

## COMMITTEE REPORT

**Date:** 20 October 2011      **Ward:** Micklegate  
**Team:** Major                      and **Parish:** Micklegate      Planning  
Commercial Team                      Panel

**Reference:** 11/02372/FUL  
**Application at:** Cygnet Inn Cygnet Street York YO23 1AG  
**For:** Erection of 2no. two storey houses and 4no. three storey houses with associated parking following demolition of existing public house (revised scheme)  
**By:** Mrs Suzanne Shaw  
**Application Type:** Full Application  
**Target Date:** 3 November 2011  
**Recommendation:** Refuse

### 1.0 PROPOSAL

1.1 The application is a variation of an approved scheme to demolish the public house onsite and develop a terrace a 5 houses. This scheme proposes a 6th house (shown as plot 1 on drawing SPD 01F) at the northwest end of the terrace.

1.2 Apart from to the north, where there is a grassed area, the site is surrounded by 2-storey houses along St Benedict Road and Cygnet Street. There are examples of 3-storey housing in the nearby area, along Dove Street and Cygnet Street to the west, and the flats to the north/northeast of the site.

1.3 The application has been called in by Cllr Fraser, so that committee members can consider the impact of the additional unit proposed on surrounding residents.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006  
Schools GMS Constraints: Scarcroft Primary 0220

2.2 Policies:

CYL1B Loss of local leisure facilities  
CYGP1 Design  
CYH4A Housing Windfalls  
CYL1C Provision of New Open Space in Development  
CYED4 Developer contributions towards Educational facilities

### **3.0 CONSULTATIONS**

#### HIGHWAY NETWORK MANAGEMENT

##### 3.1 Officers raise the following issues -

- The car parking space for plot 1 would not be large enough. 2.4m by 4.8 is the required size for a space whereas the proposed space would only be 4.4m long. The arrangement would lead to a parked car overhanging the footpath.
- It is recommended the areas to be used for car parking spaces are of a single robust material which would not deteriorate due to vehicle use. It is suggested the areas are block paving.

#### LANDSCAPE OFFICER

3.2 With regards the landscaping scheme shown officers advise Holly and Robinia would not be a suitable species. Suggested alternatives include Pyrus calleryana 'Chanticleer', Sorbus 'Cardinal Royal' or S. 'Sheerwater Seedling' and /or more of the Malus and Crataegus. If the scheme is approved officers recommend conditions to safeguard the existing ash tree and grassed areas, secure a suitable planting scheme, and ensure planting conditions will support successful establishment of new trees that will be critical to the amenity of the development /street.

#### ENVIRONMENTAL PROTECTION UNIT

3.3 No objection. Recommend informatives with regards demolition/construction works and in case unexpected contamination is found onsite.

#### LIFELONG LEARNING AND CULTURE

3.4 As there is no on site open space commuted sums should be paid to the Council for amenity open space and play space which would be used to improve a local site such as Scarcroft Green or Scarcroft Allotments and sports pitches which would be used to improve a facility within the South Zone of the Sport and Active Leisure Strategy.

#### POLICE ARCHITECTURAL LIASON OFFICER

3.5 No response on the revised scheme.

#### MICKLEGATE PLANNING PANEL

3.6 No response to date.

## PUBLICITY

3.7 No written representations have been made.

## 4.0 APPRAISAL

### 4.1 Key issues

- Principle of development
- Design and amenity
- Sustainability
- Highway network management
- Open space and Education provision
- Drainage
- Archaeology

## PRINCIPLE OF THE DEVELOPMENT

4.2 The previous planning approval (application 10/02755/FUL) established that development of the site for residential and the loss of the public house would not conflict with policy.

### Loss of community facility

4.3 Policy L1b of the Local Plan advises that permission will only be granted for the change of use of leisure facilities (including pubs) where; the it can be demonstrated that the facility is no longer needed; or there are alternative sites in the catchment area. The proposal is not contrary to L1b as there are alternative facilities nearby. Within 500m of the public house there are 6 other public houses and also the Guppy's Enterprise Club which is used by community groups. The building was sold to the applicants in 2009 as it was not profitable. The applicants have also been unable to make the business viable, which, while not definitive, indicates a lack of need for the facility.

### Residential development

4.4 Due to the location of the site, residential development would be consistent with national policy in PPS3: Housing which seeks to deliver housing in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure and Local Plan policy H4a which seeks to locate housing in sites within the urban area, and sites which have good accessibility to jobs, shops and services.

## DESIGN AND AMENITY

4.5 PPS3 advises that good design is fundamental to the development of high quality new housing, which contributes to the creation of sustainable, mixed communities. Reflecting policy in PPS1, it requires good design which will contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. LPA's are required to create places, streets and spaces which meet the needs of people, are visually attractive, safe, accessible, functional, inclusive, have their own distinctive identity and maintain and improve local character. Pertinent to this case it advises LPA's to deliver schemes which are; well laid out so that all the space is used efficiently, accessible and user-friendly, and well integrated with, and complementary to, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access.

