

COMMITTEE REPORT

Date: 6 March 2014 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
 Commercial Team

Reference: 13/03338/FUL
Application at: Monk Bar Garage Lord Mayors Walk York YO31 7HB
For: Erection of 2no. dwellings and garage block with 1no. residential flat following demolition of existing buildings
By: Mr and Mrs Plowman
Application Type: Full Application
Target Date: 17 December 2013
Recommendation: Approve

1.0 PROPOSAL

Application site

1.1 The site accommodates a group of single storey garages that are vacant. The garages sit towards the rear of the site, abutting the bank to the grade 1 listed City Walls. The site is within the Central Historic Core Conservation Area and the city centre as defined in the 2005 Development Control Local Plan (DCLP). It is at the end of a C19 terrace of commercial units to the east. The land to the west is landscaped and forms the bank/ditch to the City Walls.

Proposals

1.2 Planning permission is sought for a group of 3 dwellings.

1.3 One building would be a two-storey block which would accommodate one unit and storage for bikes and cars(x2); this would sit in the southeast corner of the site. The other two units would be within a building which would be adjacent to the street, they would be predominantly single story/part two storey. There would be areas of flat roof where there would be a rooftop garden, set behind the parapet wall. The houses would be of brick construction. The rectangular two-storey unit would have a slate roof, whilst the main building where 2-storey would have a curved roof, clad in slate coloured zinc.

1.4 The application has been called to committee by Councillor B Watson, to assess the impact on the historic setting.

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

Scheduled Ancient Monuments: SMR 13280 York Minster Precinct Inc. Section of City Walls

2.2 Policies:

CYGP1	Design
CYH1	Housing allocations
CYHE2	Development in historic locations
CYHE3	Conservation Areas
CYHE10	Archaeology
CYL1C	Provision of New Open Space in Development
CYGP4B	Air Quality

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development

3.1 The scheme has officer support. The existing buildings and hard-standing detract from important views and the setting of York's defining cultural assets - the city walls with the Minster beyond. The proposed new buildings (units 1 & 2) respond to this sensitive context by providing a transition between the blank gable of the existing C19th buildings and the landscape bank and ditch. The greater part of the development would move away from the city walls to respect the high significance of these important heritage assets and to enable their immediate setting to be greened. Proposals would improve the quality of the foreground to these assets, enhancing their setting and views (of the listed buildings) and thereby better revealing their significance.

3.2 Considering massing, materials, character and landscape, the proposals would have greater merit than the existing poor quality buildings and spaces of this neglected site. The street-scene would be enhanced as would the character and appearance of the conservation area in this location.

Environmental Protection Unit

Air quality

3.4 The application site is within City of York Council's AQMA and Gillygate/Lord Mayors Walk form one of the areas of 'technical breach', where exceedences of the annual mean nitrogen dioxide objective have been observed in recent years. As such it is recommended that living and bedroom windows facing the road are non-opening. The rooms would have mechanical ventilation, drawing clean air, from away from the road. This can be secured via a planning condition.

3.5 The plans indicate garage space for 2 cars to the rear of the development. In line with the NPPF and City of York Council's adopted Low Emission Strategy it is recommended that parking provision on-site should include facilities for recharging electric vehicles.

Noise

3.6 It is possible to condition the internal noise aspect of the development, so noise levels meet World Health Organisation standards. However, Officers' opinion is that noise predominantly from road traffic along Lord Mayor's Walk will cause serious annoyance to those trying to enjoy the proposed roof gardens. Where a development has a garden it is reasonable to expect that within this space that the occupiers are not subjected to serious annoyance from noise. Therefore the Environmental Protection Unit can not support this application as the proposed development will provide sub-standard accommodation.

Land contamination

3.7 The site has previously been used as a garage mechanics and properties within 50m have been used for various activities, including a Leather Goods Manufacturer, a Printers, a Blacksmiths and an Iron/Tin Workers. These past activities may have given rise to land contamination. It is asked that soil sampling is undertaken to ascertain whether the land is contaminated and whether remediation is necessary. This process can be dealt with through a planning condition.

