

COMMITTEE REPORT

Date: 19 August 2010 **Ward:** Holgate
Team: West/Centre Area **Parish:** No Parish

Reference: 10/00646/FUL
Application at: 39 St Pauls Square York YO24 4BD
For: Erection of detached two-storey dwelling with front and rear dormer windows to side of 39 St Pauls Square
By: Mr And Mrs Gardiner
Application Type: Full Application
Target Date: 29 June 2010
Recommendation: Approve

1.0 PROPOSAL

1.1 The application site is approximately 429 square metres in size and is related to a group of service buildings to the rear of a large house (No.128) on Holgate Road. Currently used as a vegetable garden, the site has a frontage to the one way access road linking Holgate Road to St. Paul's Square.

1.2 Located to the south west of St. Paul's Square, the front boundary comprises a low brick retaining wall surmounted with original railings approximately 1 metre above pavement level. Immediately adjacent to the southern boundary is No.40 St. Pauls Square, a single storey dwelling converted from a former workshop. To the north, are a pair of Grade II listed 19th Century houses and on the western boundary, lies No.1 Enfield Crescent, a two storey dwelling converted from a 19th century coach house. The site lies within the Holgate Road / St. Paul's Square conservation area.

1.3 It is proposed to erect a two storey dwelling with accommodation in the roof, in line with the front elevation of No.39 St. Paul's Square. The existing front boundary walls and railings would be refurbished such that no vehicular access / off street parking would be provided.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: St Paul's Square / Holgate Road CONF

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

Schools GMS Constraints: St. Paul's CE Primary 0229

2.2 Policies:

CYGP4A Sustainability

CYGP15 Protection from flooding

CYT4 Cycle parking standards

CYH4A Housing Windfalls

CYH5A Residential density

CYL1C Provision of New Open Space in Development

CYGP1 Design

CYGP10 Subdivision of gardens and infill devt

CYHE2 Development in historic locations

3.0 CONSULTATIONS

INTERNAL

Design Conservation and Sustainable Development

3.1 It is agreed that a variety of design approaches could have been adopted, however, I am satisfied that in this revised form, and subject to any conditions which may be attached, the proposed dwelling reflects the character of houses in St. Paul's Square.

Highway Network Management

3.2 The proposal is to construct a new 6 bedroomed dwelling fronting St. Paul's Square. It is not proposed to provide any off-street parking for the property. Experience demonstrates that such a large property is likely to attract multiple car ownership. Due the size of the dwelling coupled with it's location it is not considered reasonable to expect that future residents will rely on non-car modes of transport.

3.3 Whilst it is accepted that CYC parking standards are to a maximum provision in line with national guidance contained in documents such as PPG13(Transport) it is considered that in the absence of any off street provision such parking demands will be displaced onto the adjacent public highway. Site visits have demonstrated that the local highway is already under pressure from on-street parking and this is exacerbated by the proximity to a local school.

3.4 Officers are of the opinion that such a displacement of parking onto the public highway will be detrimental to the free flow of traffic and safety of highway users and as such are recommending refusal of the application on these grounds.

Environmental Protection Unit

3.5 No objections. In relation to contaminated land, a contamination assessment has now been submitted which raises no issues. Due to the close proximity to other residential dwellings, recommend informatives relating to demolition and construction noise and dust.

Lifelong Learning and Culture

3.6 As there is no on site open space, commuted sums should be paid to the Council for amenity open space, play space and sports pitches.

York Consultancy (Drainage)

3.7 Object to original submission on the grounds of insufficient information. Comments awaited with respects to additional information received.

EXTERNAL

Conservation Areas Advisory Panel

3.8 The panel felt that a contemporary building on this site set back from the street and retaining the railings would be a more appropriate development on this site. The panel had strong objections to the dormer and felt that the scale of any new build should be no more than was proposed.

Publicity

3.9 Adjacent neighbours were consulted by letter and the application advertised by site and press notice. Consultations expired on 29 July 2010. Letters have been received from the St. Paul's Square Association and from the occupants of No. 39 and No.40 St. Paul's Square. The points raised can be summarised as follows:

- A level survey is required. The streetscape elevation is not accurate as No. 39 leans significantly
- Concern re proximity to gable of No.39
- St. Paul's Square has a history of poor ground conditions and No.39 has been piled to 12 metres. Concern re consequences on the structure of No.39 and No.40. Request desk top survey and engineering comments. Impact on basement and foundations particularly given that there is only a 1.2 metre gap to the gable wall of No.39 and No.40, which having previously been a single storey workshop, is thought to only have minimal foundations.
- Safe maintenance and access would be impossible with a 1.2 metre gap to the gable wall.
- Archaeological and ecological assessment required
- Drainage information required
- A six bed dwelling would increase pressure on the limited kerbside parking on the approach road and in the Square
- Concerned re the 1.8 metre high close boarded boundary fence

- The proximity and detail of the proposed building is significant as it immediately adjoins listed buildings and the scheme does not respond to this context.
- Should avoid the approach of imitating the design of existing houses in the Square and should be a more modest house.
- The gable end facing No.40 seems over fenestrated. The upper of the two large windows may result in overlooking of the courtyard of No.40.

