



Notice of meeting of

West & City Centre Area Planning Sub-Committee

To: Councillors Livesley (Chair), Bartlett (Vice-Chair),
Sue Galloway, Horton, Macdonald, Reid, Simpson-Laing,
Sunderland and B Watson

Date: Thursday, 19 April 2007

Time: 3.00 pm

Venue: The Guildhall, York

AGENDA

**Site visits for this meeting will commence at 11.00 am on
Tuesday 18th April 2007 at Memorial Gardens.**

1. Declarations of Interest

At this point Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

2. Exclusion of Press and Public

To consider excluding the public and press from the meeting during consideration of the annexes to agenda item 6 (Enforcement Cases Update) on the grounds that they contain information classed as exempt under paragraph 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006. This information, if disclosed to the public would reveal that the authority proposes to give, under any enactment, a notice under or by virtue of which requirements are imposed on a person or that the Authority proposes to make an order or directive under any enactment.

3. Minutes (Pages 3 - 22)

To approve and sign the minutes of the meeting of the West & City Centre Area Planning Sub-Committee held on 22nd March and 3rd April 2007.

4. Public Participation

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by 5pm the working day before the meeting. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

To register please contact the Democracy Officer for the meeting, on the details at the foot of this agenda.

5. Plans List

Members will consider a schedule of reports of the Assistant Director (Planning and Sustainable Development), relating to planning applications with an outline the proposals and relevant policy considerations and the views and advice of consultees and officers.

a) Royal Oak Inn, Goodramgate, York (07/00345/LBC) (Pages 23 - 26)

Removal of internal seating (Retrospective) [*Guildhall Ward*]

b) Temporary Moorings Museum Street York (07/00266/FUL) (Pages 27 - 42)

Proposed mooring of floating coffee bar with waiter serviced seated area on the river bank (April- September, inclusive) [*Guildhall Ward*]

c) St Benedict Court St Benedict Road York (07/00436/FUL) (Pages 43 - 54)

Erection of 8no. two and three storey town houses and associated works. [*Micklegate Ward*]

- d) Paventia House Moss Street York (07/00503/FUL)** (Pages 55 - 62)
Erection of temporary portakabin to side. *[Micklegate Ward]*
- e) Practical Car - Van Rental Tanners Moat York (06/02662/FULM)**
(Pages 63 - 76)
Six storey extension to existing building to create office development and three storey new build office block. *[Micklegate Ward]*
- f) The Veterinary Surgery Salisbury Road York (07/00181/FULM)**
(Pages 77 - 86)
Erection of 3 no. two storey dwellings with rooms in roof and a three storey block of 7 no. apartments after demolition of the existing buildings (resubmission) *[Holgate Ward]*
- g) Land Between 29b And 31 Beckfield Lane York (06/02519/FUL)**
(Pages 87 - 96)
Erection of 2 dwellings. *[Acomb Ward]*
- h) The Cross Keys 32 Tadcaster Road Dringhouses York (07/00460/FUL)** (Pages 97 - 102)
Timber canopy at rear of building in paved seating area. *[Dringhouses and Woodthorpe Ward]*
- i) The Cross Keys 32 Tadcaster Road Dringhouses York (07/00461/LBC)** (Pages 103 - 108)
Timber canopy at rear of building in paved seating area; Listed Building Consent. *[Dringhouses and Woodthorpe Ward]*
- j) OS Field 5186 (North of BT Depot) Askham Fields Lane Askham Bryan York (07/00122/FULM)** (Pages 109 - 118)
Reforming of land and use as an occasional 4x4 training course (resubmission) *[Rural West York Ward]*.

k) Millfield Works Millfield Lane Nether Poppleton York (07/00138/FULM) (Pages 119 - 126)

Erection of building comprising office and industrial units. *[Rural West York Ward]*

6. Enforcement Cases Update (Pages 127 - 220)

Members will consider a report which provides a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by the Sub-Committee.

7. Any other business which the Chair considers urgent under the Local Government Act 1972

Democracy Officer

Name: Tracy Wallis

Contact Details:

- Telephone (01904) 551027
- Email – tracy.wallis@york.gov.uk

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE**SITE VISITS****Tuesday 18th April 2007****The bus will depart from Memorial Gardens at 11.00**

TIME (Approx)	SITE	ITEM
11.15	Site Between 29b and 31 Beckfield Lane	g
11.45	OS Field 5186, North of BT Depot, Askham Fields Lane, Askham Bryan	j
12.15	The Cross Keys, Tadcaster Road	h & i
12.35	St Benedict Court, St Benedict Road	c
13.05	Practical Car and Van Rental Site, Tanners Moat	e
13.30	Temporary Moorings, The Esplanade, Museum Street	b

City of York Council

Minutes

MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	22 MARCH 2007
PRESENT	COUNCILLORS HORTON, BARTLETT (VICE-CHAIR), SUE GALLOWAY, LIVESLEY (CHAIR), MACDONALD, REID, SIMPSON-LAING, SUNDERLAND AND B WATSON

73. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Reason for Visit	Members Attended
14 Copmanthorpe Lane, Bishopthorpe, York	At the request of Councillor Livesley	Councillors Bartlett, Horton, Macdonald, Reid, Sunderland and B Watson
1 Tudor Road, York	At the request of Councillor Simpson-Laing	Councillors Livesley, Bartlett, Horton, Macdonald, Reid, Sunderland and B Watson
Acomb Hotel, Kingsway West, York	As the application is recommended for approval and objections have been received	Councillors Livesley, Bartlett, Horton, Macdonald, Reid, Sunderland and B Watson
46 Hobgate, York	As the application is recommended for approval and objections have been received	Councillors Livesley, Bartlett, Horton, Macdonald, Reid, Sunderland and B Watson
49 Blossom Street, York	As the application is recommended for approval and objections have been received	Councillors Livesley, Bartlett, Horton, Macdonald, Reid and B Watson
34 St Mary's, York	As the application is recommended for approval and objections have been received	Councillors Livesley, Bartlett, Horton, Macdonald and Reid

74. DECLARATIONS OF INTEREST

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda.

Councillor Livesley declared a personal prejudicial interest in agenda item 4a (14 Copmanthorpe Lane, York) as a friend of both the applicant and the objectors. He left the room, took no part in the discussion or decision on the item, and Councillor Bartlett took the Chair.

Councillor B Watson declared a personal non-prejudicial interest in agenda item 4e (Acomb Hotel, Kingsway West, York) as a member of the Elite Racing Club and abstained from the vote on the item.

Councillor Sunderland declared a personal prejudicial interest in agenda items 4f and 4g (34 St Mary's York) as a friend of the managing director of the firm making the application and some of the objectors. She left the room and took no part in the discussion or decisions on the items.

Councillor Simpson-Laing declared a personal prejudicial interest in agenda item 4h (1 Tudor Road, York) as she had advised the applicant on procedures. She left the room and took no part in the discussion or decision on the item.

Councillor Simpson-Laing declared a personal prejudicial interest in agenda item 4i (46 Hobgate, York) as she knew a neighbouring resident. She left the room and took no part in the discussion or decision on the item.

75. MINUTES

RESOLVED: That the minutes of the meetings of the West and City Centre Area Planning Sub-Committee held on 15 February 2007 and 27 February 2007 be approved and signed by the Chair as a correct record.

76. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme on general issues within the remit of the Sub-Committee.

77. PLANS LIST

Members considered a schedule of reports of the Assistant Director (Planning and Sustainable Development), relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views and advice of consultees and officers.

77a 14 Copmanthorpe Lane, Bishopthorpe, York (06/00697/FUL)

Members considered a full application, submitted by Mr and Mrs M Cross, for the erection of a detached dwelling

Representations were received in objection to the application, from a neighbouring resident.

Members expressed concern regarding the size of the proposed footprint on the site and the consequent lack of amenity space. They did not raise any objections regarding the design of the proposed building and therefore requested that this be removed from the reason for refusal put forward by officers.

Members also expressed the view that off-street parking should be provided for two cars.

RESOLVED: That the application be refused.

REASON: The proposed dwelling by virtue of its scale and mass is considered to be detrimental to the character and amenity of the local environment, the proposed dwelling would have a cramped appearance on this site and when seen in context with the surrounding buildings resulting in overdevelopment of the site, and therefore is contrary to Policies GP1, H4a and GP10 of the City of York Development Control Local Plan (2005); and national planning guidance Planning Policy Statement 1 'Delivering Sustainable Development' and Planning Policy Statement 3 'Housing'.

77b 10 Hatters Close, Copmanthorpe, York (07/00162/FUL)

Members considered a full application, submitted by Mr P Hagues, for a two storey pitched roof side extension and single storey rear extension (resubmission).

RESOLVED: That the application be approved, subject to the conditions listed in the report.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference the residential amenity of the neighbours, the visual amenity of the dwelling and the locality. As such, the proposal complies with Policies H7 and GP1 of the City of York Development Control Local Plan (2005); national planning guidance contained in Planning Policy Statement 1 "Delivering Sustainable Development"; and supplementary design guidance contained in the City of York's "A guide to extensions and alterations to

private dwelling houses" and Guidelines 2, 3 and 4 of the extension and infill development guidelines in the Copmanthorpe Village Design Statement (2003).

77c 42 Neville Terrace, York (06/02557/FUL)

Members considered a full application, submitted by Mr and Mrs Martin, for a two storey pitched roof side extension and garage to rear, after demolition of outside WC.

Representations were received in objection to the application, from a neighbouring resident, and in support of the application, from the applicant's architect.

It was noted that agreement would need to be reached between the applicant and the owners of 76 Park Grove on issues covered by the Party Wall Act.

Some Members expressed concern regarding the alteration to the streetscape, in terms of removing the gap between Neville Terrace and Park Grove.

RESOLVED: That the application be approved, subject to the conditions listed in the report.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to visual and residential amenity. As such the proposal complies with Policies GP1 and H7 of the City of York Local Plan Deposit Draft.

77d 49 Blossom Street, York (06/02811/FUL)

Members considered a full application, submitted by Deniz Dogan, for the variation of condition 2 of planning permission 98/01664/FUL to extend opening hours from 1130-2300 Monday-Sunday to 1130-2400 Monday-Sunday.

RESOLVED: That the application be approved, subject to the condition listed in the report.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to amenity, crime and disorder and the character and appearance of the conservation area. As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies S6 and HE3 of the City of York Local Plan Deposit Draft.

77e Acomb Hotel, Kingsway West, York (07/00191/FUL)

Members considered a full application, submitted by Coral Estates Ltd., for a single storey flat roof extension to the front to provide a licensed betting shop (use class A2) (resubmission).

The case officer clarified that the letter of objection referred to in paragraph 3.3 of the report was from two residents.

Representations were received in support of the application, from the applicant's agent.

Members highlighted the need for covered cycle storage to be provided, as required by condition 5, and requested that an additional condition be included requiring the provision of secure bin storage.

Members expressed concern regarding the proposed opening hours and the impact of additional traffic and noise on residents. Some Members also expressed concern regarding the design of the proposed extension and its impact on the appearance of the existing building.

RESOLVED: That the application be approved, subject to the conditions listed in the report and the following additional condition:

- (i) Condition – “Before the commencement of the development details of secure bin and recycling facilities must be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: In the interest of the appearance of the area and to ensure that sufficient storage capacity is provided for recyclable materials.”

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to visual and residential amenity. As such the proposal complies with Policies GP1 of the City of York Development Control Draft Local Plan.

77f 34 St Mary's, York (06/01703/FUL)

Members considered a full application, submitted by Hogg Builders (York), for the erection of 7 no. apartments after demolition of the existing dwelling.

The case officer reported that two further letters of objection had been received and further comments from the Environment Agency, who did not object but had requested the inclusion of a standard surface run-off condition. He circulated photographs taken from the Alhambra Hotel, a sketch comparing the existing and proposed buildings, and a plan comparing the current and previous development schemes. He also

recommended the following amendments and additions to the conditions set out in the report:

- An amendment to the informative attached to condition 27 to reflect that the financial contribution for open space had been recalculated at £3,629;
- The replacement of conditions 10 & 11 with a new condition requiring the submission of a method statement for the tree protection measures for approval prior to development commencing;
- The addition of a condition requiring the layout of the development to be set out on site and agreed with the Local Planning Authority prior to development commencing;
- The addition of a condition requiring the scheme for the limitation of surface run-off to be submitted for approval.

Representations were received in objection to the application, on behalf of the St Mary's Conservation Group, relating to the site of the application, parking and sustainability, and in support of the application, from the applicant's agent. The Conservation Group also provided photograph boards of the area.

Members highlighted the need for appropriate measures to be put in place to protect the monkey puzzle tree. Some Members expressed concerns regarding the appearance of the proposed building, in terms of the entrance being at the rear and the number of windows in the rear elevation. Concerns were also expressed regarding the lack of evidence for sustainable design, the loss of garden for hard surface parking, the lack of on site amenity space, the removal of the privet hedge, the failure to meet Design for Life standards and the loss of the existing family home.

Members requested the following amended and additional conditions:

- The amendment of condition 9 (LAND1) to include hedges;
- The replacement of condition 25 (HT1) with a new condition requiring the height of the proposed building to be referenced to the ridge height of the adjacent buildings;
- An additional condition requiring to the details of the floorsurfacing of the car park to be submitted for approval;
- An additional condition requiring a photographic record of the site to be made before development commenced;
- An additional condition requiring a sample panel of materials to be submitted for approval.

With regards to the final condition above, Members requested that officers allow them the opportunity to comment on the sample panel of materials.

RESOLVED: That the application be approved, subject to the conditions listed in the report, with the following changes:

- a) The deletion of conditions 10 & 11 and their replacement with the following:

- (i) Condition – “Before the commencement of the development upon the site, including demolition, building operations, or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees and hedges shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing, phasing of works, site access during demolition/construction, type of construction machinery/vehicles to be used, (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles and storage of materials, location of marketing cabin; together with existing and proposed levels, where a change in surface material and/or levels are proposed within the canopy spread and likely root zone of a tree. All works shall be carried out in accordance with the agreed method statement.

Reason: To protect existing trees which are covered by a Tree Preservation Order and/or are considered to make a significant contribution to the amenity of this area.”

- b) The deletion of condition 25 and its replacement with the following:

- (i) Condition – “Notwithstanding the information contained in the approved plans, the overall ridge height of the approved development shall be a minimum of 0.79 metres and 0.65 metres below the ridge heights of the adjoining properties at 32 St Mary’s and 35 St Mary’s respectively, as indicated on Plan No. B00/05/B received 15 February 2007. In any case the overall ridge height of the approved development shall not exceed 24.25mA.O.D.

Reason: To ensure that the approved development does not have an adverse impact upon the character of the Conservation Area.

- c) The following amended conditions:

- (i) Condition 9 – “No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs and hedges to be planted/retained. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.”

- (ii) Condition 27 – “No development shall commence unless and until details of provision for public open space facilities or alternative

arrangements have been submitted to and approved on writing by the Local Planning Authority. The open space shall thereafter be provided in accordance with the approved scheme or the alternative arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: To comply with the provisions of Policy L1c of the City of York Draft Development Control Local Plan, incorporating the 4th set of changes (April 2005).

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 £3,629.”

d) The following additional conditions:

- (i) Condition – “Notwithstanding the information contained in the approved plans, prior to the commencement of works upon the site, the layout of the development shall be marked out on site, for inspection and subsequent agreement in writing by the Local Planning Authority. In addition, measures to ensure that markers identifying the layout remain in place at all times at agreed points throughout the construction works shall be agreed in writing with the Local Planning Authority.

Reason: To ensure that the approved development does not have an adverse impact upon the character of the Conservation Area.”

- (ii) Condition – “Before the commence of development upon the site, a detailed scheme for the provision and implementation of a surface water run-off limitation shall be submitted to and approved in writing by of the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

Reason: To prevent the increased risk of flooding.”

- (iii) Condition – “Before the commencement of works upon the site, the materials for the floorscaping of the car park and vehicle access shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance in the Conservation Area.”

- (iv) Condition – “A sample panel of the brickwork to be used on this building 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 building works. This panel 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.”

- (v) Condition – “Prior to the commencement of works upon the site, four copies of a photographic record illustrating the current site and its context shall be submitted to and agreed in writing by the Local Planning Authority. This record shall include: the main elevations of the existing dwelling upon the site, in its setting with adjoining buildings both on the street frontage and from the gardens to the rear; streetscene and detailed close-up photographs of the monkey puzzle tree and the ground areas around its base; and the treed setting in the existing garden. The photographs shall be dated and labelled with the location, and bound into an A4 folder.

Reason: To provide a photographic record illustrating the site and its context prior to the development being carried out.”

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance; in particular the character and appearance of the Conservation Area, the setting of adjoining listed buildings, and the amenities of adjoining occupants. As such the proposal complies with Policies H9 and E4 of the North Yorkshire County Structure Plan (Alteration No. 3 Adopted 1995), and Policies CYGP1, CYGP9, CYHE2, CYHE3, CYHE11, CYH4A, CYH5A, CYED4, and CYL1C of the City of York Development Control Local Plan Deposit Draft, incorporating the 4th set of changes (April 2005).

77g 34 St Mary's, York (06/01704/CAC)

Members considered an application for conservation area consent, submitted by Hogg Builders, for the demolition of a dwelling in the Conservation Area.

Members requested the addition of a condition requiring the protection of trees and hedges during the demolition process.

RESOLVED: That the application be approved, subject to the conditions listed in the report and the following additional condition:

- (i) Condition – “Before the commencement of the development upon the site, including demolition, building operations, or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees and hedges shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include

details and locations of protective fencing, phasing of works, site access during demolition/construction, type of construction machinery/vehicles to be used, (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles and storage of materials, location of marketing cabin; together with existing and proposed levels, where a change in surface material and/or levels are proposed within the canopy spread and likely root zone of a tree. All works shall be carried out in accordance with the agreed method statement.

Reason: To protect existing trees which are covered by a Tree Preservation Order and/or are considered to make a significant contribution to the amenity of this area.”

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the character and appearance of the conservation area, and the setting of adjoining Listed Buildings. As such the proposal complies with Policy E4 of the North Yorkshire County Council Structure Plan (Alteration No. 3 Adopted 1995) and Policies CYHE3, CYHE4 and CYHE5 of the City of York Development Control Local Plan, incorporating the 4th set of changes (April 2005).

77h 1 Tudor Road, York (07/00256/FUL)

Members considered a full application, submitted by Mr J A Glavina, for the erection of 1 no. detached dwelling (resubmission).

Representations were received in support of the application, from the applicant. He also circulated supporting written documentation and photographs to Members for consideration.

Members expressed concern that the proposed development was out of character with the area and that it would have a detrimental impact on neighbours' amenity.

RESOLVED: That the application be refused.