Highway Network Management

3.8 Officers note that the existing hard-standing to the rear of 1-15 Lord Mayors Walk is currently adopted highway. There is no objection to extinguishing part of the highway which is required to enable the proposed development. The parking spaces in the area could still be accessed.

3.9 Officers asked for there to be two spaces and secure cycle parking in the garage, rather 3 car parking spaces. This has been addressed in the revised plans.

3.10 The res-park area is under stress and officers advise that future occupants of the proposed houses should not be eligible for permits.

Flood Risk Management

3.11 No objection. Ask for a condition to agree the site specific drainage details.

Public Realm officers

3.12 Ask for commuted sums to be made for amenity open space and play space which would be used to improve a local site such as Clarence Gardens, St Maurice's churchyard or Wigginton Road allotments and sports pitches - to improve a facility within the North or East Zone of the Sport and Active Leisure Strategy.

EXTERNAL

Conservation Areas Advisory Panel

3.13 The panel expressed a general preference that the site should not be developed. However, there was agreement that where this prominent site is to be developed it must demonstrate control in responding to context. The panel suggested that the proposal had significant potential. However, its success requires a rigorous resolution of the details picking up the rhythm of the adjacent terrace. The brick / window and eaves details are all critical and level of information originally submitted did not evidence sufficient control of these important details.

English Heritage

3.14 English Heritage's initial advice was that further information was required with regards windows on the front elevation, relationship with the ditch and bank of the City Walls, and clarity on the roof design and oriel window.

3.15 The revised details submitted address initial concerns. English Heritage considers the scheme meets policy requirements for new development in historic locations and support the proposals. It is noted that Scheduled Monument Consent would be required for the demolition of the buildings which abut the bank of the walls.

York Civic Trust

3.16 Consider that the present height and footprint of buildings on-site should not be exceeded. As recommended by the English Heritage topic paper on future development affecting the City Walls. The application constitutes an over-development of the site and because of its height and massing, would have a detrimental impact on the setting of the City Walls.

Publicity and Neighbour Notification

3.17 One comment in support of the application has been made. Residential development in the city is welcomed. The application site is currently in a state of neglect, the proposed development would significantly improve the outlook both from the walls, and from the street. The design looks interesting and the proposed development includes a lot of garden and roof garden which will bring a lot of greenery into the site. It's good to see proposals for residential accommodation in the city.

4.0 APPRAISAL

4.1 Key issues

- Principle of residential development of the site
- Impact on the setting and designated heritage assets
- Amenity of neighbours and future occupants of the proposed dwellings
- Open space requirements
- Highway network management

Principle of residential development of the site

4.2 Residential development of the site would be compliant with both national and local planning policy. The proposals would comply with the National Planning Policy Framework (NPPF) which seeks to boost significantly housing supply and advises there should be a presumption in favour of sustainable development. It specifically encourages the re-use of previously developed land (paragraph 111). In the 2005 Local Plan the site is allocated for housing. The site is classed as previously developed land in planning terms and is sustainably located within the urban area. As such the site is one where local policies also seek to steer new development.

4.3 The development would help meet an identified housing need, which is recommended in the NPPF. Houses are proposed, rather than flats, and the units would be 2 and 3 bed. The dwellings would be the type identified as being most in demand in the latest York strategic housing market assessment.

Impact on the setting and designated heritage assets

4.4 The site is within the Central Historic Core Conservation Area, it is next to the grade 1 listed City Walls. The Town and Country Planning Act regulations advise that in determining planning applications the Local Planning Authority should have special regard to the desirability of preserving any listed building and its setting, any features of special architectural or historic interest. It must also pay special attention to the desirability of preserving or enhancing the character and appearance of any

conservation area. According to the NPPF, there may only be harm to the character and appearance area where there is adequate justification.

4.5 CABE and English Heritage publication: Building in Context considers a successful approach will:

- Relate well to the geography and history of the place and the lie of the land
- Sit happily in the pattern of existing development and routes through and around it
- Respect important views
- Respect the scale of neighbouring buildings
- Use materials and building methods which are as high in quality as those used in existing buildings
- Create new views and juxtapositions which add to the variety and texture of the setting.