3.10 A letter has also been received from the occupant of 1A Enfield Crescent (the property to the rear of the site) stating no objection in principle but concerned about future access.

4.0 APPRAISAL

4.1 The key issues are considered to be:

- principle of residential development
- sustainability
- impact on conservation area / setting of listed building
- highway safety
- residential amenity
- flood risk and drainage
- impact on local facilities

POLICY CONTEXT:

4.2 Relevant Central Government guidance is contained in the following documents:

Planning Policy Statement 1: Delivering Sustainable Development (PPS1) places sustainable development as the core principle underpinning planning. It seeks a spatial planning approach with high quality development through good and inclusive design and the efficient use of resources. It considers that design, which is inappropriate in its context and fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.

Planning Policy Statement 3: Housing (PPS3) was re-issued in June 2010 to accommodate two main changes: the exclusion of private residential gardens from the definition of previously developed land and the deletion of a national indicative density of 30 dwellings per hectare. The objectives of the document remain the same. That is, to make effective and efficient use of land and achieve high quality mixed housing that is suitably located.

Planning Policy Statement 5: Planning for the Historic Environment (PPS5) aims to conserve the historic environment and its heritage assets.

Planning Policy Statement 25: Development and Flood Risk (PPS25) aims to avoid inappropriate development in areas at risk of flooding and direct development away from areas at highest risk. It sets out a risk-based approach with the submission of flood risk assessments and a sequential approach for determining site suitability.

4.3 Local planning policies contained in City of York Draft Local Plan (incorporating 4th set of changes), which has been adopted for Development Control purposes, are outlined in section 2.2 and are material to the consideration of this application.

PRINCIPLE OF DEVELOPMENT

4.4 The site comprises the historic garden curtilage of a dwelling house that fronts onto Holgate Road. The site constituted brownfield land at the time the application was submitted, but the recent changes to PPS3 have removed private residential gardens from the definition of previously developed land. However, the garden to 126 Holgate Road is large, extending behind the rear of 40 St. Paul's Square, and has a frontage to the road linking Holgate Road with St. Paul's Square. The development would constitute infilling of an underused plot located within the urban area of the City, in a largely residential area and with good access to public transport routes and local facilities.

4.5 The density of development is considered to be acceptable and compatible with the surrounding area, taking into account the various site constraints of flood zones, protected trees, conservation area status, and residential amenity. As a result, it is considered that the principle of development of the site for one dwelling would be appropriate in terms of the aims of PPS1 and PPS3 and policy H4A and GP10 of the local plan.

SUSTAINABILITY

4.6 The application is supported by a sustainability assessment, albeit brief, which refers to the accessibility of the site and the intention to minimise pollution and the use of non renewable resources. The agent states that solar panels are to be considered as a renewable source of energy and conditions would be attached to the approval to ensure compliance with the requirements of the Council's Interim Planning Statement on Sustainable Design and Construction, which seeks dwellings to meet as a minimum Code for Sustainable Homes Level 3 and for a minimum of 5% of the energy demand for the development to be met through on site renewable generation for heat and/or electricity.

IMPACT ON CONSERVATION AREA

4.7 The application site is located in the St. Paul's Square / Holgate Road Conservation Area and is sited to the south west of the square. It is quite distinct in character from the formal square, instead related to a group of service buildings to the rear of the large house on Holgate Road. The service buildings, attractive boundary wall and railings and the relationship of the use to the main house are considered to make a positive contribution to the character of the conservation area. Due to the distinct character of the site, it is recognised that its development could have a significant impact on the surrounding area and consider that a high quality design and materials are essential, particularly as the character of the site is to be changed with a dwelling designed to be more reflective of the formality of the square. Policy HE2 of the local plan requires that within conservation areas development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.