REASON: (i) It is considered that due to the scale and siting of the proposed dwelling and the resultant loss of garden space (of 1 Tudor Road) the proposed development, if approved, would lead to this prominent corner site appearing cramped and overdeveloped. The proposal would also appear incongruous and contrived when compared to the existing scale, pattern and form of development within Tudor Road and the surrounding streets. The erection of a new dwelling therefore constitutes an unacceptable form of development

on this plot of land as it would have a harmful impact upon the character and visual amenity of the local environment and is therefore considered contrary to design guidance in PPS1 (Delivering Sustainable Development) and policies GP1, GP10, H4a, L1c of the emerging City of York Draft Local Plan (incorporating the 4th set of changes) approved April 2005.

- (ii) The proposed house will be of such a size and scale as to impede upon the living conditions of adjacent neighbours due to the dominance of its occupation upon the site and proximity to the boundary with number 1 Tudor Road, 2 and 4 Stuart Road. Such a development would result in an un-neighbourly and overbearing feature which would also have an adverse impact upon the levels of light and privacy to their rear private gardens. Furthermore the proposed dwelling would further harm the residential amenity of the occupants of 1 Tudor Road by reason of additional noise and disturbance arising from the comings and goings of occupants and their cars if the scheme were amended to satisfy Highway requirements. As a consequence this proposal is considered contrary to design guidance in PPS1 (Delivering Sustainable Development) and to policies GP1, GP10 and H4a of the emerging City of York Draft Local Plan (incorporating the 4th set of changes) approved April 2005.

77i 46 Hobgate, York (07/00121/FUL)

Members considered a full application, submitted by Ian and Mary Macbeth, for the erection of a new dwelling after demolition of the existing one.

The case officer circulated copies of an additional letter of objection, plans on which the proposed building had been superimposed and plans showing the gable profiles of the proposed and adjacent properties. He reported that the dormer window on the front elevation of the proposed building, referred to in paragraph 4.6 and condition 11, had been deleted from the plans. He also circulated a sheet detailing the following amended and additional conditions:

- Deletion of condition 11 and its replacement with a condition requiring development to be in accordance with the approved plans;
- Amendment of condition 12, relating to the screening to rear balconies, requiring details, including height and materials, to be submitted for approval and then to be implemented and retained thereafter;
- Addition of a LAND1 condition, requiring details of landscaping to be submitted for approval;

- Addition of a condition removing Permitted Development Rights for alterations and extensions to the dwelling and its roof.

Representations were received in objection to the application, from a neighbouring resident, and in support of the application, from the applicant's agent.

Members highlighted the need to protect the pine trees at the rear of the site and were advised that this was covered by the deeds of the property.

RESOLVED: That the application be approved, subject to the conditions listed in the report, with the following changes:

a) The deletion of condition 11 and its replacement with the following:

- (i) Condition 11 – “The development hereby permitted shall be carried out only in accordance with the following plans:

MAC (D) 01 Rev A and 02 Rev B received 19 March 2007

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendments to the approved plans.

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

b) The amendment of condition 12 to read as follows:

- (i) Condition – “Further details of the screening to the rear balconies, including its height and details of proposed materials shall be submitted to and approved in writing by the Local Planning Authority and implemented and retained thereafter.

Reason: To protect the residential amenity of adjoining residents.”

c) The addition of the following conditions:

- (i) Condition – “No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.”

- (ii) Condition – “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 and D of Schedule 2 Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenities of the adjoining residents the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.”

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact upon the character and appearance of the locality and residential amenity. As such the proposal complies with Policy GP1 of the City of York Local Plan Deposit Draft.

COUNCILLOR D LIVESLEY
CHAIR

The meeting started at 3.00 pm and finished at 6.55 pm.

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MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	3 APRIL 2007
PRESENT	COUNCILLORS LIVESLEY (CHAIR), BARTLETT (VICE-CHAIR), SUE GALLOWAY (items b & c), HORTON, MACDONALD, SIMPSON-LAING, SUNDERLAND AND B WATSON
APOLOGIES	COUNCILLOR REID

78. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Reason for Visit	Members Attended
Acomb Branch Library, Front Street, York	As the application is recommended for approval and objections have been received	Councillors Livesley, Bartlett, Horton, Macdonald, Sunderland & B Watson
108 South Bank Avenue, York	As the application is recommended for approval and objections have been received	Councillors Livesley, Bartlett, Horton, Macdonald, Sunderland & B Watson
3 Percy's Lane, York	As the application is recommended for approval and objections have been received	Councillors Livesley, Bartlett, Horton, Macdonald, Sunderland & B Watson

79. DECLARATIONS OF INTEREST

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda.

No interests were declared.

80. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme on general issues within the remit of the Sub-Committee.

81. PLANS LIST

Members considered a schedule of reports of the Assistant Director (Planning and Sustainable Development), relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views and advice of consultees and officers.

81a Acomb Branch Library, Front Street, York (07/00320/GRG3)

Members considered a full application, submitted by Learning, Culture & Children's Services, for single storey front and side extensions and a wood pellet silo within a wooden enclosure.

The case officer reported that an additional letter had been received from a member of the public stating that they were not happy with the design of the canopy at the front of the building and that it would be an intrusion on the surrounding Georgian architecture.

The Environmental Protection Unit (EPU) had updated the officer and said that they did not have any concerns regarding the Clean Air Act or the wood pellet silo. They requested that an additional condition be added stating that delivery of fuel should only happen between 8am and 5pm Monday to Friday.

The applicant's representative attended to answer questions.

Members requested that the fascia boards to the side of the building and the letter box needed to be repaired. They also asked that a path be provided across the lawn to the main entrance.

Some Members expressed concerns with bringing the front of the building forward and the possible effect this would have on the conservation area.

Members requested an information note from the Assistant Director (Planning & Sustainable Development) to clarify delegations for applications for council owned properties.

RESOLVED: That the application be approved, subject to the conditions listed in the report and the following additional condition:

"Deliveries of fuel shall only be made between the hours of 08:00 and 17:00, Monday to Friday.

Reason: To protect the amenity of the nearby residents."

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference the residential amenity of the neighbours, the visual amenity of the building and the conservation area. As such, the proposal complies with Policies GP1, C1, HE2 and

HE3 of the City of York Development Control Local Plan (2005); national planning guidance contained in Planning Policy Guidance 15 "Planning and the Historic Environment".

81b 33 Main Street, Nether Poppleton, York (07/00359/FUL)

Members considered a full application, submitted by Mr and Mrs Edwards, for a single storey, pitched roof, side extension.

The case officer reported that Nether Poppleton Parish Council did not have any objection to the proposal. He also said that although part of the garden was in the conservation area then existing building and proposed extension were not.

RESOLVED: That the application be approved, subject to the conditions listed in the report.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the residential amenity of neighbours or the impact upon the streetscene. As such the proposal complies with Policies H7 and GP1 of the City of York Local Plan Deposit Draft.

81c 108 South Bank Avenue, York (06/02379/FUL)

Members considered a full application, submitted by Mr Donald Wilkie, for the conversion of a dwelling to 3 flats and a single storey rear extension.

Members asked for clarification of local plan policy H8 regarding the number of bedrooms required for conversion to flats. The Officer advised that the policy stated that a minimum of four bedrooms were required but it did not specify whether the property had to be built with four bedrooms or whether subsequent room conversions could be counted.

Members discussed policy H8 and decided that this would need to be revised/replaced in the light of the number of applications for conversion of former family homes as, in its present state, it did not act as a protection for family housing.

RESOLVED: That the application be approved, subject to the conditions listed in the report.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference the residential amenity of the neighbours, the visual amenity of the dwelling and the locality, and highway safety. As such,

the proposal complies with Policy H9 of the North Yorkshire County Structure Plan; Policies GP1, GP4, H4, H7, H8, T4, T13 and L1c of the City of York Draft Development Control Local Plan- Incorporating the Proposed 4th Set of Changes; national planning guidance contained in Planning Policy Statement 1 " Delivering Sustainable Development, No. 3 " Housing "; " and supplementary design guidance contained in the City of York's " A Guide to extensions and alterations to private dwelling houses. "

81d 3 Percy's Lane, York (06/02853/FULM)

Members considered a major full application, submitted by S Harrison Development Ltd., for the erection of a four storey student accommodation block comprising 9 studio apartments and 6 apartments, comprising 39 study bedrooms and ancillary accommodation, after the demolition of the existing building.

Representations were received in support of the application, from the applicant's agent, Chris Hale who addressed the Sub-Committee briefly stating that he was available to answer any questions Members had.

Members discussed various issues regarding the security of the building and agreed that it was adequate for the area. There were also discussions about the possible addition of railings to secure the undercroft. Some Members asked about the relief the scheme would afford to The Groves in terms of retaining enough properties for family use and the case officer said that the developer had come to an agreement with York St. John University regarding the letting of the new flats. Members noted the key importance of the pricing of the new accommodation.

Members expressed concern about how the Section 106 monies were to be spent and agreed that they should be spent on facilities/amenities within the Walmgate/Navigation Road area of the city with the preference toward it being spent on Space 109.

RESOLVED: That the application be approved, subject to the conditions listed in the report.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to:

- principle of the development
- impact on character and appearance of the conservation area
- affordable housing/occupancy
- impact on surrounding occupiers
- living conditions of future occupants
- open space provision
- parking and highway issues

- sustainability
- flood risk

As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies H4a, ED10, GP1, HE2, HE4, T4, L1c and GP6 of the City of York Local Plan Deposit Draft.

81e 3 Percy's Lane, York (06/02854/CAC)

Members considered an application for Conservation Area Consent, submitted by S Harrison Developments Ltd., for the demolition of a building in the Conservation Area.

RESOLVED: That the application be approved, subject to the condition listed in the report.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the condition listed, would not cause undue harm to interests of acknowledged importance, with particular reference to:

- architectural quality of building
- impact on character and appearance of the conservation area

As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policy HE5 of the City of York Local Plan Deposit Draft.

COUNCILLOR D LIVESLEY
CHAIR

The meeting started at 12.00 pm and finished at 1.10 pm.

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Guildhall
Date: 19th April 2007 **Parish:** Guildhall Planning Panel

Reference: 07/00345/LBC
Application at: Royal Oak Inn 18 Goodramgate York City Of York YO1 7LG
For: Removal of internal seating (Retrospective)
By: Darren Dickinson
Application Type: Listed Building Consent
Target Date: 23 April 2007

1.0 PROPOSAL

1.1 The application relates to the Royal Oak public house in Goodramgate. The building is grade II listed, of C15 origin. It was extended in the C18th and C19th and was subject to restoration in 1934. It was originally built as a house, then converted to a public house.

1.2 The application is retrospective and concerns the snug area, a room to the right hand side of the Goodramgate entrance. The seating in the snug, which the applicant maintains was installed in the 1970's, has been removed and replaced with tables and chairs. The Council's Urban Design and Conservation section requested the application after the removal of the furniture was reported to the Council's enforcement section by CAMRA (Campaign for Real Ale).

1.3 The application is brought to planning committee at the request of Councillor Brian Watson.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Central Historic Core
Listed building – grade II

2.2 Policies:

CYHE4 Listed Buildings

3.0 CONSULTATIONS

3.1 Internal

Urban Design and Conservation – Support the application. State that the applicant has been unable to provide conclusive evidence that the seating had little historic value to the interior. Although written representations from customers state that the seating was installed in the 1970's, if the seating resembles that used in the backroom, as suggested by the applicant, then it is likely to be of 1930's origin. However, the integral features of the snug room are unchanged and the other two

rooms retain larger areas of seating of a similar type and have retained a more integrated interior design. It is considered the sacrifice of the snug, to make the public house a more family friendly place, is justified.

3.2 External

Planning Panel - No objection.

CAMRA - Have made representation as they are concerned that the removed seating was in keeping with the overall historic interior of the public house. CAMRA inform that the Royal Oak is one of only 13 public houses in York which substantially retains its historic interior. Although a formal objection has not been made, it is clear that CAMRA would prefer that the historic interior of the public house be retained.

Publicity (expiry date for comment 28.3) - No written representations have been made.

4.0 APPRAISAL

Key issues

4.1 The key issues are whether the proposed works are justified (desirable or necessary) and whether the affect on the special historic interest of the building is acceptable.

Relevant policy

4.2 PPG15: Planning and the Historic Environment states that it is the role of the planning system to reconcile the need for economic growth with the need to protect the historic environment.

4.3 E4 of the North Yorkshire County Structure Plan states that buildings and areas of special historic interest shall be afforded the strictest protection.

4.4 Policy HE4 of the Draft Local Plan, which states that listed building consent will only be granted when there is no adverse effect on the character, appearance or setting of the building.

Justification

4.5 The applicant states that the snug room is used as a family and dining room, where children are permitted. The room is suited to this use; it is the only area where children are legally permitted as it is the only one without a bar service area. The previous arrangement was cramped and limited, so it could not accommodate facilities such as high chairs. Furthermore it was unpopular with locals who prefer to use the two larger seating areas.

4.6 The revised layout provides a larger, spacious dining area; the room is now popular with families and is booked out on a regular basis. The applicant's stress that the facility enhances the economic prosperity of the public house as food sales

now make up a significant percentage of trade, without which the public house would struggle to be viable.

Affect on the special historic interest of the building

4.7 The applicant maintains and has provided written evidence that the removed seating was installed in the 1970's. One supporting letter comes from a solicitor (who resides on Lord Mayor's Walk), whom has been cross-examined by Conservation officers, another from a Master Mason at York Minster Stone Yard. The applicant states the seating was pushed up to the walls and not fixed in any way. The age of the seating is contended by Urban Design and Conservation officers, see 3.1. However, given that officers have not actually had sight of the removed seating, there is no conclusive evidence of when it was constructed or installed, or whether it was of any special historic importance. Importantly, although Conservation officers are unsure of the origin of the seating, they do not object to its removal.

4.8 It can be argued that the public house, as altered, has changed in character. The room with the appearance of a dining room has replaced the traditional snug area. However, the traditional public house ambience is retained in the two larger bar servery rooms. It is therefore considered that although the loss of the snug is regrettable, the alteration is a balance between retaining historic elements of the building and allowing it to change over time to remain viable and cater to modern demands.

5.0 CONCLUSION

5.1 It is considered that the removal of the seating has provided an improved facility at the host premises which enhances its economic prosperity and appeals to a wider audience. Although the loss of the snug is regrettable, it is justified and the two main rooms of the public house adequately retain the historic character and interior of the building.

6.0 RECOMMENDATION: Approve

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 the special historic interest of the listed building. As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policy HE4 of the City of York Local Plan Deposit Draft.

Contact details:

Author: Jonathan Kenyon Development Control Officer
Tel No: 01904 551323

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Guildhall
Date: 19 April 2007 **Parish:** Guildhall Planning Panel

Reference: 07/00266/FUL
Application at: Temporary Moorings Museum Street York YO1 7DJ
For: Proposed mooring of floating coffee bar with waiter serviced seated area on the river bank (April- September, inclusive)
By: Mr Andrew Gill
Application Type: Full Application
Target Date: 24 April 2007

1.0 PROPOSAL

1.1 Councillor Brian Watson has requested that this application be referred to the West/ Centre Planning Sub- Committee for a determination given the sensitivity of the site, the impact on the area, and the conflict with visitor moorings.

1.2 This is a revised application for the proposed seasonal mooring of a floating coffee bar with a waiter-serviced area on the riverbank on Esplanade at the Museum Gardens, north west of Lendal Bridge. The floating cafe would be moored at the Council moorings on the River Ouse from April until September, operating from 0800-1800 provided the river conditions are acceptable. The proposed area on the embankment (50 squ. m) would be cordoned off with a demountable post and rail fence and would accommodate 10 tables and chairs that would be removed from the site at night. Similarly, it is intended that the vessel would be moored outside the city centre on a private mooring outside the proposed operating hours. The applicant has indicated that there would be no loss of mooring as boats can moor alongside the cafe boat and 1.5m platforms to either end of the boat would allow safe access to the riverbank. In the event of the moorings nearing capacity, private boaters would have priority, and the cafe would temporarily cease to trade. The applicant has also indicated in supporting information that 2 full time staff and 4 part- time staff would be employed, recycling litterbins would be provided and removed daily, there would be no delivery of supplies, and there would be no permanent structure, fixtures or fittings to the river bank.

1.2 The main revisions to the refused scheme are-

- a. The boat size has been reduced from 10.00m x 5.00m to 10.00m x 2.5m
- b. There would be no public access on to the boat or the lower bank
- c. The proposed operating hours have been reduced from 0700-2100 to 0800- 1800 (April to September).

1.3 The site lies in the Central Historic Core Conservation Area adjacent to the Museum Gardens which is a Grade II Garden of Special Historic Interest.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

2.2 Policies:

CYHE12
Historic parks and gardens

CYHE2
Development in historic locations

CYHE3
Conservation Areas

CYHE4
Listed Buildings

CYGP4
Environmental sustainability

CYGP15
Protection from flooding

CYV1
Criteria for visitor related devt

CYL4
Development adjacent to rivers

3.0 CONSULTATIONS

3.1 PUBLICITY DATES/ PERIODS

Neighbour Notification- Expires 20.3.2007

Site Notice- Expires 21.3.2007

Press Advert- Expires 28.3.2007

8 WEEK TARGET DATE 24.4.2007

3.2 INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT- Esplanade is not a public highway and there is no highway objection to the principle of the application provided the details of mooring and servicing the boat would be acceptable.

ENVIRONMENTAL PROTECTION UNIT- Consider that the opening hours should be reduced (1000-1600 hours) on Sundays and Bank Holidays to prevent loss of amenity for nearby residents.

URBAN DESIGN AND CONSERVATION- Advise that the character of this part of the conservation area is one of tranquillity and informal recreation in contrast to the markedly different character created by the commercial water-based activity on the staiths below Ouse Bridge. It is considered that the sale of food and drink adjacent to the Esplanade and the Museum Gardens would harm the informal recreational character of this part of the conservation area with an activity that would be more suited to the former harbour area. There are a number of planning applications in and around the southern part of the Museum Gardens, each of which alone may not be harmful but the character of the area could be harmed by cumulative changes. The proposed site on the riverbank lies in an area just beyond the Grade II registered Museum Gardens and would be likely to disrupt its visual relationship with the river corridor and harm the tranquillity of its southern boundaries.

PUBLIC RIGHTS OF WAY- Esplanade is a public right of way, not recorded as such on the Definitive Map, but accepted as such by the public at large. It would appear that the proposal would not affect the public right of way, and at no time should the operation obstruct the path. The Authority would be duty bound to remove and prevent any obstruction.

LIFELONG LEISURE AND LEARNING- Consider that the applicant has consulted with other river users and found broad support for the proposal, and given due consideration to other users of the boat/riverbank in the design and the use of the boat/ riverbank, especially its impact on visitor moorings. Proposal would accord with policy. The use of the riverbank would be subject to a licence from the Council and if problems arise with other boat users it would be possible to restrict or cancel the operation of the cafe through the necessary licence. There are no plans to progress with an application for additional moorings north of Scarborough Bridge due to the potential navigation difficulties that moorings in this area may cause.