4.6 Local Plan policy GP1: Design and HE2: Development in Historic Locations require that development proposals respect or enhance the local environment; giving due consideration to materials, layout, scale, mass and design.

4.7 Design parameters for re-development of the site have been set out in the Central Historic Core Conservation Area Appraisal (Monkgate Character Area) and by English Heritage in their position paper on the walls 2011.

- The Central Historic Core conservation area appraisal suggests that development on-site is limited to single storey building of high quality to maintain the dominance of the walls and allow views over them towards the Minster.
- The English Heritage paper identifies alternative approaches; either to remove the buildings and reinstate the ditch and rampart (continuing the clearance of previous years); or to build on the existing footprint to a height below the top of the city walls.

4.8 The scheme would broadly comply with policy with regards design and has officer support in this respect. The proposals will meet policy requirements on development in conservation areas as the development would enhance the setting.

4.9 The design is contemporary and proposes high quality materials (including York hand-made bricks and slim metal framed windows). The materials, layout and massing are considered, so the development would respect the historic environment and setting of the grade 1 listed City Walls. The proposals have been revised since the original submission, adding clarity to the design and large scale drawings. The design has developed with guidance from officers and English Heritage, who are in support of the scheme also.

4.10 The layout and massing is considered to produce a scheme which would retain views through the site, of both the City Walls and Monk Bar. The two storey building would be on the footprint of the garage building it would replace. It would be some 800mm taller in maximum height, but the pitched roof form would move the massing away from the bank of the walls, making the walls more prominent.

Apart from the two living rooms the second building would be single storey. The building would only be 6m wide at first floor level. Distant views through the site, towards Monk Bar would be provided and the setting would be enhanced by moving the buildings away from the City Walls and its bank.

4.11 The development would be successful in maintaining the character of the street. The gradual step down to single storey means the massing does not appear out of place along the street, but sits comfortably with the terrace. Although this approach conflicts with recommendations in the CYC conservation area appraisal (for single storey development only) it results in a balanced scheme, which meets the English Heritage recommendation for new buildings to be lower in height than the walls. Officers are content that in this respect the dominance of the City Walls is reasonably maintained.

4.12 The building is almost forced to turn its back onto the street due to noise and poor air quality, but the variation in building line and the deeply recessed narrow windows will provide some interest, along with the oriel and clerestory windows at first floor level.

4.13 A significant amount of garden would be introduced, at ground level and on the flat roof. This would be an improvement to the setting, which would be apparent from public views, in particular from the walls.

4.14 Slate cannot be used on the street frontage building due to the required roof form. The metal roof proposed would be a similar colour to slate, and would add interest due to the domestic scale in which it would be set out. Otherwise the materials proposed would be a high quality and would respect the setting - slate and handmade brick.

Archaeology

4.15 The site is within the City Centre of Archaeological Importance. Conditions will be required to ensure that the development accords with Local Plan policy HE: 10 Archaeology. It will be required that a watching brief on groundworks be undertaken and that the foundation design does not damage over 5% of archaeology. All works affecting the City Walls require Scheduled Monument Consent from English Heritage, which includes the impact on archaeology.

Amenity for future occupants

4.16 The NPPF requires that developments always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

4.17 Three houses are proposed. There is parking for 2 cars and covered secure cycle storage for each dwelling.

Car parking standards in the Local Plan are maximums and given the sustainable location there is no policy objection to not having a space per unit. Alternatively it is deemed to be of more importance to promote sustainable modes of travel.

Requiring the cycle provision and charging points for electric vehicles would achieve such.

Noise

4.18 The NPPF advises that planning decisions should aim to avoid noise from giving rise to significant adverse effects, giving due consideration to national standards. A noise report has been provided which demonstrates that noise levels within the building can meet national (World Health Organisation) standards and this can be secured through a condition.