4.8 The proposed dwelling has been designed to reflect the prevailing neo-classical style of the majority of the dwellings within the square. Officers consider the proposal, which has been revised since its original submission, to be a significant improvement as it neither defers to, nor dominates the scale of its neighbours. The eaves and ridge height now correspond more closely to those of the neighbouring property and the articulation of the front elevation reflects the rhythm of both the neighbouring pair of dwellings and the prevailing pattern in the square. The existing front boundary wall and railings would remain, which is welcomed. Some rebuilding of the wall would be necessary as the wall is in parts in poor condition and adaptations would be necessary to accommodate the new pedestrian entrance. Details of the front boundary would be the subject of a planning condition.

4.9 The Conservation Officer has raised concerns with respects to the detailed design of the windows, which appear rather flat and uninteresting, and with the corbelled brackets at either end of the gutters, which are uncharacteristic of the prevailing style in the square. It is considered that these issues can be addressed through the imposition of planning conditions.

HIGHWAY SAFETY

4.10 The proposed 6 bedroomed dwelling would have no off street parking, instead a proposed garden shed would provide storage for up to 4 No. cycles which is in accordance with policy T4 of the local plan. Officers in Highways Network Management are concerned that such a large property would attract multiple car ownership, which, with the sites location, would be unlikely to lead to future residents relying on non-car modes of transport. The Highways Officer therefore objects to the application on the basis that in the absence of any off-street parking provision, parking demands would be displaced onto the adjacent public highway, which is already under pressure from on street parking, which in turn would be detrimental to the free flow of traffic and safety.

4.11 Although the applicant would be willing to provide a parking space to the southern side of the dwelling, it is considered that not only do the front boundary walls and railings contribute to the historic character of the street but that no other properties in the "formal" square incorporate frontage parking. This is considered to be a defining characteristic of this part of the conservation area, which the proposed development seeks to preserve. Off street parking is only found at sites which back onto the formal square. Whilst parking could be accommodated at the rear or at the side of the dwelling, this would involve a significant reduction in the floorspace of the dwelling, which would not necessarily be beneficial in townscape terms. The property could not be moved closer to No.39 St. Paul's Square and the resulting narrower, detached property would be considered to appear anomalous in the streetscene.

4.12 In considering the harm which would be caused to the character of the conservation area through the provision of off street parking, Officers have also considered whether a lack of off-street parking for such a large dwelling would be sufficient grounds to refuse the application. On balance, and given that the proposal relates to one dwelling in a sustainable location within the urban area, Officers consider it would be difficult to sustain an objection on these grounds.

RESIDENTIAL AMENITY

4.13 The proposed dwelling would be built 1.2 metres from the southern elevation of 39 St. Paul's Square, a Grade II listed semi detached Victorian property. There is one small window to the gable end of this property, set high up within the roof area, but due to the height of the window in relation to the roof pitch of the proposed dwelling, the reduction in both sunlight and daylight to this window would be minimal. Due to the orientation of the properties and to the fact that the rear elevation of the proposed dwelling aligns with the main rear elevation of No.39 St.Paul's Square, there is no significant impact on the potential daylight and sunlight enjoyed by its occupants.

4.14 With reference to the distance to the gable wall of 39 St. Paul's Square and concerns with respects to the consequences of the build on the structure of No.39 and on No.40, the applicant has confirmed that due to ground conditions, the proposed building would use either a raft foundation or a piled/ring beam solution. Both methods are less disruptive in the ground than conventional strip foundations. All ground works remain subject to control by the Building Regulations, work method statements, conditions surveys of adjacent properties and party wall agreements.

4.15 No. 40 St. Paul's Square, a single storey converted coach house, lies on the southern boundary of the application site. With the exception of two rooflights, no windows overlook the application site. Furthermore, a cross section drawing has been submitted to illustrate that the staircase landing windows of the proposed dwelling would not overlook the courtyard of No.40. No.1 Enfield Crescent comprises a two storey converted coach house on the western boundary of the application site. This property, which would be sited approximately 14 metres from the two storey element of the rear elevation of the proposed dwelling, has a half glazed door feature and window at ground floor and a single window at first floor, all of which, by agreement with the owners are obscure glazed and would remain so. Rights of access to allow maintenance of 1 Enfield Crescent would be a private matter.

4.16 In terms of its impact on residential amenity the proposal is considered to accord with the requirements of policy GP1 which states that development proposals will be expected to ensure that residents living nearby are not unduly affected by overlooking, overshadowing or dominated by overbearing structures.

