.

5. THE PARTY WALL ETC ACT 1996

The proposed development may involve works that are covered by the Party Wall etc Act 1996. An explanatory booklet about the Act is available from City Strategy at 9 St Leonard's Place or at :

<[http://www.communities.gov.uk/publications/planningand building/partywall](http://www.communities.gov.uk/publications/planningand%20building/partywall)>

Furthermore the grant of planning permission does not override the need to comply with other statutory provisions(for example the Building Regulations)neither does it override other private property rights(for example building on, under or over, or accessing land which is not within your ownership.)

Contact details:

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