4.6 Local Plan policy GP1 relates to design principles to be applied to all types of development. It states that development proposals must, respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with the surrounding area; avoid the loss of open spaces which contribute to the quality of the local environment; retain, enhance, or create urban spaces; provide and protect amenity space; provide space for waste storage; ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or overdominance.

4.7 The conservation area appraisal for the Central Historic Core proposes to extend the conservation area boundary, to include parts of Dale Street, Dove Street and Cygnet Street. The extension would include properties on the west side of Dove Street and those on the south side of Cygnet Street (NW of the site) due to the historic merit of some of the buildings in this area. The document is a material consideration; it will form part of the evidence base for York's Local Development Framework. National policy contained within PPS5 advises that the design of a development affecting the setting of a conservation area may play an important part in determining its impact. The contribution of setting to the historic significance of an asset can be sustained or enhanced if new buildings are carefully designed to respect their setting by virtue of their scale, proportion, height, massing, alignment and use of materials.

4.8 Officers consider the additional house at the northwest of the site proposed would over-develop the site. The end elevation of the proposed house at plot 1 would be around 8.6m from the front elevation of nos. 7 and 8 Cygnet Street. In particular for no.8 the proposed house would be over-bearing and over-dominant; main living room windows would be faced with a predominantly blank brick wall and outlook would be restricted. As such the scheme is deemed to be contrary to PPS3

and GP1; officers are of the view 5 dwellings would sit far more comfortably on the site. The applicants have previously drawn attention to 1-4 Taurus Court on Cygnet Street where the separation distance is similar. However this relates to the outlook from a new house, rather than the outlook from an existing house being compromised, but regardless each case must be determined on its own merits, and under present planning policy.

4.9 The other matters regarding design and amenity are all as per the previous scheme which were deemed to be acceptable; there would be no undue harm to the amenity of other surrounding houses.

## SUSTAINABILITY

4.10 York has an interim planning document which requires housing development of five or more homes to achieve a code for sustainable homes rating of 3 stars and provide at least 10% of its energy demand from on site renewable resources. Both measures can be secured by condition. The plans indicate panels will be added to the roof as means of gaining renewable energy.

## HIGHWAY NETWORK MANAGEMENT

4.11 The plans show additional pavements to the NE and NW of the application site outside the red line. The details of such will need to be agreed with highway network management and conditions are suggested to secure such. The plans have been amended so car parking spaces are now at least the minimum 2.4m by 4.8m and the surfacing to the car parking areas would be block paving. As such there are no objections on highway grounds.

## OPEN SPACE AND EDUCATION PROVISION

4.12 Policy L1c of the Local Plan states developments for all housing sites will be required to make provision for the open space needs of future occupiers. For sites of less than 10 dwellings a commuted sum payment will be required for off site provision. Policy ED4 states that in considering proposals for new residential development, any consequences for existing educational facilities will be assessed in accordance with the approved supplementary planning guidance. Where additional provision is necessary as a direct result of the proposal, developers shall be required to make a financial contribution toward the provision of such facilities. Similar guidance is included in policy C6.

4.13 There is a requirement to contribute towards open space in the area and education (£11,652.83), the latter toward a primary school space as there are no spaces within such schools in the catchment area. Previously the contribution toward open space was £8,556. This would increase by £1,172, to £9,728 due to

the extra 2-bed house, based on the August 2011 update. The previous permission was subject to a legal agreement which secured the contributions.

## DRAINAGE

4.14 Of the Local Plan Policy GP15a: Development and Flood Risk advises sustainable drainage schemes are encouraged. Otherwise discharge from new development should not exceed the capacity of receptors and water run-off should, in relation to existing run-off rates, be reduced. The site is all hardstanding. Soft planting areas and permeable surfaces are to be introduced that will reduce surface water run-off. No proposed levels have been supplied and it has not been demonstrated soakaways will work adequately or that surface water would not run-off onto adjacent land. As such a condition would be required to detail drainage proposals.

## ARCHAEOLOGY

4.15 The site is within the city centre area of archaeological importance as such HE10 is relevant. The policy seeks to preserve important archaeological remains. Accordingly a watching brief would be required on all groundworks.

## 5.0 CONCLUSION

5.1 Refusal is recommended as the additional house would lead to overdevelopment of the site. Subsequently there would be a harmful impact on the amenity of the occupants of 7/8 Cygnet Street. The proposal fails to comply with national policies PPS1, PPS3 and Local Plan policy GP1.

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Refuse

1 The proposed development would lead to overdevelopment of the site and have an undue impact on the amenity levels of surrounding occupants at 7 and 8 Cygnet Street. The proposed house on plot 1 would appear over-bearing and over-dominant and lead to a loss of outlook from the aforementioned dwellings.

The scheme would fail to deliver the type of housing required in PPS3: Housing (in particular paragraphs 12-17), and would be contrary to Local Plan policy GP1 which expects development proposals to be of a scale and mass that is compatible with neighbouring buildings and ensure that residents living nearby are not dominated by overbearing structures.

### 7.0 INFORMATIVES:

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