FLOOD RISK AND DRAINAGE

4.17 The development is in low risk Flood Zone 1 and should not suffer from river flooding. With reference to the impact of the proposal on the existing drainage systems, additional information has been requested. It is anticipated that this information, together with comments from Council's Drainage Engineer, will be available at the meeting.

IMPACT ON LOCAL FACILITIES

4.18 The site would be able to access the existing local facilities that are within easy walking distance. As the application is for only one dwelling, in accordance with policy ED4 and the SPG 'Developer Contributions to Education Facilities' there is no

requirement for a contribution towards education facilities in the area. Under policy L1c there would be a requirement for either the provision off-site or a financial contribution in lieu of the provision of public open space on-site. A financial contribution of £3,888 is required for five bedroomed dwellings, which the applicant has confirmed they would meet through condition.

5.0 CONCLUSION

5.1 The proposal is considered to comply with Central Government guidance in Planning Policy Statement (PPS) 1: Delivering Sustainable Development, PPS3: Housing, PPS5: Planning for the Historic Environment and PPS25: Development and Flood Risk and policies GP1, GP4A, GP10, GP15A, HE2, HE11, T4, H4A, H5A and L1C of the City of York Development Control Local Plan.

5.2 This recommendation is on the basis of the receipt of satisfactory information in relation to drainage.

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 and other submitted details:-

Dwg Y81:783.14A (site plan & sections) dated 9 July 2010

Dwg Y81:783.13A (plans & elevations) dated 9 July 2010

Dwg Y81:783.15A (details) dated 9 July 2010

Dwg No: 604-01 (proposed drainage layout) dated 25 June 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 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 £3,888.

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.

4 ARCH2 Watching brief required

5 The development hereby approved shall be constructed to at least Level 3* of Code for Sustainable Homes (CSH) standard. A formal Post Construction stage assessment, by a licensed CSH assessor, shall be carried out and a formal Post Construction stage certificate shall be submitted to the Local Planning Authority (LPA) prior to occupation of the building. Should the development fail to achieve level 3* of the Code a report shall be submitted for the written approval of the LPA demonstrating what remedial measures shall be undertaken to achieve Level 3 of the code. The remedial measures shall then be undertaken within a timescale to be approved in writing by the LPA.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and the Interim Planning Statement 'Sustainable Design and Construction'

6 No building work shall take place until details have been submitted and approved in writing by the Local Planning Authority, to demonstrate how the development will provide 5% of the predicted energy requirements from on-site renewable resources. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the Local Planning Authority. The approved scheme shall be implemented before first occupation of the development.

Reason: To ensure that the development is sustainable and accords with Policy GP4a of the Draft City of York Local Plan and the City of York Interim Planning Statement on Sustainable Design and Construction.

7 NOISE7 Restricted hours of construction

8 Cycle parking provision in accordance with the approved plans must be provided before the use commences and thereafter retained for the use of the occupants of, and their visitors to, the development hereby approved.

Reason: To comply with the Local Planning Authority's parking standards and to maintain and promote cycle usage.

9 VISQ8 Samples of exterior materials to be app

10 VISQ7 Sample panel ext materials to be approv

11 Full details of the rooflights, including the leadwork, 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. The rooflights shall be set flush with the roof covering.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the character and appearance of the conservation area.

12 Notwithstanding the submitted details of the front boundary treatment, full details of the works to the existing wall, copings and railings 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.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the character and appearance of the conservation area.

13 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 1:10 drawings of gateposts, gate and sections of abutting railings
- ii 1:10 sectional drawings through mid point of doorcase to front door indicating cornice, fanlight, frame and door
- iii Notwithstanding Dwg No: Y81:783.15A, 1:10 section and elevation drawings of windows and dormers, including sills, cornices and window head detail
- iv Notwithstanding the proposed guttering/corbelled brick brackets to front elevation, revised elevations and sections for guttering at 1:10 scale.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the character and appearance of the conservation area.

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:

- principle of the development;
- sustainability
- impact on conservation area
- affect on residential amenity;
- highway safety;
- flood risk and drainage

-impact on local facilities

As such, the proposal complies with Central Government guidance in Planning Policy Statement (PPS) 1: Delivering Sustainable Development, PPS3: Housing, PPS5: Planning for the Historic Environment and PPS25: Development and Flood Risk and policies GP1, GP4A, GP10, GP15A, HE2, HE11, T4, H4A, H5A and L1C of the City of York Development Control Local Plan.

2. DEMOLITION AND CONSTRUCTION

The developer's attention should be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be followed, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(i) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS5228: 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".

(ii) 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.

(iii) 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.

(iv) 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.

(v) There shall be no bonfires on the site

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