PROPERTY SERVICES- Applicant is advised that the necessary lease agreement would be required from the Council and a trading licence may be required. A

mooring could not be reserved or guaranteed as this stretch of the river is used for 48 hour visitor moorings that are policed by British Waterways. There is little scope to increase this limited provision in the city. In line with the Scrutiny Board which looked into encouraging the use of the river, Property Services has a remit to support any furtherance of use of the river provided it meets the navigation requirements of British Waterways, complies with Environment Agency recommendations and all necessary consents/permissions are in place.

3.3 EXTERNAL CONSULTATIONS

GUILDHALL PLANNING PANEL- No objections subject to appropriate upgrading of the boat.

CAAP- Considered this to be the wrong site for the scheme and would change the nature of the Conservation Area. The panel felt that this impinged on one of the classic views of York.

ENVIRONMENT AGENCY- No objections subject to compliance with the submitted flood risk assessment.

BRITISH WATERWAYS- On the basis of the revisions that reduce the width of the boat and operational hours of the coffee bar, combined with increased manoeuvrability and agreement to move off the moorings if required by visiting boats, there are no objections to this proposal.

INLAND WATERWAYS ASSOCIATION- no objections provided the café owners place a notice on the river side of their pontoon clearly indicating that boaters be allowed to moor alongside. The application would be supported on this basis.

YORK ACCESS GROUP- No objections provided the tables are wheelchair accessible and seats not fixed. Would advise menus to be in large type, staff has disability training, and hearing loop would be beneficial.

YORK TOURISM BUREAU- Support this type of independent business that sets York apart from other cities, greater use of the river is encouraged, and anything that enhances visitor's enjoyment of this great asset is to be welcomed.

OTHER REPRESENTATIONS-

A representation has been received from the Helmsley Group on behalf of the Lendal Tower Partnerships application to extend the Engine House, resulting in the possible relocation of the public toilets. Would this use restrict or inhibit the relocation of the toilets, would their loss have an impact for the cafe, and would the applicant be expected to financially contribute to the possible relocation of the toilets?

1 other representation has been received that considers that the proposal would be a great asset to the river bank, compliment the lively boat- oriented atmosphere in that

part of York, there is a need for a communal cafe, cannot understand that there would be doubt in granting the application.

4.0 APPRAISAL

4.1 RELEVANT SITE HISTORY

06/00282/FUL Proposed mooring of floating temporary coffee bar and waiter serviced seated area on riverbank REFUSED 31.3.2006

4.2 ADDITIONAL PLANNING POLICY

Policy E4, North Yorkshire County Structure Plan

PPS 1 " Delivering Sustainable Development "

PPG15 " Planning and the Historic Environment "

PPS 25 " Development and Flood Risk "

4.3 KEY ISSUES

1. Planning background
2. Principle/ land and river use
3. Visual impact
4. Residential amenity
5. Refuse/ access
6. Impact on navigation
7. Flood risk

4.4 ASSESSMENT

1. PLANNING BACKGROUND

It is considered that this application relates to the physical works on the land that are associated with the floating cafe rather than the vessel itself. Therefore the design, dimensions and external treatment of the vessel are not considered in this application, as planning legislation does not cover them.

2. PRINCIPLE OF USE OF RIVER

4.5 In June 2003 a report was submitted to the Leisure Scrutiny Board's 'Making use of York's rivers and river banks - a report'. One of the recommendations of the report was 'that when planning permissions are considered for new development by rivers,

CYC ensure they will enhance the use of the river for all residents and visitors'. It was also stated that any developments around or on the rivers must minimise negative environmental impact and be expected to contribute to the protection and enhancement of the environment. One of the main thrusts of the report is the desirability of opening up the rivers and surrounding areas to the public, whilst preserving the environment and habitat and minimising disturbance to existing residents.

4.6 Policy L4 of the Development Control Local Plan relates to development adjacent to rivers and states that planning permission will only be granted where there is no loss to established interests, the use would complement existing recreational uses and the character of the area, the navigational capacity of the river would not be decreased, and existing walkways and cycleways along the riverbank are retained and where possible enhanced.

4.7 It would therefore appear that the principle of the proposal would be acceptable provided it would comply with all other relevant policies, and provided there is no harm to any other interests. The proposal would introduce a seasonal use, using the asset of the River Ouse to provide a tourist facility, if river conditions are suitable. It should also be noted that if Members wish to approve the application, the mooring of the river café cannot always be guaranteed. Although the Council own the moorings at this part of the river, they are reserved for visiting craft and are policed by British Waterways. The applicant would not be able to reserve a slot and thus there would be no guarantee that a mooring site would be available at all times. The applicant has advised that in such circumstances the river cafe would not operate.

4.8 It is considered that the proposed cafe on the embankment would not conflict with existing and proposed land uses in the area. There is a pending application at the Engine House that may result in the loss/ relocation of the nearby public toilets that could be used by any users of the floating cafe and sitting area. The proposal would not impede this development, and the provision/ need of toilets that may be required in association with this proposal is not a planning matter that has to be considered in the determination of this application.

3. VISUAL IMPACT

4.8 It would appear that the intended seating area on the riverbank would result in the loss of two benches and a former railed site for a tree that has now been felled. These alterations would interrupt the well-established tree line and quiet amenity area along this side of the riverbank. It is likely that lightweight chairs would be used and these tend to be more 'urban' in appearance than the more traditional wooden benches that exist along the riverside. It is unfortunate that the proposal would result in the loss of a bench. The seating/ dining area is likely to create additional activity, and with the physical features of furniture, guard rails, and signage would have a visual impact on the character of this part of the conservation area. In winter, this is a tranquil area of the river corridor, open in character, and distinct from the bustling, commercial riverbank closer to the city centre, especially to the other side of Lendal Bridge. However, in summer months this part of Esplande and the riverbank takes on a busier character. Visiting river craft uses the visitor moorings in the area,

Marygate Landing is used for river cruises, and there is a general increase in tourist activity along this part of the river close to Museum Gardens. Members should also note that there is a pending application for a new restaurant facility within buildings in the Museum Gardens close to the site. It is therefore considered on balance that this temporary seasonal proposal would not be at odds with the character of the area in summertime and would therefore accord with Policies L4b, HE2, HE3 and HE12 of the Local Plan, Policy E4 of the Structure Plan and related government guidance and policy that protects the special character of the area from any adverse effects from such developments.

4. RESIDENTIAL AMENITY

4.9 It is noted that the nearby Lendal Tower has being converted to residential use and noise emanating from the proposed coffee bar and associated seating could impact on the amenity of the occupants of this property. The revised plans now reduce the proposed operational hours and there would be no evening activity after 1800 hours. It is now intended that there would be no deliveries to the site. These revisions in operating hours and associated activity would reduce the potential for disturbance to summer daylight hours when this area is busier. The proposed use would therefore not add significantly to the level of noise or disturbance in the area and it is considered that there would be no adverse impact on the living conditions of the occupants of this property adjacent to this busy approach to the city centre. The proposed cafe operations would also have some impact on the adjacent visitor moorings that are well used in the summer months by houseboats/ cruisers who can moor for up to 48 hours. It is considered that the peaceful enjoyment of these visitors would be affected during operational hours but the main activity that would give rise to noise would take place on the riverbank where customers would be dining, coming and going from the cordoned area. In the evening this use would cease and the visiting craft would enjoy a quieter, peaceful environment. On balance it is considered that the proposal would not be severely harmful to surrounding residential uses.

5. REFUSE/ACCESS

4.10 This revised proposal indicates that there would be no deliveries to the floating cafe and that recycling litter bins would be provided on the site and would be removed daily. It is also intended that there would be no public access to the river boat. This part of Esplanade forms part of an adopted public right of way, York footpath (Guildhall) No. 13 known as Dame Judy Dench Walk. Although the width of the footpath varies along the riverbank, this proposal would appear to have no effect on the width of the public right of way.

6. IMPACT ON NAVIGATION

4.11 The applicant has addressed the previous concern about the impact of the vessel on the right of navigation in this section of the Ouse, which is used frequently by commercial craft, visiting craft, and rowing boats from the club opposite etc. The navigation authority, British Waterways, objected to the previous proposal as it would result in the loss of visitor mooring facilities, reducing the tourist and recreational potential of the river contrary to their remit to promote York as a river

destination by water. It was also considered that the navigational safety on the river would be compromised by the vessel and the potential to moor at either end. In order to overcome these concerns the applicant has reduced the depth of the proposed projection into the river from 5m to 2.46m, ensured that there would be no facility available for boats to moor alongside the cafe boat at right angles, restrict operational hours and public access to the boat, ensure that the cafe boat is more manoeuvrable, and would vacate the moorings is required by visiting boats. On this basis, British Waterways raise no objections to the revised proposal. This proposal that seeks to enhance leisure facilities and activities adjacent to the river would accord with Policies R7 of the Structure Plan and L4 of the Local Plan.

7. FLOOD RISK

4.12 The area is prone to flooding. The applicant has indicated that the development would not pose a flood risk as it is not intended to operate when the river exceeds 1.00m above its normal summer level and the craft would remain on its mooring outside the city. The Environment Agency raises no objections to the proposal provided the development proceeds in accordance with the submitted flood risk assessment. If the applicant proceeds in accordance with these approved details the proposal would accord with Policy GP15 of the Local Plan and advice contained in Planning Policy Statement 25 that aim to ensure that new developments are safe from flooding and would not add to a risk of flooding.

5.0 CONCLUSION

5.1 This application if approved by Members, would introduce a cafe boat and associated external seating area to part of the conservation area and the river corridor that is visually open and lies adjacent to the historic Museum Gardens. There can be no doubt that the intended use of the river bank for a waiter serviced area for seating would change the character of the area and be visually prominent from the opposite river bank and Lendal Bridge. However the use would not be unsympathetic to the summertime activities that take place nearby on the river front, within the Museum Gardens, and the increased tourist use in this area reduces the openness and tranquil character of the river corridor. There would be no adverse impact on the living conditions of people in the area and the public highway would be unaffected. Provided there is no conflict with users of the river and that the floating cafe would not be deemed to be a flood risk or add to the risk of flooding in the area, it is considered that the proposal would be acceptable subject to the following conditions. If Members are minded to approve the application, it is recommended that a temporary consent for 2 years be granted to enable the impact of the proposal on the river walkway and the operation of the temporary moorings to be assessed.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Application Granted

- 1 The use of the riverbank as a seating area shall cease by 19 April 2009 unless prior to that date the consent of the Local Planning Authority has been obtained to extend the period of the permission.

Reason: So that the Local Planning Authority may assess the impact of this use upon the surrounding area in the interests of the character and visual amenity of the area.

- 2 The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:-

Drawing No. AG01, dated 27.1.2007 and the submitted details received 6.2.2007

or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans.

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 use hereby permitted shall be confined to the following hours:

Monday- Sunday (Including Bank Holidays) 0800-1800 hours

Reason: To minimise the impact that noise could potentially have on the nearby residents.

- 4 The external seating area shall not encroach upon the public highway and all furniture associated with the aforementioned area shall be fully removed when the premises are closed.

Reason: In the interests of the users of the public highway and the visual amenity of the area

- 5 Notwithstanding the submitted details and prior to the commencement of the use hereby approved, the following details shall be submitted for the prior approval of the Local Planning Authority and thereafter implemented-

a) the details of the proposed temporary enclosure that will be used to demarcate and contain the seating area that also includes containing standing customers and also gives clear warning to customers, particularly to people with visual impairments,

b) the design of the seating and tables/ umbrellas if required showing location, materials and colours

Reason: To ensure that the appearance of the development is suitable and that it contributes to the character and appearance of this part of the Central Historic Core Conservation Area in accordance with policy HE3 of the local plan and policy E4 of the structure plan.

- 6 No equipment other than the approved tables, chairs and barriers shall be installed within the seating area without the prior consent of the Local Planning Authority.

Reason: To ensure that the appearance of the development is suitable and that it contributes to the character and appearance of this part of the Central Historic Core Conservation Area in accordance with policy HE3 of the local plan and policy E4 of the structure plan.

- 7 There shall be no public address system or amplified music associated with the cafe boat and the seating area hereby approved.

Reason: In the interests of amenity

- 8 There shall be no primary cooking of unprepared food within the designated seating area hereby approved.

Reason: It is considered that this use would be inappropriate and would detract from the character and appearance of this part of the Central Historic Core Conservation Area and conflict with policy HE3 of the local plan and policy E4 of the structure plan.

- 9 The development shall proceed and operate at all times in accordance with the submitted flood risk statement.

Reason; To minimise the risk of flooding

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:-

-the visual amenity and character of the conservation area and the adjacent listed garden

- the use of the river including navigation and safety
- the amenity of the neighbours
- users of the adjacent public highway
- flooding.

As such, the proposal complies with Policy E4 of the North Yorkshire County Structure Plan; Policies HE2, HE3, HE4, HE12, L4, GP15a, and GP1 of the City of York Development Control Local Plan- Incorporating the Proposed 4th Set of Changes; and national planning guidance contained in Planning Policy Statement 1 " Delivering Sustainable Development, " Planning Policy Guidance Note No. 15 " Planning and the Historic Environment., " and " Planning Policy Statement 25 " Development and Flood Risk. "

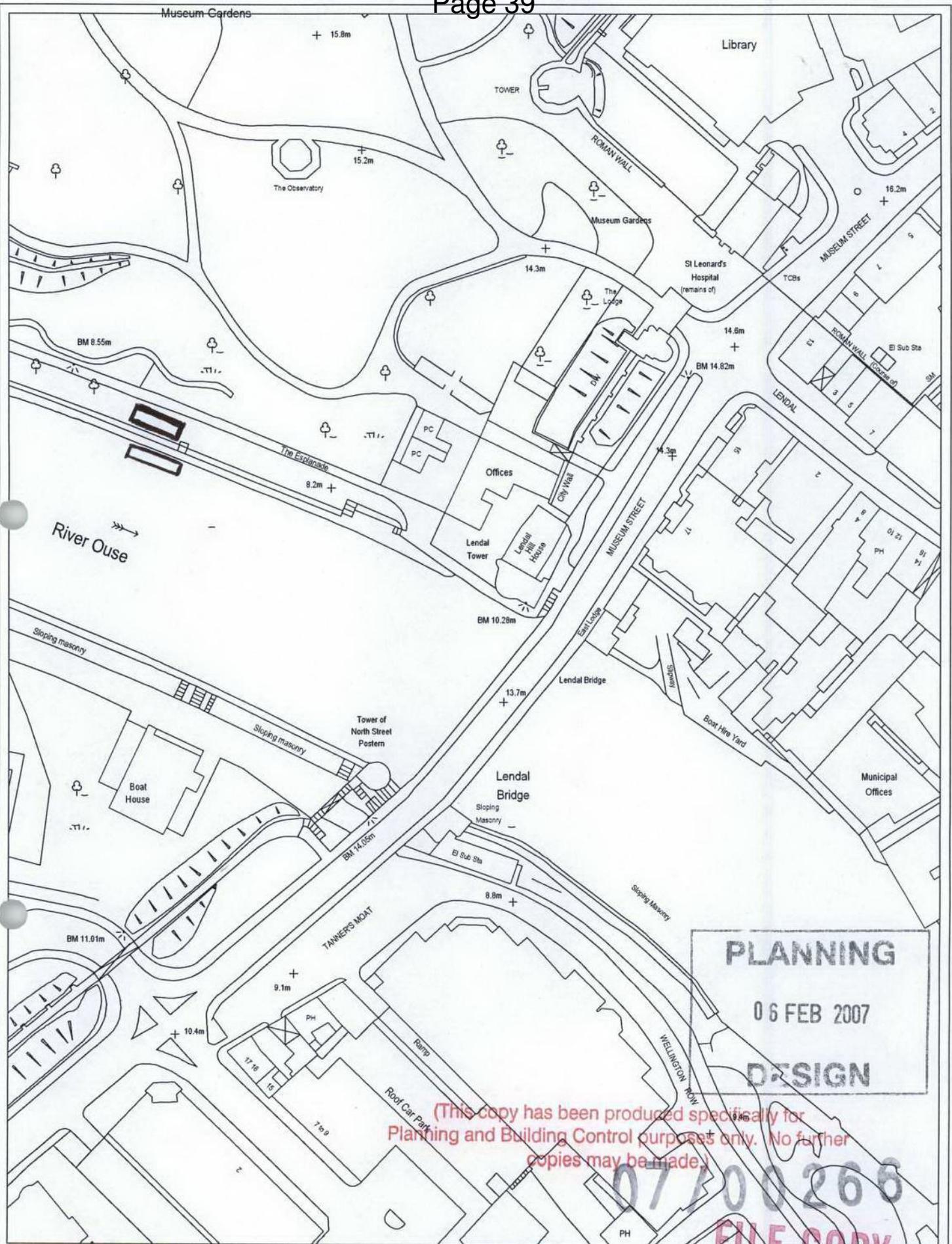
2. You are to contact the City of York's Highway Network Management as a pavement cafe licence may be required under the Highways Act.

3. The floating coffee bar shall have adequate facilities for the treatment and extraction of fumes so that there is no adverse impact on the amenity of local residents by reason of fumes, odour or noise. Details of the extraction plant or machinery and any filtration system required can be submitted to the Council's Environmental Protection Unit for approval.

Contact details:

Author: Fiona Mackay Development Control Officer (Tues - Fri)
Tel No: 01904 552407

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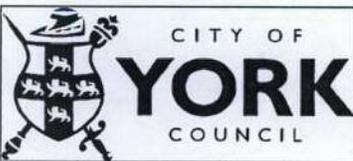


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DESIGN

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07/000266

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Site Plan : The Esplanade



SCALE 1:1250

DRAWN BY JB

DATE 26/1/2007

Originating Group

Project

Drawing No.