4.19 Environmental Protection Unit have concerns that there would be undue disturbance in the rooftop garden and therefore this should be omitted or the scheme should be refused on amenity grounds. There are considerable benefits from the design that has a flat roof with garden. This keeps the building low, thus provides views of the City Walls, the garden will be an attractive feature viewed both from the walls and the proposed dwellings, and would add biodiversity and ecological value. All are positive to the conservation area setting and it would be unlikely such a high quality scheme would be delivered at this site for an alternative use. The future occupants would have a choice as to whether they actually sat out in the garden. The proposed garden is an integral aspect of the scheme and its benefits are deemed to outweigh the noise issue raised by the Environmental Protection Unit.

Air Quality

4.20 Lord Mayors Walk is within the Air Quality Management Area. The NPPF advises that any new development in Air Quality Management Area's should be consistent with the local air quality plan. Local Plan policy GP4b requires that adequate mitigation will be required to limit public exposure to air pollutants.

4.21 The mitigation proposed in this case is that the development is orientated so living rooms do not face onto the road. There are bedroom windows on the road facing elevation. A condition can require that the windows serving these do not open and air of reasonable quality is provided mechanically.

Amenity of surrounding occupants

4.22 There is a retail premises next door to the proposed development with a single storey storage building to the rear. The upper floor window would be somewhat overlooked, indirectly from proposed upper floor windows and potentially from the roof terrace. As the upper floors on the existing building are currently only used as storage/ancillary offices the level of overlooking is not objected to.

Open space requirements

4.23 In accordance with Local Planning policy L1c a contribution towards open space would be required. The contribution would be £5,180.

Highway network management

4.24 The National Planning Policy Framework advises that developments should:

- Provide safe and suitable access to the site for all people and minimise conflicts between traffic and cyclists or pedestrians.
- Maximise sustainable transport modes and minimise the need to travel.
- Incorporate facilities for charging plug-in and other ultra-low emission vehicles.

4.25 Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

4.26 The proposals would meet the NPPF requirements; an electric vehicle charging point can be secured through a planning condition, as can secure cycle storage. The applicant will need to arrange to have part of the highway extinguished, to accommodate the development. This would be secured under a separate process to the planning application and is not material to the planning decision.

5.0 CONCLUSION

5.1 The site is designated for housing in the Local Plan, the proposed houses are of the type identified as being in most need in the city and will regenerate a vacant site which detracts from the conservation area. The scheme is compliant with the NPPF and Local Plan objectives with regards housing in this respect. The scheme is well considered and proposes high quality materials, the conservation area would be enhanced and there would be no undue effect with regards amenity and highway safety.

5.2 The site is owned by the City Council; financial contributions required towards open space provision (£5,180) and for Traffic Regulation Orders (£3,000) would be secured by Property Services at the time of sale and distributed accordingly.

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: - Drawings 1700 -
Floor plans 01A, 02A, 03A
Elevations 6A, 7A, 9A, 10A, 12A
Sections / Large scale details 05A, 06A, 14, 15, 16, 17, 18, 19, 20, 21
Landscaping scheme 1707-01

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

3 The materials used shall be as annotated on the approved drawings. Samples of the external materials to be used shall be approved in writing by the Local Planning Authority prior to the commencement of construction of the pertinent building. The development shall be carried out using the approved materials (samples to be provided on site for inspection).

Sample panels of the brickwork to be used on the buildings shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of construction of the pertinent building. The panel(s) shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location.

4 Large scale details and/or specifications as appropriate of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction and the works shall be carried out in accordance with the approved details.

- a) typical details of the framed external glazed and solid panels
- b) typical example of each window type (shown in the context of the reveal)
- c) windows which extend upwards to form the balustrade
- d) the oriel window
- e) external doors (shown in the context of the reveal)
- f) garage doors

- g) details of the setting out of the panels of the roof
- h) any vents, grills, or other protrusions through the walls or roofs

Reason: In the interests of visual amenity and the character and appearance of the conservation area.

5 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with these approved details.