Organisation **MR A GILL**

CAFE BOAT

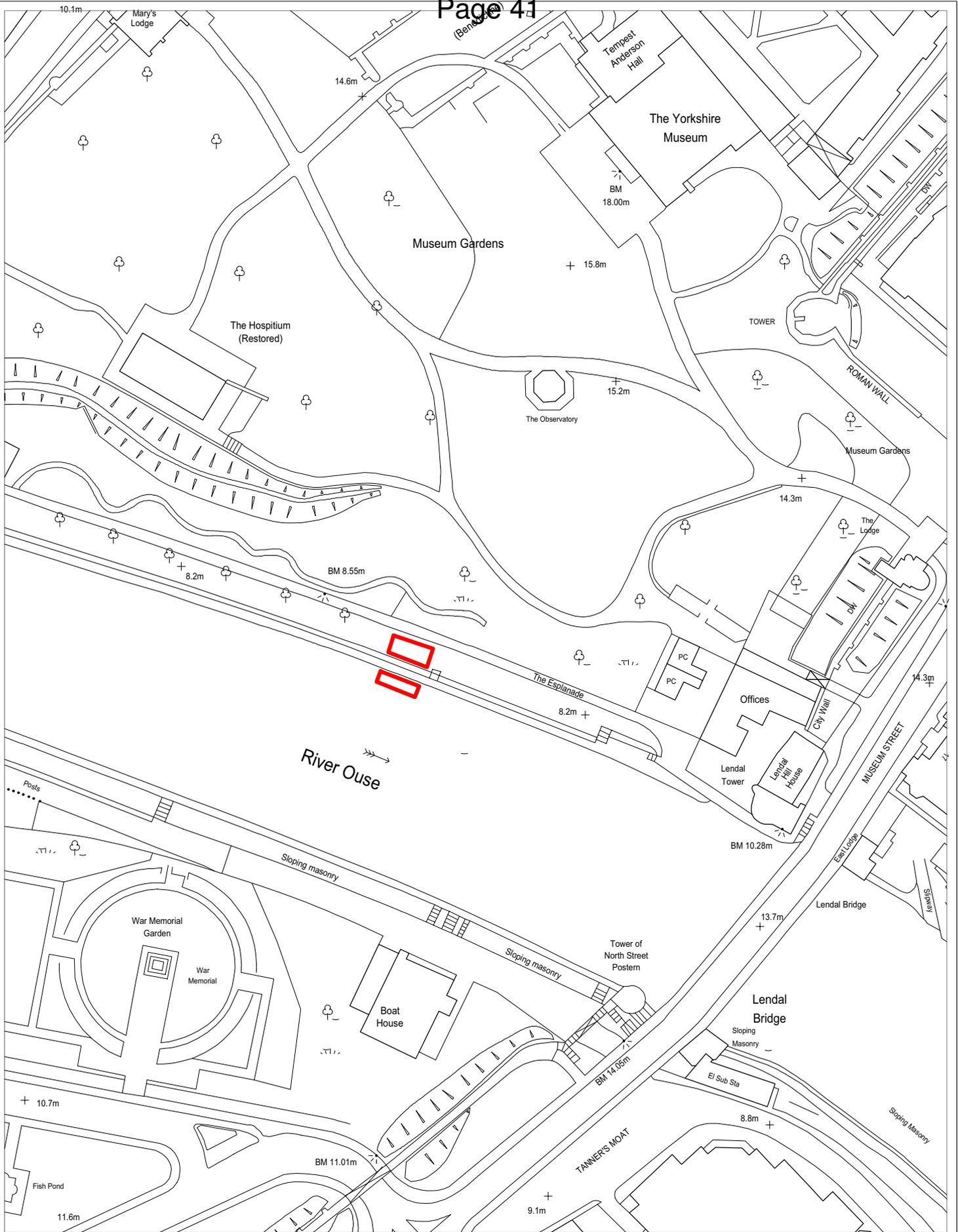
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9, St. Leonards Place, York, YO1 2ET
 Telephone: 01904 613161

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THE ESPLANADE - 07/00266/FUL



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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Micklegate
Date: 19 April 2007 **Parish:** Micklegate Planning Panel

Reference: 07/00436/FUL
Application at: St Benedict Court St Benedict Road York YO23 1YF
For: Erection of 8no. two and three storey town houses and associated works
By: Moorside Developments Ltd
Application Type: Full Application
Target Date: 20 April 2007

1.0 PROPOSALProposal

1.1 The application relates to the land on which the Promenade Working Men's Club formerly occupied. The land is now cleared; the proposal is to develop the site for family housing. Eight houses are proposed, two of which would be 2 bed dwellings, and the other six are 3 or 4 bed dwellings. The site is 0.077 hectares in size thus the development would be at a density of around 104 dwellings per hectare.

Site surrounds

1.2 The application site lies behind the commercial stretch of Bishopthorpe Road. It would face the rear of the shops; there is a car park southeast. To the rear of the site (west) is a row of garages; otherwise the land to the west of the site consists of a more modern (post war) series of housing blocks around communal amenity space.

Planning History

10 (2 bed) flats and a replacement Working Men's Club facility (smaller in size, 216.5 m sq) were approved in September 2003. Submitted Jan 03. Reference 02/03863/ful.

12 (2 bed) flats were refused permission in September 2004. Submitted Jan 04. Reference 04/00430/ful. Refused at planning committee on the following grounds,

"The proposal would result in the loss of a facility, which is available for public function hire and by local activity groups within the local community. Furthermore, it has not been demonstrated that the existing land or buildings are surplus to or no longer capable of meeting the existing or future needs of the local community, as such the proposal fails to accord with The Councils Draft Local Plan Policy C3 (b) (Change of Use of Community Facilities)".

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006
City Boundary York City Boundary 0001
DC Area Teams Central Area 0002
Floodzone 2 Flood Zone 2 CONF

2.2 Policies:

CYGP1	Design
CYGP4A	Sustainability
CYH4A	Housing Windfalls
CYH5A	Residential Density
CYL1C	Provision of New Open Space in Development
CYC3	Change of use of community facilities
CYED4	Developer contributions towards Educational facilities
CYC6	Contributions to community facilities

3.0 CONSULTATIONS

Internal

Highway Network Management

3.1 Advise that the development provides car parking in accordance with CYC (City of York Council) standards and officers consider that vehicles will be able to access the spaces to the front of the properties without alteration to the Respark bays opposite the development. The following recommendations are made,

- It is suggested that the cycle stores for the 4 bedroom properties be larger, although they are within standards.
- The construction of the new vehicle crossings will necessitate the relocation of an existing speed bump at the expense of the applicant. This is likely to require consulting local neighbours and will cost between £2.5k and £5k depending on the works deemed necessary.
- Due to the restricted levels of car parking the developer should offer an initial years car club membership for each dwelling at a cost of £1280, in order to restrain car ownership within the city and promote sustainable methods of transport.
- The site falls within Residents Parking Zone R16, and as this zone is presently heavily subscribed, it is considered that in line with other development proposals, it would be appropriate to remove it from R16. This will mean that the occupants of the dwellings will not be eligible to apply for permits for either personal or visitor use. If planning consent is forthcoming (and implemented) the amendment to the zone will be processed under The Traffic Regulations 1984. The associated costs of undertaking such amendments will be sought from the

applicant and are unlikely to exceed £1500. An informative should be included on the notice of decision, to notify the applicant of the above.

3.2 There are no highway objections subject to the following:

Section 106 - car club membership, relocation of speed bump and exclusion from Respark.

HWAY 10 - vehicular areas surfaced.

HWAY 13 - access to be improved.

HWAY 17 - removal of redundant crossing.

HWAY 19 - car and cycle parking laid out.

HWAY 25 - pedestrian visibility splays.

HWAY 31 - no mud on highway.

HWAY 38 - off site highway works, relocation of existing speed bump details to be agreed.

Also informatives listed in section 7.

Sustainability Officer

3.3 The details of the application offer no information relating sustainable design and construction of the proposal and do not include a sustainability statement in accordance with policy GP4a of the Local Plan. (However) The design offers some energy and materials savings as it offers terraced properties that are inherently more efficient than semi or detached properties. In addition the proposal will be subject to the 2006 building regulations that will substantially increase the energy efficiency of the proposal. The achievement of a BREEAM EcoHomes standard of 'very good' may be relatively easy for the applicant to achieve. If the application were to be approved it is recommended the use of a condition requesting a BREEAM EcoHome assessment be carried out to achieve a 'very good' standard.

Drainage

3.4 No objections. Although the site is shown to be in Flood Zone 2, the Environment Agency's maps appear to be in error as the site is elevated above 13.0m AOD (the 2000 flood reached a level of 10.40m AOD.).

External

3.5 Planning Panel - No response

3.6 Police Architectural liaison Officer (ALO) - Offered the following comment on the original (since revised scheme)

- Concerned that the enclosed rear courtyard would lead to a lack of surveillance into and from the rear courtyard. The revised plans address this, it is now proposed that railings are used opposed to a solid brick wall.
- Asks for appropriate lighting and security tested ground floor windows (fitted with opening restrictors). The agent agrees to implement such measures.
- Concern that the lack of car parking would lead to people parking cars away from the dwellings, where they would be subject to less surveillance. The parking

provided in-curtilage is adequate and thus it would be inappropriate, contrary to PPG13: Transport to demand additional car parking spaces.

- The developer should try to achieve Secured by Design award status for the development. This could be advised by informative.

3.7 Publicity, the application was publicised by neighbour notification and site notice, deadline for comment was 26 March 2007. 4 written representations have been received. They raise the following points,

- Residents in the area would like a social club, " there is no place to go to socialise in this area"
- The WMC was used for parties, local residents association and other meetings. A social room should be part of the new development.
- There is no turning facility for car parking spaces, thus cars would need to reverse into or out of the off street car parking - this would be detrimental to highway safety. It is suggested that a different access point to the site is considered.
- Another resident raises concern that more stress would be placed on the Res.-park zone if no off street parking is provided.

4.0 APPRAISAL

4.1 Key issues

Principle of development

Design

Sustainability

Highways

Financial contributions

4.2 Relevant policy

National policy

- PPG3: Housing (and forthcoming PPS3)
- PPG13: Transport

Of the Draft Local Plan (incorporating the 4th set of changes)

- GP1 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
- GP4a states all proposals should have regard to the principles of sustainable development.

- H4a states that proposals for land not already allocated on the proposals map will be granted permission where: the site is within the urban area and is vacant, underused or it involves infilling, redevelopment or conversion of existing buildings; the site has good accessibility to jobs, shops and services; and it is of an appropriate scale and density to surrounding development and it would not have a detrimental impact on existing landscape features.
- H5a states the scale and design of proposed residential developments should be compatible with the surrounding area and must not harm local amenity. It also recommends densities that development should achieve, 60 dwellings per hectare in city centre, 40 in urban areas and 30 elsewhere.
- Policy C3 states permission will only be granted for the change of use of community facilities where; the proposal is of a scale and design appropriate to the character and appearance of the locality; it can be demonstrated that the existing facility is no longer needed; or where alternative sites can be provided.
- L1c 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.
- 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.

Principle of development

4.4 The site is in a sustainable location and the land was previously developed. As such the site is suitable for housing, in terms of policy H4a of the Local Plan and national guidance contained in both PPG3: Housing and the emerging PPS3. However the previous use must also be considered. There is contention as to whether the WMC was a community facility. Although officer's considered it to be a private members club, the planning committee refused the last application for housing on the site on the grounds that there was a loss of community facility. The reason for refusal is quoted in 1.3. This application has been approached with the view that provided the proposal complies with policy C3 of the Local Plan, i.e. it can be demonstrated that alternative sites are available nearby and that the WMC is no longer required, then the use of the site only for housing would be appropriate.

4.5 The agent has advised that the developers have approached the trustees of the WMC (McMahon, Bridge and Greenhall), offering to provide the facility approved in application 02/03863/ful (a copy of the letter is on file). There has been no response to this offer. The WMC closed in 2005. To date it does not appear that the application for the replacement facility will be implemented before the permission expires in September 2008, and no alternative schemes have been brought forward for planning permission. This indicates a limited demand for the facility.

4.6 It was stated by a Trustee of the WMC (Mr Bridge) in the previous application that the club was open six days a week, there was a function room which could be hired out for use by non-members, karate club and line-dancing lessons occurred one time a week. It has been brought to officer's attention that there are sites nearby offering similar facilities to those previously offered at the WMC. Notably Guppy's Enterprise Club on Nunnery Lane, the club describes itself as a centre for art education, hobbies, leisure activities, and a meeting place for groups, clubs and societies. It is around 300m from the application site. The club hosts a range of community groups and classes such as Kung-Fu. The premises are available through the day and evening at least six days a week. Also on Nunnery Lane is the Victoria Vaults Public House which has a function room for hire. There is also a St Clement's Church hall community centre, located around 240m from the application site. Additionally, there are numerous public houses nearby the site. Overall in officer's opinion there are adequate alternative community facilities existing within the catchment area of the application site, to allow the redevelopment of the WMC site for housing.

Design

4.7 The application proposes a terrace of housing with a comparative front building line to the row of dwellings in which it is located. The row steps up in height from two storeys on each side to three storey in the centre. The height of 2/3 storeys is common in this area, in both the older terraced houses and the newer blocks of housing to the west. The previous application approved a more modern appearance, opposed to this scheme which relates more to the traditional terraced housing common to the locality. In officer's opinion the design, including shape and massing, and boundary treatment of this scheme is appropriate to the locality and is acceptable. The provision of housing, opposed to flats is also welcomed.

Sustainability

4.8 The location itself is sustainable and the layout makes provision for cycle and refuse (including recyclable) storage. It promotes alternative (non-private vehicle) means of transportation. The Local Planning Authority Sustainability officer has advised that the design offers some energy and materials savings as it proposes terraced properties that are more efficient than semi detached properties. Furthermore building regulations will substantially increase the energy efficiency of the proposal. It has been suggested that a BREEAM EcoHomes standard of 'very good' may be relatively easy for the applicant to achieve. This would benefit the developer, as it would enhance the status of the housing. However, the agent has stated that the developer would be unwilling to pay to appoint an assessor and achieve the BREEAM standard. Because the Supplementary Guidance Document on Sustainable Design and Construction is yet to be adopted (which would expect the development to achieve a BREEAM very good standard) it is considered by officer's that although a BREEAM assessment would be welcomed, it is not mandatory and thus should not be insisted upon.

Highways

4.9 Subject to the recommended conditions Highway Network Management are satisfied that the proposed development delivers adequate car and cycle parking provision and would not be detrimental to highway safety. It is considered by officers that it is the choice of the developer as to whether they wish to offer future residents car club membership. There are presently no Local Plan policies which require this and given the provision of off street parking and the proposed removal from the re-park zone it would appear unreasonable to require this.

Financial contributions

4.10 In accordance with policy L1c of the Draft Local Plan, should the application be approved the applicant / developer would be required to make a contribution of £10,771 to the Local Planning Authority toward the provision of open space. As the application proposes less than 10 dwellings, a commuted sum payment will be required for off site provision. The money would go toward improving sites such as Rowntree Park or Scarcroft Green, and improving sports / leisure facilities in the 'South Zone' of the city.

4.11 Policy ED4 states that a contribution toward education may also be required. The requirement for a contribution is triggered at 1 primary place per 4 dwelling units and 1 secondary place per 7 dwelling units. As such the proposed development would generate the need for 2 primary spaces and (in this case) 1 secondary place. Commuted sums are thus required if there is identified need.

4.12 There are currently extra places required at Scarcroft Primary and Millthorpe Secondary (although there are spare spaces presently, considering the approved housing schemes in the locality, there would be demand for spaces). It is therefore required that a commuted sum toward primary and secondary education is provided. The total contribution would be £35,859 (10,164 per primary space, 15,531 per secondary place).

4.13 The agent agreed verbally on 2.4.2007 that the developer would be willing to pay the required contributions.

5.0 CONCLUSION

5.1 The redevelopment of the application site, without the community facility is considered to be acceptable. The proposed development is also considered to be acceptable in terms of design and highway safety. Approval is recommended.

6.0 RECOMMENDATION: Approve

- 1 PLANS1
- 2 TIME2
- 3 VISQ8

- 4 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs at the front of the houses. This scheme shall be implemented within a period of six months of the completion of the development.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

- 5 HWAY10 Vehicle areas to be surfaced

- 6 HWAY13 Access / junctions to HWAY to be laid out

- 7 The development shall not be occupied until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the kerb to match adjacent levels.

Reason: In the interests of good management of the highway and road safety.

- 8 HWAY19 Car and cycle parking to be laid out

- 9 HWAY25 Pedestrian visibility splays

- 10 HWAY31 No mud on HWAY

- 11 HWAY38 Relocation of speed bump

- 12 HT1 Height of building(s) not to exceed 10 metres

- 13 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 alternative 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 L1 of the City of York Draft Local Plan.

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 £10,771.

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.

- 14 No development shall commence unless and until a scheme to ensure the provision of adequate additional foundation and secondary school places within the local catchment area has been submitted to and approved by the local planning authority.

Reason: The education provision within the catchment area of the development has insufficient capacity to take more pupils, such that additional places are required in the interests of the sustainable development of the city in accordance with Policies C6 and ED4 of the City of York Draft Local Plan and the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated April 2006.

INFORMATIVE:

The provisions 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, The obligation should provide for a financial contribution calculated at £35,859. The basis for this calculation is contained within the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated April 2006.

No development can take place on this site until the condition has been discharged and you are reminded of the Local Planning Authority's enforcement powers in this regard.

- 15 ARCH2 Watching brief required

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 the loss of a community facility, amenity, design and highway safety. As such the proposal complies with Policy H6 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GP1, GP4a, H4a, H5a, c3, l1c and ED4 of the City of York Local Plan Deposit Draft.

2. 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:

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

3. You are advised that this proposal may have an affect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

4. The applicant is asked to note that the development/property (as proposed), is not considered eligible for inclusion within the Residents Parking Zone, and it will be removed from such under the Traffic Regulations 1984.

Upon commencement of development on the site the applicant is requested to contact the Council's Network Management Section (tel 01904 551450) in order that the amendments to the Residents Parking Scheme can be implemented prior to the occupation of the development.

5. The applicant's attention is drawn to potential crime reduction by considering the Police 'Secured by Design' Award Scheme for this site. Full details and an application form for the scheme can be found on www.securedbydesign.com

Contact details:

Author: Jonathan Kenyon Development Control Officer
Tel No: 01904 551323



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COUNCIL

16 - 17 ST. BENEDICT ROAD - 07/00436/FUL

SCALE 1:1250
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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Micklegate
Date: 19 April 2007 **Parish:** Micklegate Planning Panel

Reference: 07/00503/FUL
Application at: Paventia House Moss Street York YO23 1DD
For: Erection of temporary portakabin to side
By: York Family Housing
Application Type: Full Application
Target Date: 30 April 2007

1.0 PROPOSAL

1.1 This application is referred to the West and Centre Sub-Committee as the applicant is the partner of an employee of the Council.

1.2 Planning permission is sought for a 3 year period for the erection of a portakabin to be sited on garden area to the north west of Paventia House. The pale grey prefabricated unit would provide 2 temporary offices for the use of Paventia House, York Family Housing. It would measure 7.5m x 3.3m, and would have pedestrian access only.

1.3 No additional staff would be employed as a result of the development and the current parking and servicing arrangements to Paventia House would be unaffected.

1.4 In the future the applicant would hope to obtain the necessary funding to construct a permanent facility on the site in the form of an extension to the existing building.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Schools Scarcroft Primary 0220

2.2 Policies:

CYGP1
Design

3.0 CONSULTATIONS

3.1 INTERNAL CONSULTATIONS

Highway Network Management- No objections

3.2 EXTERNAL CONSULTATIONS

Micklegate Planning Panel- No response at time of writing

No representations have been received at the time of writing.

4.0 APPRAISAL

4.1 RELEVANT SITE HISTORY

03/02996/FUL Erection of 22 flats and supported residential accommodation with access road and associated parking. PER 16.3.2004

4.2 ADDITIONAL PLANNING POLICY

PPS 1 " Delivering Sustainable Development "

4.3 KEY ISSUES

1. Visual Impact
2. Residential amenity
3. Highway safety

4.4 ASSESSMENT

1. The proposed portacabin would be sited in a side garden area that is screened on all sides and would not be visible from either public highways, Caesar Court or Moss Street. It would however be visible from the upper windows in the rear elevation of the neighbouring terraced properties on the north east side of South Parade. In the garden along the abutting boundary are 5 trees that would provide considerable screen when the trees are in full leaf and would help to reduce the visual impact of the proposed development from this angle. In addition, this boundary is also marked by a high brick walling that would provide a low level screen to the proposed portacabin. The development would therefore be reasonably screened to the properties on South Parade. To the north east boundary with the adjacent All Saint's

School tennis court, the boundary is marked by high brick walling and one noticeable tree that overhangs this boundary. This would also provide an effective screen. The health and amenity value of the trees would be unaffected due to an acceptable distance from the site of the proposed portacabin. The frontage screening that is visible from Moss Street and Caesars Court consists of solid vertical timber fencing that creates a secure and secluded site for the Groups vehicles and provides an effective screening to the front of the site. The appearance of Paventia House would not be affected by the development. Sufficient garden area would be retained and the design of the portacabin would be acceptable. Generally, and due to the discordant visual impact of portacabins, it is council policy to resist temporary structures to provide additional accommodation in favour of a permanent structure or extension that would meet accommodation needs. In this instance, it is considered that there is sufficient justification to warrant approving the proposed temporary structure given the applicant's intention to seek a more permanent solution to an accommodation problem. It is therefore concluded that the amenity of the adjacent building and the area would not be materially harmed for this period by the proposed, visually contained development and there would be no conflict with Policy GP1 of the City of York Development Control Local Plan- Incorporating the 4th Set of Changes and general guidance in Planning Policy Statement 1 " Delivering Sustainable Development " that seek amongst other things to ensure that development are appropriate to the amenity and character of the area

2. The use of the side garden area for additional offices would not harm any neighbouring residential amenity. The residents of Paventia House would retain access to garden area as required.
3. The development would not be directly accessible by vehicular traffic and it is intended that there would be only one pedestrian access to the portacabin from Paventia House. There would be no impact on the highway network as no additional staff would be employed and there would be no interference to current parking and servicing arrangements at Paventia House.

5.0 CONCLUSION

5.1 For the reasons expanded above, Members are advised that it would be appropriate to grant temporary planning consent for a three year period.

6.0 RECOMMENDATION: Application Granted

- 1 The building shall be removed by 19 April 2010 unless prior to that date a renewal of the permission shall have been granted in writing by the Local Planning Authority.

Reason: The temporary nature of the building is such that it is considered inappropriate on a permanent basis.

2 PLANS2

7.0 INFORMATIVES:

Notes to Applicant

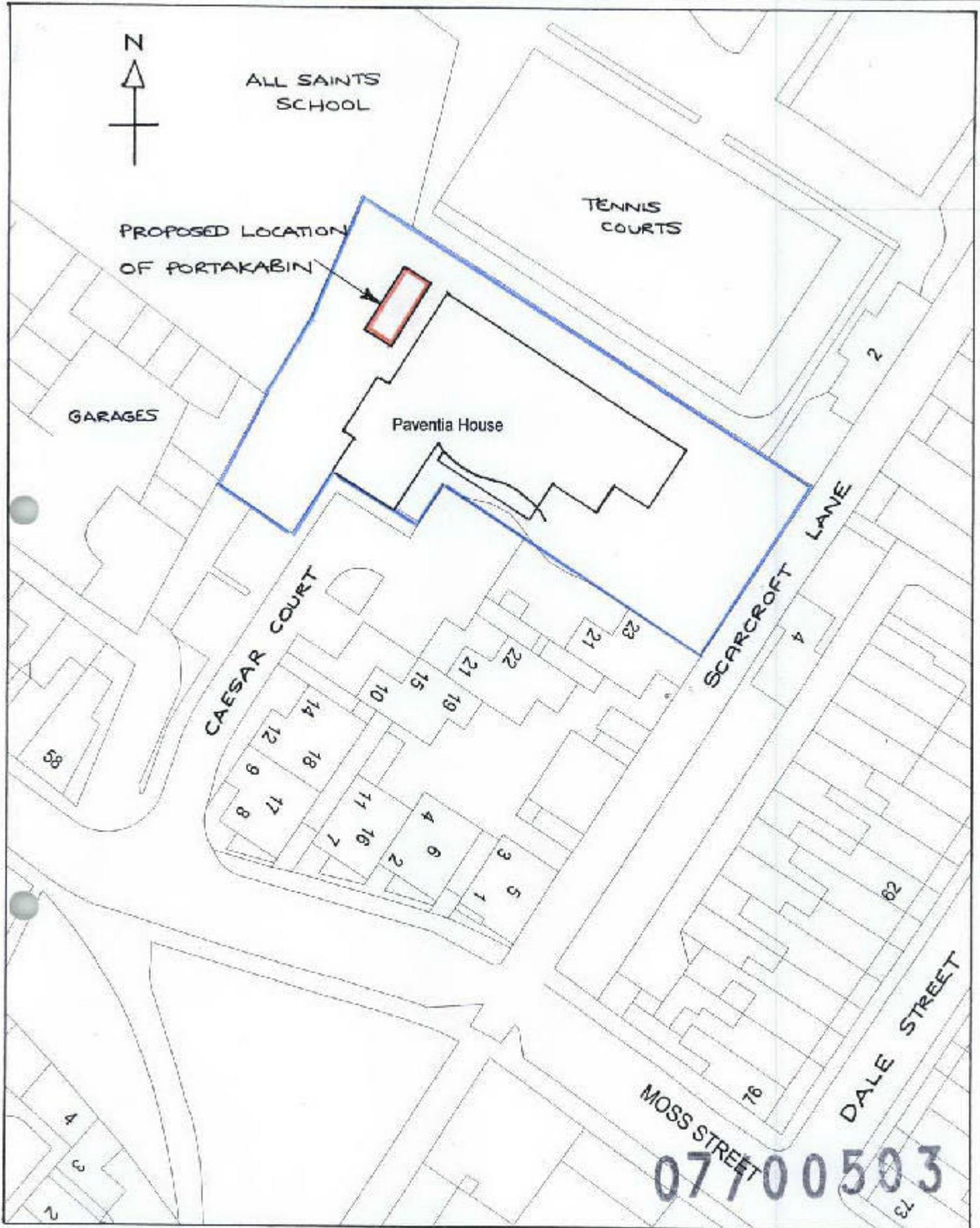
1. REASON FOR APPROVAL

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 the residential amenity of the neighbours, the visual amenity of the building and the locality, and highway safety. As such, the proposal complies with GP1 of the City of York Local Draft Local - Incorporating the Proposed 4th Set of Changes and national planning guidance contained in Planning Policy Statement Note 1 " Delivering Sustainable Development. "

Contact details:

Author: Fiona Mackay Development Control Officer (Tues - Fri)

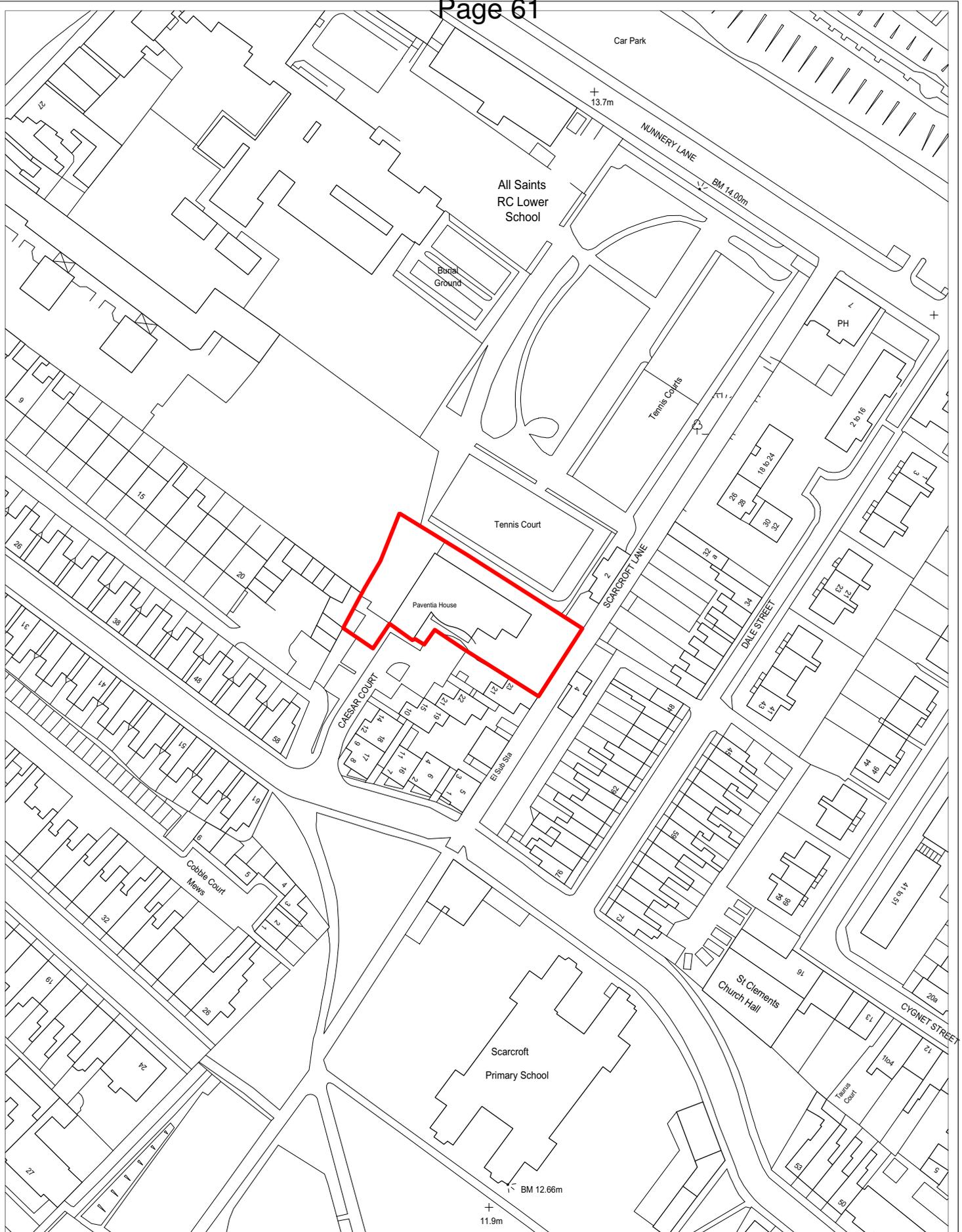
Tel No: 01904 552407



YORK FAMILY HOUSING
CAESAR COURT, YORK
LOCATION PLAN 1:500

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COUNCIL

PAVENTIA HOUSE, MOSS STREET - 07/00503

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COMMITTEE REPORT**Committee:** West/Centre Area**Ward:** Micklegate**Date:** 19 April 2007**Parish:** Micklegate Planning Panel**Reference:** 06/02662/FULM**Application at:** Practical Car _ Van Rental Tanners Moat York YO1 6HU**For:** Six storey extension to existing building to create office development and three storey new build office block**By:** LYPS**Application Type:** Major Full Application (13 weeks)**Target Date:** 25 April 2007**1.0 PROPOSAL**

1.1 This application proposes office development at two sites:

Site A - a 3-storey new build office block (287 squ. m.) on an open site on Tanners Moat adjacent to the Norwich Union building, and

Site B - a 6- storey new build office development (865 squ. m.) abutting the former Blackfriars House building.

The sites form part of a cluster of office buildings on the south bank of the river that lie in the Central Historic Core Conservation Area and in an area. The immediate area has developed as an office hub with buildings of large scale and civic pretension. The taller structures form a strong enclosing wall around the lower historic structures of more domestic character onto Tanners Moat. The corner building onto Rougier St is listed at grade 11 (15-17 Rougier St). Lendal Bridge which defines the other side of Tanners Moat is also listed grade 11.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

Floodzone 3 Flood Zone 3

2.2 Policies:

CYHE2 Development in historic locations

CYHE3 Conservation Areas

CYHE10 Archaeology

CYGP1 Design

CYGP4A Sustainability

CYGP11 Accessibility

CYGP15 Protection from flooding

CYSP10 Strategic Windfalls

CYT4 Cycle parking standards

CYE4 Employment devt on unallocated land

3.0 CONSULTATIONS

PUBLICITY DATES/ PERIODS

Neighbour Notification- Expires 2.3.2007

Site Notice- Expires 21.2.2007

Press Advert- Expires 14.2.2007

13 WEEK TARGET DATE- 25.4.2007

INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT

3.1 Cycle parking provision is inadequate and is not an acceptable design to comply with the Council's recommended standards. Site A is adjacent to a private car park access and the proposed building would overhang this entrance at first floor level. This would result in very poor vehicle versus pedestrian visibility as they emerge onto the public highway and it is recommended that the building be relieved at ground floor level to give an effective 2m x 2m pedestrian visibility splay at the junction of the car park access with the public highway. There are no objections to the proposal subject to the imposition of relevant conditions.

YORK CONSULTANCY- DRAINAGE

3.2 The development is in high risk Flood Zone 3 and is at risk of river flooding. The applicant has been advised that the submitted flood risk assessment contains possible errors and correction, and therefore cannot be approved at this stage. A revised flood risk assessment has not been received at the time of writing the report and Members will be updated at the meeting if required.

URBAN DESIGN AND CONSERVATION – ARCHAEOLOGY

3.3 The two sites lie in the central AAI in an area where very important archaeological remains have been excavated in the recent past. The application site

lies in the vicinity of three recent excavations- the General Accident(now Norwich Union) site in Wellington Row excavations between 1988 and 1990, 5 Rougier Street in 1981, and at 24-30 Tanner Row. These have indicated that there are very well preserved deposits dating from the Roman period. These deposits are located at between 2m and 3.5m below the current ground surface. These deposits are extremely important and must be preserved in-situ. Excavation at Wellington Row did reveal that post-Roman deposits survive at less than 1m below the present surface. The applicant has not submitted any archaeological information to support the application and the following is required: an archaeological desk-based assessment (dba) of the area around and including the application site; a recommendation in the dba as to whether an archaeological evaluation will be required at this stage; and a statement saying what measures will be taken to mitigate any damage to archaeological deposits and what steps will be taken to meet the policy requirements of Policy HE10 of the Local Plan. The applicant has been advised and no report has been received.

URBAN DESIGN AND CONSERVATION – DESIGN

3.4 Proposals lie within the Central Historic Core Conservation Area adjacent to the main approach road into the city from the station. The immediate area has developed as an office hub with buildings of large scale and civic pretension. The taller structures form a strong enclosing wall around the lower historic structures of more domestic character onto Tanners Moat. The corner building onto Rougier St is listed at grade 11 (15-17 Rougier St). Lendal Bridge which defines the other side of Tanners Moat is also listed grade 11.

3.5 Site A was previously built on. It is now an unsatisfactory open corner plot which includes blank brick walls and a refuse collection area. A new building of the mass and height proposed could potentially enhance the conservation area here. I would be concerned though about any increase in height in this location as it would remove views of the spire of All Saints' Church (grade 1) in North Street. This reminder of the historic fabric beyond is particularly important on the route into the city.

3.6 The architectural quality of the building (site A) is difficult to judge from the drawings. Horizontal window banding is not usual in York and we usually discourage the use of stone on buildings of more prosaic use. The proximity of the 1980's stone office building with strident horizontal fenestration though offers a reference. With a reduced glazing to stone ratio and the introduction of stone mullions (copying the neighbour) the building might not appear out of context.

3.7 Site B retains the entrance of the former horse and carriage repository - an idiosyncratic C19th building of polychromatic brickwork with large ogee arched access and substantial modelled and rhythmic structure above. Proposals would convert the remaining structure into two floors of office space and add a further six floors. This would disrupt the existing low and consistent eaves height of the existing block of buildings. It would be difficult to support any increase in height of Site B. However, there is a precedent which allows some sort of visualization of the impact of a taller structure on adjacent properties, however there has been a significant change in context since its demolition.

3.8 The existing massing allows a generosity of space between the pedestrian thoroughfare, including the wall walk, and the taller buildings. It also enables the stone and bronze façade of the 1960's Norwich Union office block to be revealed as one leaves the city. This building is worthy for its time and representative of its age.

3.9 The façade of the proposed office block (site B) has been designed with reference to the materials proportion and scale of the existing structure on site. If realized as intended, the front façade would offer a worthy replacement of the bleak view of the stair tower of former Blackfriar's House. However it is the three dimensional impact of the structure which is of concern, in particular the side elevations and roof. This tall slim structure is rather deep on plan and has plainer side elevations and a flat roof. As it would be intruding on the existing openness in this area the structure as a "designed object" should offer something for what it is taking away. So the roof should be modelled and the side elevations given equal consideration architecturally. In addition the structure should be lowered by one floor to allow this roof modelling not to over dominate neighbouring buildings.

3.10 Should the scheme for plot B be reconsidered we would urge the retention of the wrought iron gates and we would wish to see the structure (probably steel frame) shown on the ground floor plan and accompanied by an engineer's report concerning the impact of the additional weight on adjacent properties.

3.11 Proposals in their current form do not preserve or enhance the character and appearance of the conservation area.

CITY DEVELOPMENT

3.12 The two sites were previously used as employment sites, but are now considered to be derelict. The sites have no specific land use allocation in the Draft Local Plan (April 2004). They fall within the City Centre Area of Archaeological Importance, the Central Historic Core Conservation Area, and Flood Zone 3. No policy objection is raised provided design, archaeological, flooding, access and parking issues are resolved.

EXTERNAL CONSULTATIONS

MICKLEGATE PLANNING PANEL-

3.13 Do not object but make the following comments-

- a. The tall building above the ' horse depository ' is alright but could be a storey lower to fit in with surrounding buildings
- b. The lower building facing Lendal Bridge is of a very poor quality and needs to be redesigned
- c. To compare the tall building with the Edwardian predecessor is inappropriate

BRITISH WATERWAYS

3.14 No comment to make as the proposal is located within the buffer zone and would have no impact on the waterway.

ENVIRONMENT AGENCY

3.15 The Agency objects as-

- a. The ground floor level must be raised to a minimum of 11mAOD and/or that water compatible uses according to PPS25 be incorporated at ground floor level. The proposed development is unacceptable as the existing flood defences do not provide the standard of protection appropriate to safeguard the proposed development.
- b. The Flood Risk Assessment requires to contain a clear commitment that water compatible development will be incorporated on the ground floor. The Agency would strongly object to any future change of use to the ground floor to a more vulnerable flood risk use.
- c. The applicant is required by PPS25 to apply a flood risk sequential test as developments should be steered to areas of the lowest probability of flooding and the sites fall within an area of high flood probability, and there is no evidence that this has been carried out.

CONSERVATION AREA ADVISORY PANEL

3.16 Object to the massing and height of the taller structure and considered it to be at least 2 storeys too high. The lower building at Site A should relate more to the existing buildings with more regular fenestration, the materials are inappropriate, and the design is not favoured by the Panel.