Details to include:

- a) Peak surface water run-off from the proposed development, restricted to a maximum 7.5 lit/sec.
- b) Site specific details of the flow control device manhole limiting the surface water to the 7.5 lit/sec.
- c) Storage volume calculations, using computer modelling must be provided, and must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. The full range of modelling shall be provided.
- d) Site specific details of the storage facility to accommodate the 1:30 year storm and details of how and where the volume above the 1:30 year storm and up to the 1:100 year storm will be stored.
- e) Proposed ground and finished floor levels to Ordnance Datum shown on plans. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.
- f) Consent shall be sought from Yorkshire Water to connect additional foul and surface water into their sewers and their easement requirements.

Reason: To reduce flood risk, in accordance with Local Plan Policy GP15: Development and Flood Risk and paragraph 103 of the National Planning Policy Framework.

6 Unless otherwise agreed in writing by the Local Planning Authority, all windows to habitable living spaces (bedrooms and living spaces) facing Lord Mayors Walk, shall be non-opening. Mechanical ventilation shall be provided to

draw clean air from the rear of the building away from the roadside.

Prior to occupation of the development a maintenance schedule for the ventilation systems and clarification of the responsibility for running costs and maintenance works shall be approved by the Local Planning Authority and the development shall be carried out accordingly.

Reason: In accordance with Local Planning Policy GP4, to protect the health of future occupants as the site is within a designated air quality area.

7 The building envelope shall be constructed so as to achieve internal noise levels of 30 dB LAeq, 1hour and 45 dB LAMax between 23:00 and 07:00 in bedrooms and 35 dB LAeq, 1hour between 07:00 and 23:00 in all other habitable rooms. These noise levels are with windows shut and other means of ventilation provided. The detailed scheme shall be approved in writing by the local planning authority and fully implemented before the use hereby approved is occupied.

Reason: To protect the amenity of future occupants from noise

8 Prior to first occupation of the development hereby approved at least one electric vehicle charging point shall be provided within the garage.

Reason: to promote and facilitate the uptake of electric vehicles / scooters on the site in line with the Council's Low Emission Strategy (LES) and the National Planning Policy Framework (NPPF).

INFORMATIVE: Electric Vehicle Recharging Point means a free-standing waterproof recharging unit capable of charging two electric vehicles simultaneously with the capacity to charge at both 3kw (13A) and 7kw (32A) that has sufficient enabling cabling to upgrade that unit and to provide for an additional Electrical Vehicle Recharging Point.

For further information on how to comply with this condition please contact City of York Council's Low Emission Officer Derek McCreadie.

9 The area shown as cycle storage on drawing 01A (proposed ground floor plan) shall be provided prior to first occupation of the development and retained for such use at all times, unless otherwise agreed in writing by the Local Planning Authority.

The cycle parking shall be secure which means the provision of a lockable store for each unit, alternatively provision of a secure means of locking cycles within the space annotated on the plan.

Reason: To promote sustainable modes of transport in accordance with policies GP4a and T4 of the City of York Draft Local Plan and the National Planning Policy

Framework.

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, D and E of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: Due to the potential impact on heritage assets 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 The development shall not be occupied until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme (hard and soft measures) which shall illustrate the number, species, height and position of trees and shrubs to be planted. 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: In the interests of visual amenity and the appearance of the conservation area given the proximity of the site to the Grade 1 listed City Walls.

12 Details of any external lighting (type and location) shall be approved by the Local Planning Authority prior to their installation and installed in accordance with the agreed details.

Reason: To consider the impact of lighting on the conservation area setting and ecology, in accordance with paragraphs 109 and 126 of the NPPF.

13 ARCH1 Archaeological programme required

14 ARCH3 Foundation design required

15 Prior to the commencement of any works on the site, a detailed method statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include at least the following information;

- the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- where contractors will park
- where materials will be stored within the site
- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

16 HWAY 40 Dilapidation survey

7.0 INFORMATIVES: Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome: pre-application discussions involving English Heritage, provided design advice and sought revisions in order to make the scheme acceptable and through the use of planning conditions.

2. INFORMATIVE - Control of Pollution Act 1974

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