ENGLISH HERITAGE

3.17 The sites form part of a group of office buildings that are prominent, highly visible, and have an important contribution to the skyline, river frontage, and the historic core. Advise that further work is required to demonstrate the impact of the tall structure at Site B on the townscape and skyline of York, more detailed elevations are required in order to judge the impact of the side elevations on views from Lendal Bridge and the City Walls, further design work needed for Site A given the need for it to fit with the more domestic buildings in Tanners Moat. Consider that Site B structure is a couple of storeys too tall in terms of proportions and relationship with the tall neighbouring buildings, although supportive of the design approach based on historic references. Less convinced about the design approach at Site A and the compatibility with the adjacent buildings and the street scene of Tanner's Moat., especially the height. A couple of additional floors to Site A may improve its relationship with the still exposed side elevation of 7-9 Rougier Street and may be worth considering.

YORK CIVIC TRUST

3.18 Site A- Building is poorly designed, totally unworthy of a prominent position overlooked by approach to Lendal Bridge and clearly visible from the City Walls. Consider that no small alteration to this building could convert it into a building suitable for this location.

3.19 Site B- The upper storeys of this building were demolished in the early 1960s and an attempt to have it listed failed. Surviving ground floor warehouse makes little sense as it stands today. Proposal aims to emulate some of the remaining features of the Horse Repository- arched topped windows, use of contrasting bricks and tile to match ground floor. Main concern is that the surroundings on Tanners Moat and Rougier Street have changed dramatically since the demolition of the decorative Repository. Considered to be too high when seen in the context of the adjacent Norwich Union building, a reduction of a storey would provide a better contrast with this building and with Blackfriars House. The Civic Trust would like to comment on the effect of this reduction in a clearer presentation before reaching a clear view of this part of the proposal.

OTHER REPRESENTATIONS

3.20 A letter has been received on behalf of the owner (Mrs Adams) of the adjacent Maltings Public House. Whilst there is no objection in principle to the development, the following concerns are raised-

- a. Mrs Adams has a right of way down the right hand side of the property to gain access to a door near the back of the pub.
- b. The vents on the side of the Maltings should not be obstructed
- c. Mrs Adams would not agree top any building constructed against the Maltings
- d. Mrs Adams owns the air space above the Maltings and has not reached any agreement with the developers in this respect .

4.0 APPRAISAL

RELEVANT PLANNING HISTORY

03/01772/FUL Change of use of former car showroom and premises at Tanners Moat and 7-9 Rougier Street to temporary car park. PER 21.8.2003

ADDITIONAL PLANNING POLICY AND GUIDANCE

Planning Policy Guidance 13: Transport
Planning Policy Guidance 15: Planning and the Historic Environment
Planning Policy Guidance Note 16: Archaeology and Planning
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 6: Planning for Town Centres
Planning Policy Statement 25: Development and Flood Risk

Policy E4, North Yorkshire County Structure Plan
Policy I12, North Yorkshire County Structure Plan

KEY ISSUES

1. Land Use
2. Design/ Impact on the amenity and character of the conservation area
3. Impact on archaeological remains
4. Flood risk

5. Cycle parking provision and access
6. Residential amenity

ASSESSMENT

LAND USE

4.1 The proposed office use would fall within Class B1 of the Use Classes Order, 2005. It is noted that both sites were previously used as employment sites and are unallocated in the Draft Local Plan (April 2004). It is considered that the proposed use would be acceptable and would accord with Policies I12 of the North Yorkshire County Structure Plan and Policy E4 of the Local Plan that encourage the principle of new business uses in the built-up area on vacant, derelict or underused sites and by infilling, extending, redevelopment or conversion, provided there would be no harmful impact on material considerations.

DESIGN/ IMPACT ON THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA

4.2 The proposals lie within the Central Historic Core Conservation Area adjacent to the main approach road into the city from the station. The immediate area has developed as an office hub with buildings of large scale and civic pretension. The taller structures form a strong enclosing wall around the lower historic structures of more domestic character onto Tanners Moat. The corner building onto Rougier St is listed at grade 11 (15-17 Rougier St). Lendal Bridge which defines the other side of Tanners Moat is also listed grade 11.

4.3 Site A was previously built on. It is now an unsatisfactory open corner plot which includes blank brick walls and a refuse collection area. A new building of the mass and height proposed could potentially enhance the conservation area here. The comments of English Heritage in regard to the building are noted however officers consider that any increase in height in this location would remove views of the spire of All Saints' Church (grade 1) in North Street. This reminder of the historic fabric beyond is particularly important on the route into the city and its loss would harm the character and appearance of the conservation area.

4.4 The architectural quality of the building (site A) is difficult to judge from the drawings. Horizontal window banding is not usual in York and we usually discourage the use of stone on buildings of more prosaic use. The proximity of the 1980's stone office building with strident horizontal fenestration though offers a reference. With a reduced glazing to stone ratio and the introduction of stone mullions (copying the neighbour) the building might not appear out of context. However as presented in the application the design of the elevations is considered to harm the character and appearance of the conservation area.

4.5 Site B retains the entrance of the former horse and carriage repository. The proposals would convert the remaining structure into two floors of office space and add a further six floors. This would disrupt the existing low and consistent eaves height of the existing block of buildings. The existing massing of this building allows a generosity of space between the pedestrian thoroughfare, including the wall walk,

and the taller buildings. It also enables the stone and bronze façade of the 1960's Norwich Union office block to be revealed as one leaves the city. This building is worthy for its time and representative of its age.

4.6 The façade of the proposed office block (site B) has been designed with reference to the materials proportion and scale of the existing structure on site. It is accepted that if realized as intended, the front façade would offer a worthy replacement of the bleak view of the stair tower of former Blackfriar's House.

4.7 However it is the three dimensional impact of the structure which is of concern. The significant mass would be prominent from views from the historic core of the city, from the main approach over Lendal Bridge, and views from the city walls and the river, radically altering the skyline and townscape. It will extend across the views of the Norwich Union Building with a prominent side elevation that would detract from the appearance of this distinctive building in the street scene to the harm of the conservation area. At the moment, the tall building of Blackfriars House is set back and the introduction of this high mass would dwarf the scale of the three very distinctive but low rise buildings on Tanners Moat that provide a very valuable visual function of reducing the impact of the surrounding tall buildings. It is considered that the proposal would be harmful to the skyline of the area and fails to respect the local townscape.

4.8 The proposals would therefore conflict with Policy HE2 (Development in Historic Locations) of the Local Plan which 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; E4 of the Structure Plan which affords the strictest protection to areas of special townscape interest; and national planning guidance contained in Planning Policy Guidance Note 15 " Planning and the Historic Environment. "

4.9 The comments of English Heritage, the Conservation Area Advisory Panel and the Civic Trust in respect of building B are noted. It is recognized that a tall building existed on this site in the past. However the upper storeys were demolished in the 1960s, since when a new urban form has developed with the taller buildings on Rougier Street, adding to this complex of taller buildings to the detriment of the appearance and setting of adjacent historic buildings and views from the bridge and walls is not considered to be appropriate.

4.10 Even if the pre-existing structure was considered to be a compelling justification for a tall building on this site there would remain concerns regarding the three-dimensional impact on the conservation area in particular the side elevations and roof. This tall slim structure is rather deep on plan and has plainer side elevations and a flat roof. As it would be intruding on the existing openness in this area the structure as a "designed object" should offer something for what it is taking away. For example the roof should be modelled and the side elevations given equal consideration architecturally. In addition a lower structure would allow this roof modelling not to overdominate neighbouring buildings. However design changes would not in officer's view, overcome the significant in principle objections to the height and mass of the proposed building in this location.

IMPACT ON ARCHAEOLOGICAL REMAINS

4.11 The sites lie in the City Centre Area of Archaeological Importance in an area where very important archaeological remains have been excavated in the recent past. It is a requirement under Policy HE10 of the Local Plan for any application that involves disturbance of existing ground levels the applicant must provide a field evaluation to be approved by the Council, to assess the extent and importance of any archaeological remains. This requirement is supported by Planning Policy Guidance 16 " Archaeology. " As the applicant has failed to submit the necessary information, the proposed developments would be clearly contrary to adopted planning policy and cannot be supported.

FLOOD RISK

4.12 The application site is within Flood Zone 3 as defined on the Flood Zone map published by the Environment Agency, and is therefore at high risk of flooding. The proposed development incorporates ground floor office use which would be at risk of rapid inundation should flooding of the surrounding area occur. This proposed use is considered to be a vulnerable use by the Environment Agency and the proposal would conflict with Central Government advice in Planning Policy Guidance Note 25 " Development and Flood Risk", which states that the susceptibility of land to flooding is a material consideration in the determination of planning applications, and with Policy GP15 of the City of York Draft Local Plan, which states as follows:

" When determining planning applications, account will be taken of any increased risk of flooding that a development may cause. Any proposed development in areas which regularly flood will be required to be designed so as to minimise the risk of flooding on the development and surrounding areas"

The developer would be required to raise ground floor levels to a minimum of 11mAOD and/or that water compatible uses according to PPS25 be incorporated at ground floor level. The Flood Risk Assessment would have to include a clear commitment that water compatible development will be incorporated.

4.13 The applicant was informed of these issues and amended plans have been received from the applicant. The ground floor has been moved to 11mAOD resulting in-

Site A- Loss of ground floor amenity, use only as an entrance, storage, cycle or car parking. The office/lettable office space would be reduced by 560 squ. ft.

Site B- The introduction of a mezzanine floor level to negate the loss of lettable floor area that would occur by uplifting the entrance level.

Comments on these plans are awaited from the Environment Agency and the Council's Drainage Section. Members will be updated at the meeting.

CYCLE PARKING PROVISION AND ACCESS

4.14 In the originally submitted plans, neither of the proposed office blocks included on-site car parking facilities within the buildings. The amended plans that have been received that address the requirement for less vulnerable uses on the ground floor now incorporate a proposal for possible parking at Site A. Both sites are convenient for bus and train transport and business permits for parking on the street in the Respark Zone would not be permitted if the development was approved. There is also motor cycle parking and on-street metres in the vicinity of the application site and the sites are also convenient for cycle routes. The proposed form of cycle storage is for " Hook and Hang " spaces which can be difficult for all cyclists to use due to the effort required to park the cycle. It is also noted that the provision for cycle parking in both buildings would be under-provided by one space. The Highway Authority raises no objections to this under provision but would request that cycle storage details be altered to the Highway Authority's standard recommended design based on the "Sheffield" style of cycle stands. If Members approved the application, the applicant would be required to submit a travel plan in line with local and national guidelines for approval.

RESIDENTIAL AMENITY

4.15 It would appear that the upper floors of the property at the corner of Tanners Moat with Rougier Street are in residential use. Similarly the owner of the Maltings has a first floor flat with a small roof terrace that would be affected by the development at Site B. The massing of the structure would have a greater impact on the small roof terrace. It is already affected by an existing parapet wall that abuts its rear and side boundaries and it is considered ,on balance, that the additional harm would not seriously detract from the enjoyment of this area.

5.0 CONCLUSION

5.1 The proposed buildings are considered to harm the character and appearance of the conservation area and as such are considered to be contrary to Local Plan policy HE2 and Structure Plan policy E4.

The application has not been supported by the necessary archaeological information and is therefore contrary to Local Plan policy HE10 and the Government Guidance contained within PPG16 "Archaeology".

In the absence of updated comments from the Environment Agency regarding the acceptability of the revised drawings in relation to the Flood Risk Assessment the development is considered to have not satisfied the provisions of Local Plan policy GP15a or Government Guidance contained within PPS25 "Development and Floodrisk".

The application is therefore recommended for refusal.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

- 1 The application site is within Flood Zone 3 as defined on the Flood Zone map published by the Environment Agency, and is therefore at a high risk of flooding. The applicant has failed to provide a satisfactory flood risk Sequential Test as required by Planning Policy Statement 25 that ensures that decision-makers steer new development to areas at the lowest probability of flooding. The proposed ground floor office use would be a vulnerable use in terms of flood risk and it is considered, therefore, that the proposal would conflict with Central Government advice in Planning Policy Statement 25 "Development and Flood Risk" and with Policy GP15 of the City of York Draft Local Plan, which states as follows:

" When determining planning applications, account will be taken of any increased risk of flooding that a development may cause. Any proposed development in areas which regularly flood will be required to be designed so as to minimise the risk of flooding on the development and surrounding areas"

- 2 As the site lies in the City Centre Area of Archaeological Importance, it is a requirement under Policy HE10 of the Local Plan for any application that involves disturbance of existing ground levels that the applicant must provide a field evaluation to assess the extent and importance of any archaeological remains for the approval of the Local Planning Authority. This requirement is supported by Planning Policy Guidance 16 " Archaeology. " The applicant has failed to submit the necessary information and the proposed office developments would be clearly contrary to this adopted planning policy and guidance.
- 3 The proposed building on site A, because of the detailed design of its elevations in particular the use of horizontal band glazing, the glazing to stone ratio and the use of materials would appear out of context with its surroundings and would therefore harm the character and appearance of the conservation area.

The proposed building on site B, because of its height, massing and detailed design would appear in important views from Lendal Bridge and the City Walls as an unduly prominent and incongruous addition to the townscape and out of scale with its immediate neighbours on Tanner Row, as such the building is considered to be out of context with the historic townscape and harmful to the character and appearance of the conservation area.

The proposals are therefore contrary to the following policies:

E4 of the North Yorkshire County Structure Plan which affords the strictest protection to areas of special townscape, architectural or historic interest; and,

Policy HE2 of the City of York Development Control Local Plan which states that development proposals in conservation areas must respect adjacent buildings, open spaces, landmarks and settings and have regard to local

scale, proportion, detail and materials, and requires that proposals maintain or enhance existing urban spaces, views, landmarks and other townscape elements, which contribute to the character and appearance of the area.

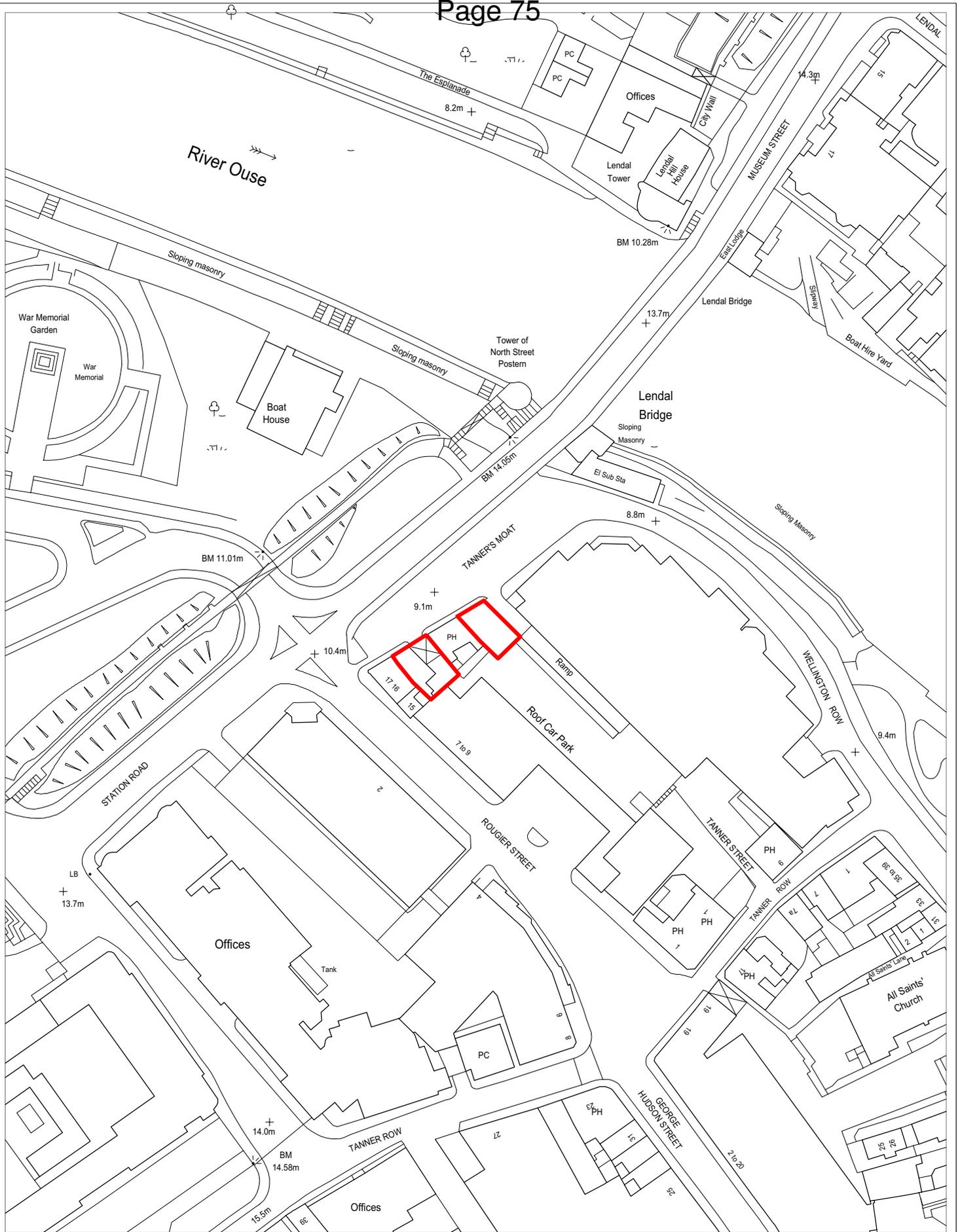
The proposals are also considered to be contrary to Government policy contained in PPG15 (Planning and the Historic Environment) which states that new buildings should be designed to respect their setting, following fundamental architectural principles of scale, height, massing and alignment and use appropriate materials and PPS1 (Delivering Sustainable Development) which states that new development should add to the overall character and quality of the area and be well integrated into the existing environment.

7.0 INFORMATIVES:

Contact details:

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CITY OF
YORK
COUNCIL

TANNER'S MOAT - 06/02662/FULM



SCALE 1:1250
Originating Group

DRAWN BY PSL
Project

DATE 5/4/2007
Drawing No.

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COMMITTEE REPORT**Committee:** West/Centre Area**Ward:** Holgate**Date:** 19 April 2007**Parish:** No Parish**Reference:** 07/00181/FULM**Application at:** The Veterinary Surgery Salisbury Road York YO26 4YN**For:** Erection of 3 no. two storey dwellings with rooms in roof and a three storey block of 7 no. apartments after demolition of the existing buildings (resubmission)**By:** The Minster Veterinary Practice**Application Type:** Major Full Application (13 weeks)**Target Date:** 30 April 2007**1.0 PROPOSAL**

1.1 This application is for the demolition of an existing clinic, residential unit and store ancillary to the Veterinary Surgery and subsequent erection of three dwellings and 7 no apartments. The dwellings and apartments shall be two separate buildings, one three storey pitched roof building fronting on Salisbury Avenue and the second block set within the site to the north, a row of three 3 storey town houses. Vehicular access to the site would be gained through a covered entryway with accommodation above. Within the site the accommodation is arranged around a parking area, and the three town houses would have there own private amenity space.

1.2 The area is within the defined settlement limits but is otherwise unallocated within the Local Plan.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

Schools St. Barnabas' CE Primary 0224

2.2 Policies:

CYH5

Residential densities over 25 per ha

CYGP4A

Sustainability

CYGP15

Protection from flooding

CYH4

Housing devp in existing settlements

CYGP1

Design

3.0 CONSULTATIONS

3.1 INTERNAL CONSULTATIONS

3.2 DRAINAGE - Objection. Leeman Road Flood bank was almost overtopped during 2000 flood, and the lowest level on the defences is 10.62 metres AOD. Bullen's River Ouse modelling report for the EA quotes a 1 in 100 year prediction level of 10.94 metres, and the consultant quotes a level of 11.01 metres AOD. Both of these 100 year levels exceed the level of the existing earth flood defences. Therefore the defences do not offer 1 in 100 year flood protection, as stated in section 5.4 in the FRA. The existing earth defences have also been assessed as structurally poor.

3.3 LIFELONG LEARNING AND CULTURE -

As there is no on-site open space commuted sums should be paid to the Council for

a) Amenity open space - which would be used to improve a local site such as Victoria Park or West Bank Park.

b) Play space - which would be used to improve a local site such as Garnet Terrace, Victoria Park or West Bank Park

c) Sports pitches - which would be used to improve a facility within the West Zone of the Sport and Active Leisure Strategy.

3.4 ENVIRONMENT PROTECTION -

The Environmental Protection Unit has no objections to this application. However I do have various concerns regarding the application, these are as follows:

- * The site is situated on one of the main roads into town which is also the park and ride bus route. I therefore have concerns regarding noise adversely affecting the amenity of the future residents of the proposed development.
- * The monitoring of air quality in this area has shown raised concentrations of NO₂ at the roadside and that these levels are approaching the Air Quality Objective. I therefore have concerns regarding the potential health risks to the future occupants of the proposed dwellings.
- * There is also concerns regarding possible contamination, found during any construction works, as council records indicate that the adjacent piece of land has historically been used for land filling. It is therefore recommended that the developer carry out gas investigation works, as stated below, at the earliest stage. This is due to the fact that the presence of gas can be a possible constraint on the development.

3.5 URBAN DESIGN - No comments

3.6 HIGHWAYS -

There are no highway objections to the development, however it is noted that a 2 metre pedestrian splays at the rear of the public highway footpath are included at both pedestrian accesses. Whilst this is not objected to, it is a recommendation that 2 metre pedestrian v's vehicle splays are provided at the vehicular access as well/instead of the footway splays. In addition the footways should be a minimum of 1.2 metres wide to permit a wheelchair to pass a pedestrian.

The tunnel entrance through the back, at 4 metres high will allow the passage of standard bin wagons, around 3.5 metres, but this will entail the vehicle reversing from the highway as on site turning area is inadequate. A bin collection area should be shown adjacent to the public highway at the front of the site. At 4metres the height of the tunnel will not permit fire tenders access to the rear (4.5 metres required) but the entrances to the houses, considered as three stories high, are within the maximum distance to the public highway for fire vehicles to stand.

EXTERNAL

3.7 ENVIRONMENT AGENCY - Objects.

The topographic survey shows the gradient of the site varies from 10.84 metres AOD to 9.22m AOD. The majority of the area to be developed is well below the highest recorded flood level and the modelled 1 to 100 year flood level. The FRA states that the finished floor levels will be 300mm above ground level. However it does not state if this would be average ground level, existing or proposed levels. 300mm above any of these levels offers insufficient protection to the development should the defences is breached.

The applicant should consider providing compensatory storage on a like for like basis for the volume of floodwater that could be displaced by a new development.

The applicant should consider incorporating flood proofing into the design of the dwellings.

The application form states that surface water will go to soak away. The FRA states that the soak away is not feasible at this site and that surface water would discharge into a sewer.

3.8 NEIGHBOURS

The application has been subject to local consultation; as a result four letters were received making the following comments;

- The road would become busier resulting from the dwellings
- The three storey building is not in keeping with the area and is too high
- The beautiful trees should not be affected.
- Would the bus stop be affected as a result of this application.
- The height of the buildings would cause overshadowing
- The flats are to be built above the food level they would be higher affecting properties around the site.
- The area has plenty of flats
- The slipper baths make a positive contribution to the character of the area.
- The house is not in a derelict state.
- The existing building should be incorporated into the design.
- The apartments would dominate the streetscape.

4.0 APPRAISAL

Key Issues

- Principle
- Design and Appearance
- Impact upon Residential Amenity
- Highway Safety
- Flood Risk

PRINCIPLE

4.1 The relevant City of York Council Draft Deposit Local Plan Policies is GP1 and H4. Policy GP1 is concerned with design and seeks a standard of design that will secure an attractive development and safeguard or enhance the environment by being of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces. Policy H4 refers to housing developments in existing settlements and states that permission will be granted within defined settlement limits for new housing development and land not already allocated on the proposals map where the site is vacant, derelict or under-used or it involves infilling, redevelopment or conversion of existing buildings and is of an appropriate scale and density to surrounding development and it would not have a detrimental impact on existing landscape features.

4.2 The application site consists of a house, a former slipper baths and currently forms half of the Minster Veterinary Practices headquarters. Within the application site there are a number of trees, which are subject of a Tree Preservation Order. The surrounding area is predominately residential in nature, with rows of modest terraced properties to the east and semi detached two storey properties to the south. The semi detached properties have off road parking and the terraced properties have on street parking.

4.3 The site may be considered as brown field it is a combination of domestic curtilage and ancillary external space for the Slipper Baths within the settlement limits. The site is also in a sustainable location, close to the city centre within a well established residential area close to public transport links. The principle of redevelopment is therefore acceptable.

DESIGN AND APPEARANCE

4.4 The flats have not been designed to reflect the character of the surrounding area, and would not relate in terms of scale, design and massing to the surrounding properties. The apartments, which front onto Salisbury Road, are not designed to match any of the surrounding properties. The height of the proposed apartments would be significantly higher than any of the surrounding buildings; this is exacerbated by the pitched roof on top of a three storey building, which collectively has a significant impact. The vehicle entryway below the apartment building is does not relate in terms of design and appearance to the surrounding area. The proposed apartments fronting onto Salisbury Road would measure approximately 19.4 metres long by 10 metres wide and 10.8 metres to the highest point. The three town houses to the rear would collectively constitute as a block of development measuring 13.6 metres long by 8 metres wide and 8.7 metres to the highest point. The height and scale of the townhouses would be more in keeping with the surrounding properties than the apartments fronting onto the highway.

4.5 The proposal would not have a positive effect upon the street scene, and therefore any development would have a significant effect relating to the character of the area. The application site is a gateway site into this residential area of the city when approached from the west. As such propriety should be given to ensure good design in this prominent location. When approaching the site from the west the differences in height, mass and scale are particularly apparent highlighting the differences the proposal would have upon the street scene and surrounding properties. This would contradict with Planning Policy Statement 1.

4.6 Whilst it is accepted that the slipper baths is an older building the proposed removal would not be to the detriment of the locality, as it does not make a significant contribution to the street scene or appearance of the area or is listed or within a Conservation Area. The principle important features to the site are the trees, which are substantial and some are subject to Tree Preservation Orders and would be protected as part of the application.

RESIDENTIAL AMENITY

4.7 The distance between the rear of the apartments and the front of the town houses within the site would measure approximately 20 metres and would result in an acceptable relationship and would not result in a substantial a loss of amenity for both residents. The relationship of the apartments to the neighbouring properties to the south over the highway is approximately 26 metres, which would be sufficient to preserve amenity.

HIGHWAY SAFETY

4.8 Concerns have been raised with regard to the impact the proposal would have upon traffic in the area. The Highways section of the council has not raised any concerns with a regard to the increase in dwellings in this location. With regard to the public transport, the application would be sited to the east of the existing bus stop, which should not be affected as a result of this application.

FLOOD RISK

4.9 Concerns have been raised from the Environment Department and Drainage that the proposal would not satisfy Planning Policy Statement 25 (PPS25). This sets out Government policy on development and flood risk. It's aims are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk. The proposal in within an identified high risk area and the development would not mitigate these concerns. The submitted Flood Risk Assessment is considered to not contain adequate information, which has not satisfied the Local planning Authority, contrary to GP15a.

5.0 CONCLUSION

The proposal does not respect the character and appearance of the area, is inappropriate in terms of design, compromises residential amenity and does not satisfy the flood risk requirements of the locality compromising polices GP1, GP15a and H4 of the Local Plan.

6.0 RECOMMENDATION: Refuse

- 1 The proposed three storey apartment building would not add to the character of the area or be well integrated into the existing environment. The height and massing would be inappropriate and would be excessively high, this

contradicts policies GP1 and H4 of the Local plan and Planning Policy Statement 1.

- 2 The Flood Risk Assessment does not successfully identify measures that would ensure the site can be safely developed, services and occupied contrary to policy GP15a of the Draft Local Plan and Planning Policy Statement 25.

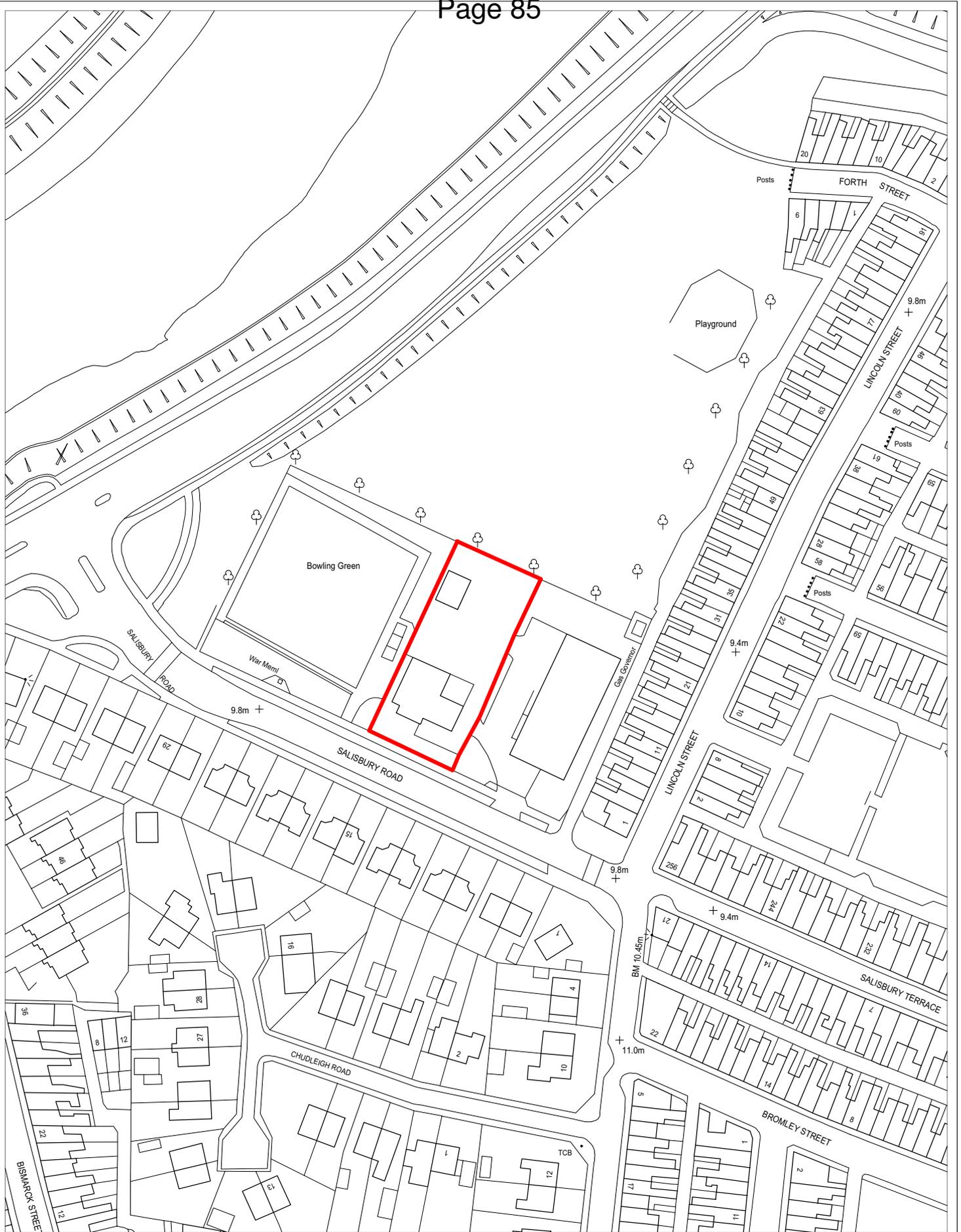
7.0 INFORMATIVES:

Contact details:

Author: Adrian Hill Development Control Officer

Tel No: 01904 551668

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CITY OF
YORK
COUNCIL

THE VETERINARY SURGERY, SALISBURY ROAD - 07/00181/FULM

SCALE 1:1250
Originating Group

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Project

DATE 5/4/2007
Drawing No.



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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Acomb
Date: 19 April 2007 **Parish:** Acomb Planning Panel

Reference: 06/02519/FUL
Application at: Land Between 29b And 31 Beckfield Lane York
For: Erection of 2no. dwellings
By: John Wheldon
Application Type: Full Application
Target Date: 15 January 2007

1.0 PROPOSAL

1.1 The applicant seeks planning approval to erect 2 no. dwellings.

1.2 The application relates to a vacant area of privately owned land and located toward the bottom of an unadopted highway adjoining Beckfield Lane. The unadopted highway contains a range of two storey dwellings and dormer type bungalows varying in size and age. The site is enclosed by wooden "hit and miss" fencing approx. 1.8 metres in height. A detached single garage is the only permanent structure upon the site. The gable of no.54 Raven Grove overlooks the site. Alpine Bungalow (located beyond the eastern boundary) is well set down.

RELEVANT HISTORY

1.3 04/03321/REM - Reserved Matters Application for the Erection of Detached Bungalow on Land Between 29B AND 31 Beckfield Lane (revised scheme) - Outline Application 02/01847/OUT refers - Approved (33b Beckfield Lane)

1.4 03/04045/REM - Reserved Matters Application for the Erection of Detached Bungalow and Garage on Land Between 29B and Beckfield Lane. Outline Application 02/01847/OUT refers - Approved 19.02.2004.

1.5 02/02167/FUL - Erection of Bungalow with Detached Garage - Approved 22.10.2002. (Application Site)

1.6 02/02100/REM - Reserved Matters Application for the Erection of Bungalow with Attached Garage - Outline Application 01/00686/OUT refers - Approved 22.10.2002. (29c Beckfield Lane)

1.7 02/01847/OUT - Outline Application for Erection of Two Bedroom Bungalow on Land Between 29B and 31 Beckfield Lane - Approved 22.10.2002.

01/00686/OUT - Erection of Bungalow with Attached Garage - Approved 24.07.2001.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYGP1
Design

CYH4A
Housing Windfalls

CYGP10
Subdivision of gardens and infill devt

3.0 CONSULTATIONS

INTERNAL

3.1 York Consultancy - No Objections (Conditions Included).

3.2 Highway Network Management - No Objections (Conditions Included).

3.3 Environmental Protection Unit - No Objections (Conditions Included).

3.4 Lifelong, Leisure and Learning - No Objections (Comments Included)

Commuted sums should be paid to the Council for

a) amenity open space - which would be used to improve the local open space such as Northfield School site or Acomb Green.

b) play space - which would be used to improve the local site such as Viking Road or Acomb Green.

c) sports pitches - which would be used to improve a facility within the West Zone of the Sport and Active Leisure Strategy.

EXTERNAL

3.5 Acomb Planning Panel - Objections

- * Overdevelopment of the site.
- * Very restricted access via narrow road already serving four properties.
- * Poor access from highway into Beckfield Lane.

3.6 Objections Resulting from Original Neighbour Consultation Letter 28.11.2006

7 letters of objection have been received regarding the applicants' proposals. The letters raise the following concerns.

- * No right of access.
- * Highway Issues.
- * Concerns about the height.
- * "Garden Grabbing".
- * Lack of Parking.
- * Emergency Vehicles have trouble accessing the site.

3.7 Objections Resulting from Additional Neighbour Consultation Letter 07.03.2007

2 letters of objection have been received. The letters raise the following concerns.

- * No right of access.
- * Highway Issues.
- * Increased likelihood of accidents.
- * Increased Traffic.

4.0 APPRAISAL

4.1 The bungalow approved under application no. 02/02167/FUL, was clearly designed to mitigate any harm to neighbouring properties, as the height variations are all located at strategic points.

4.2 Although larger in terms of footprint and higher than the approved bungalow, the overall design of the proposed dwellings has a similar impact.

4.3 The garage element and in particular the northern elevation (including the bike store) are located within 0.15 metres of the shared boundary with No.34, Raven Grove, however the proposed ridgeline (located 3.3 metres from the aforementioned boundary) has a height of only 4.1 metres. The garages have been designed as such to maximise sunlight levels to the main amenity areas of No.34, Raven Grove. The rear elevation of the eastern bungalow, faces the blank gable of No.34, with the existing trees and shed combining to mitigate any amenity impacts.

4.4 The western bungalow will replace an existing double garage, which dominates the south western and south eastern corners of No.34, Raven Grove's and 29, Gresley Court's rear gardens respectively. Although some overshadowing is expected, this will occur along the shared boundary and is not considered to be of detriment to the main amenity areas.

4.5 The pitched/partially hipped roofs take the bungalows height away from the boundary, mitigating any overbearing impact. The bungalow (app. no. 02/02167/FUL) had a maximum height of 4.7 metres located within 1.7 metres of the northern boundary, while this particular proposal has a maximum height of 6.1 metres within 4.7 metres of the aforementioned boundary. Rear windows are located at ground floor level only; below the height of the existing fence, therefore no overlooking is expected.

4.6 The front dormers are located approx. 10.5 metres from the boundary hedge of No's 9 and 11, Staithes Close, with a further 11.5 metre provision to the rear elevations of the aforementioned properties. The dormer windows (max. glazed height 4.8 metres) in conjunction with the aforementioned distances and the height of the boundary hedge represent little threat to the residential amenity of properties on Staithes Close.

4.7 Concerns have been raised about the "right of access", this is not a material planning consideration and cannot be considered as part of this application. In terms of access, many of the objection letters have raised concerns about the lack of suitable access for emergency vehicles. The existing access will remain as existing so the proposed bungalow is not considered to compound the situation any further.

4.8 A number of large modern dormer bungalows already exist in Beckfield Lane, this along with the limited amenity impact already highlighted ensures compliance with the principles of Policy GP10 "Subdivision of Gardens and Infill Development"

4.9 Highway Network Management have no objections to the applicant's proposals. Parking provisions meet the requirements as set out in Appendix E "Dwellinghouses" (C3) of the City of York Development Control Draft Local Plan.

5.0 CONCLUSION

5.0 The applicants' proposals are considered to be appropriate in this instance and are therefore recommended for approval.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2

2 The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:-

JW/01A - Proposed New Dwellings.

or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans.

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

- 3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

- 4 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A to H of Schedule 2 Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenities of the adjoining residents the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no doors, windows (including dormers and roof lights) or other opening additional to those shown on the approved plans shall at any time be inserted into the external elevations of the properties hereby approved.

Reason: In the interests of the amenities of occupants of adjacent residential properties.

- 6 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 alternative arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: To comply with Policy L1C of the City of York Draft Local Plan

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 financial contribution towards the off site provision of open space. The obligation should provide for a financial contribution calculated at £1630.00.

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.

- 7 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 the approved plans.

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

- 8 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

- 9 Prior to the commencement of works on site, details of the existing and proposed surface water systems should be submitted for the written approval of the Local Planning Authority.

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

- 10 Details showing the existing and proposed ground levels for the site/adjacent properties and the finished floor levels of the dwellings hereby approved shall be submitted for the written approval by the Local Planning Authority and retained thereafter as such.

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

- 11 HT1 - 5.9 metres

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 visual/residential amenity and highway safety. As such the proposal complies with Policies GP1, H4a and GP10 of the City of York Development Control Draft Local Plan.

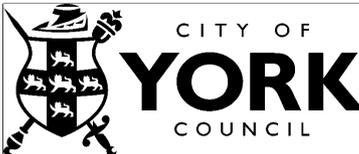
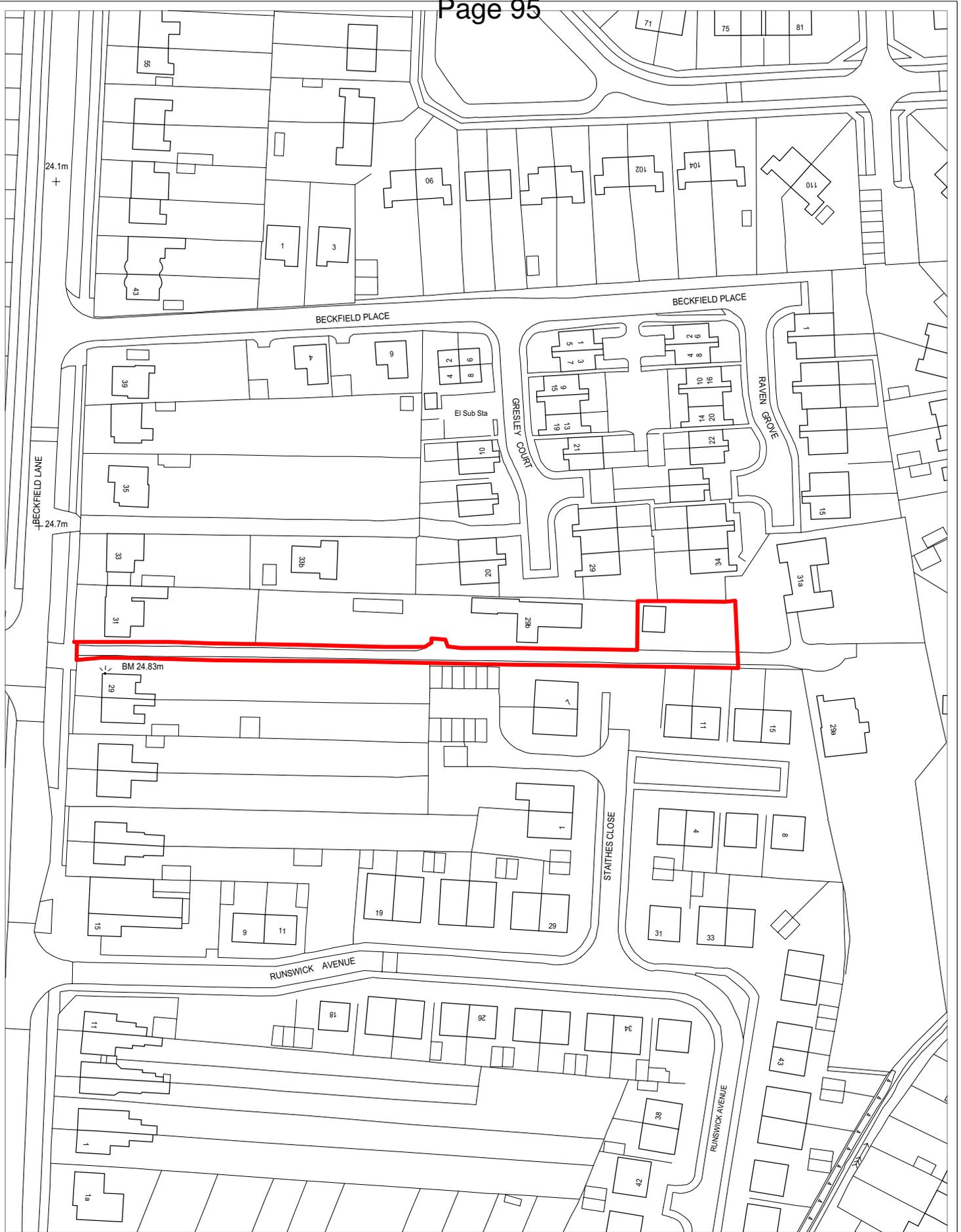
2. As the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, carried out in winter - to prove that the ground has sufficient capacity to except surface water discharge, and to prevent flooding of the surrounding land and the site itself.

Contact details:

Author: Richard Mowat Development Control Officer

Tel No: 01904 551416

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29b & 31 BECKFIELD LANE - 06/02519/FUL

SCALE 1:1250
Originating Group

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Project

DATE 5/4/2007
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COMMITTEE REPORT

Committee:	West/Centre Area	Ward:	Dringhouses and Woodthorpe
Date:	19 April 2007	Parish:	Dringhouses/Woodthorpe Planning Panel

Reference: 07/00460/FUL
Application at: The Cross Keys 32 Tadcaster Road Dringhouses York YO24 1LQ
For: Timber canopy at rear of building in paved seating area
By: Spirit Group
Application Type: Full Application
Target Date: 24 April 2007

1.0 PROPOSAL

1.1 The application is for planning permission for an outdoor covered area, presumably to provide cover for smokers as a consequence of the forthcoming smoking ban. The submission has been revised as originally proposed was a giant umbrella. The applicants were advised that the impact of which on the listed building and conservation area would be unacceptable. The revised plans now propose a timber framed lean to canopy that would be located in the paved outdoor area.

1.2 The application relates to the Cross Keys public house. The building was built and extended in the C18th. It is a grade II listed building and within the Tadcaster Road conservation area. A companion application for listed building consent has also been submitted (07/00461/LBC).

1.3 The site is located at the junction of St Helen's Road and Tadcaster Road. The building has an associated car park at the rear (west) and beyond is 1 St Helen's road, a residential property. North of the site is the Co-op convenience store and across the road to the east and south are residential properties (no.s 33,34 and 35 Tadcaster Road).

1.4 There have been no previous planning applications at the site considered to be relevant.

1.5 The application is brought to planning committee at the request of Councillor A Reid.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest Dringhouses Area 0008
 Conservation Area Tadcaster Road 0034
 City Boundary York City Boundary 0001

DC Area Teams West Area 0004

Listed Buildings Grade 2; Cross Keys Hotel 32 Tadcaster Road Dringhouses York
0160

2.2 Policies:

CYGP1	Design
CYHE3	Conservation Areas
CYHE4	Listed Buildings

3.0 CONSULTATIONS

Internal

3.1 Urban Design and Conservation (UDC) - UDC consider that the proposed shallow pitched roof shelter, attached to the rear of the existing flat roof extension is preferable to the giant umbrella proposal, which was objected to. UDC Considered that the design of the proposed giant umbrella was not in keeping with the age, style and character of the listed building. The prominent position of the giant umbrella would be in public view from St. Helen's Road, and would detract from the setting of the listed building and views to the rear elevation.

3.2 Environmental Protection Unit (EPU) - No response to date.

External

3.3 Planning Panel - No objection.

3.4 Publicity - Application publicised by neighbour notification letters, site and press notice. The expiry date for comment is 4 April.

One letter in objection raises the following issues,

- The proposed giant umbrella and extension of opening hours would exacerbate the existing problems associated with the public house. These include noise and litter creation.

4.0 APPRAISAL

Key issues

4.1 In assessing this application the issue to consider is the visual impact of the development and its subsequent affect on the historic importance of the listed building and its setting, which is on the edge of the Tadcaster Road conservation area (the pub and rear patio area are in the conservation area, the car park is not).

4.2 The opening hours and operation of the public house are controlled through the licensing legislation. Under the Licensing Act 2003, the premises are required to

have a premises license, which acts in the interests of preventing crime and disorder; but extends to deterring litter creation. Any such problems specific to the premises should be resolved through the licensing legislation. The planning application need not duplicate such licensing legislation. Furthermore, given the proposed development, it would be unreasonable to use this application to control the hours of operation.

Relevant policy

4.3 E4 of the North Yorkshire County Structure Plan states that buildings and areas of special historic interest shall be afforded the strictest protection.

4.4 GP1 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 over dominance

4.5 Policy HE3 of the City of York Draft Local Plan states that within Conservation Areas, proposals will only be permitted where there is no adverse effect on the character or appearance of the area.

4.6 Policy HE4 states that listed building consent will only be granted when there is no adverse effect on the character, appearance or setting of the building.

Appraisal

4.7 The canopy would cover an area of 1.4 metres by 5.8 metres. It would have a timber frame and lean to roof covered in tiles that would match those used on the main building. The canopy would be lower than the flat roof extension to the public house from which it would extend from. The proposed canopy, by virtue of its location, height, footprint, design and materials is considered to be of acceptable appearance. It would appear as a subordinate addition to the building and would not detract from visual amenity.

4.8 The outdoor area associated with the public house has an established lawful use (in terms of planning) as a beer garden. Based on representations, the problems associated with amenity, i.e. noise disturbance, exist already, there would not be significant change as a direct result of the proposed development. As stated in 4.2, the management of the premises and its patrons are controlled under the Licensing Act 2003. It is understood that an application has been submitted to vary the premises license and in this case the amenity of surrounding residents should be considered under that legislation.

5.0 CONCLUSION

5.1 The proposed structure is considered to be of acceptable appearance. There would be no harm caused to the special historic interest or appearance of the listed building, or the Tadcaster Road conservation area. Approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 PLANS1

2 TIME2

3 The materials to be used externally on the roof of the canopy shall match those of the existing building in colour, size, shape and texture. Any change in the roof material shall first be agreed to in writing by the Local Planning Authority.

Reason: To achieve a visually acceptable form of development.

4 Elevation drawings to a scale of 1:50 or 1:100 of the canopy 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.

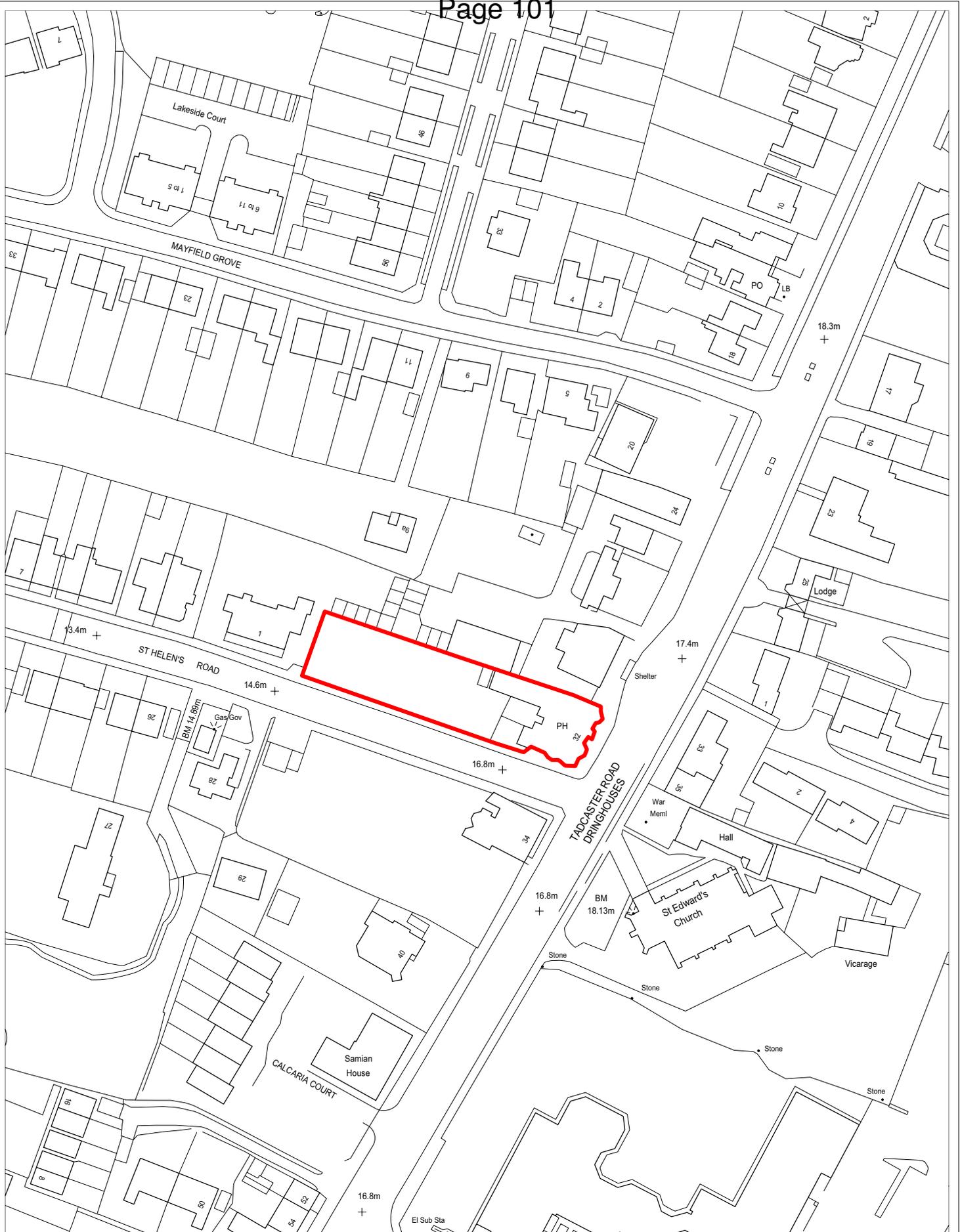
7.0 INFORMATIVES:

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 the special historic interest of the listed building, the character and appearance of the conservation area and amenity. As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GP1, HE3 and HE4 of the City of York Local Plan Deposit Draft.

Contact details:

Author: Jonathan Kenyon Development Control Officer
Tel No: 01904 551323



CITY OF
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CROSS KEYS, TADCASTER ROAD - 07/00160/FUL

SCALE 1:1250
Originating Group

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DATE 5/4/2007
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COMMITTEE REPORT

Committee:	West/Centre Area	Ward:	Dringhouses And Woodthorpe
Date:	19 April 2007	Parish:	Dringhouses/Woodthorpe Planning Panel

Reference: 07/00461/LBC
Application at: The Cross Keys 32 Tadcaster Road Dringhouses York YO24
 1LQ
For: Timber canopy at rear of building in paved seating area
By: Spirit Group
Application Type: Listed Building Consent
Target Date: 24 April 2007

1.0 PROPOSAL

1.1 The application is for listed building consent for an outdoor covered area, presumably to provide cover for smokers as a consequence of the forthcoming smoking ban. The submission has been revised as originally proposed was a giant umbrella. The applicants were advised that the impact of which on the listed building and conservation area would be unacceptable. The revised plans now propose a timber framed lean to canopy that would be located in the paved outdoor area.

1.2 The application relates to the Cross Keys public house. The building was built and extended in the C18th. It is a grade II listed building and within the Tadcaster Road conservation area. A companion application for planning permission has also been submitted (07/00460/FUL).

1.3 The site is located at the junction of St Helen's Road and Tadcaster Road. The building has an associated car park at the rear (west) and beyond is 1 St Helen's road, a residential property. North of the site is the Co-op convenience store and across the road to the east and south are residential properties (no.s 33,34 and 35 Tadcaster Road).

1.4 There have been no previous planning applications at the site considered to be relevant.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest Dringhouses Area 0008
 Conservation Area Tadcaster Road 0034
 City Boundary York City Boundary 0001
 DC Area Teams West Area 0004
 Listed Buildings Grade 2; Cross Keys Hotel 32 Tadcaster Road Dringhouses York

2.2 Policies:

CYHE4
Listed Buildings

3.0 CONSULTATIONS

Internal

3.1 Urban Design and Conservation (UDC) - UDC consider that the proposed shallow pitched roof shelter, attached to the rear of the existing flat roof extension is preferable to the giant umbrella proposal, which was objected to. UDC Considered that the design of the proposed giant umbrella was not in keeping with the age, style and character of the listed building. The prominent position of the giant umbrella would be in public view from St. Helen's Road, and would detract from the setting of the listed building and views to the rear elevation.

External

3.2 Planning Panel - No objection.

3.3 Publicity - Application publicised by neighbour notification letters, site and press notice. The expiry date for comment is 4 April. No written representations have been made.

4.0 APPRAISAL

Key issues

4.1 In assessing this application the issue to consider is the visual impact of the development and its subsequent affect on the historic importance of the listed building and its setting, which is on the edge of the Tadcaster Road conservation area (the pub and rear patio area are in the conservation area, the car park is not).

Relevant policy

4.2 E4 of the North Yorkshire County Structure Plan states that buildings and areas of special historic interest shall be afforded the strictest protection.

4.3 Policy HE4 states that listed building consent will only be granted when there is no adverse effect on the character, appearance or setting of the building.

Appraisal

4.4 The canopy would cover an area of 1.4 metres by 5.8 metres. It would have a timber frame and lean to roof covered in tiles that would match those used on the main building. The canopy would be lower than the flat roof extension to the public house from which it would extend from. The proposed canopy, by virtue of its location, height, footprint, design and materials is considered to be of acceptable appearance. It would appear as a sympathetic, subordinate addition to the listed

building and would not detract from the appearance of the building, its setting or its special historic interest.

5.0 CONCLUSION

5.1 The proposed structure is considered to be of acceptable appearance. There would be no harm caused to the special historic interest or appearance of the listed building. Approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 PLANS2

2 TIMEL2

3 The materials to be used externally on the roof of the canopy shall match those of the existing building in colour, size, shape and texture. Any change in the roof material shall first be agreed to in writing by the Local Planning Authority.

Reason: To achieve a visually acceptable form of development.

4 Elevation drawings to a scale of 1:50 or 1:100 of the canopy 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.

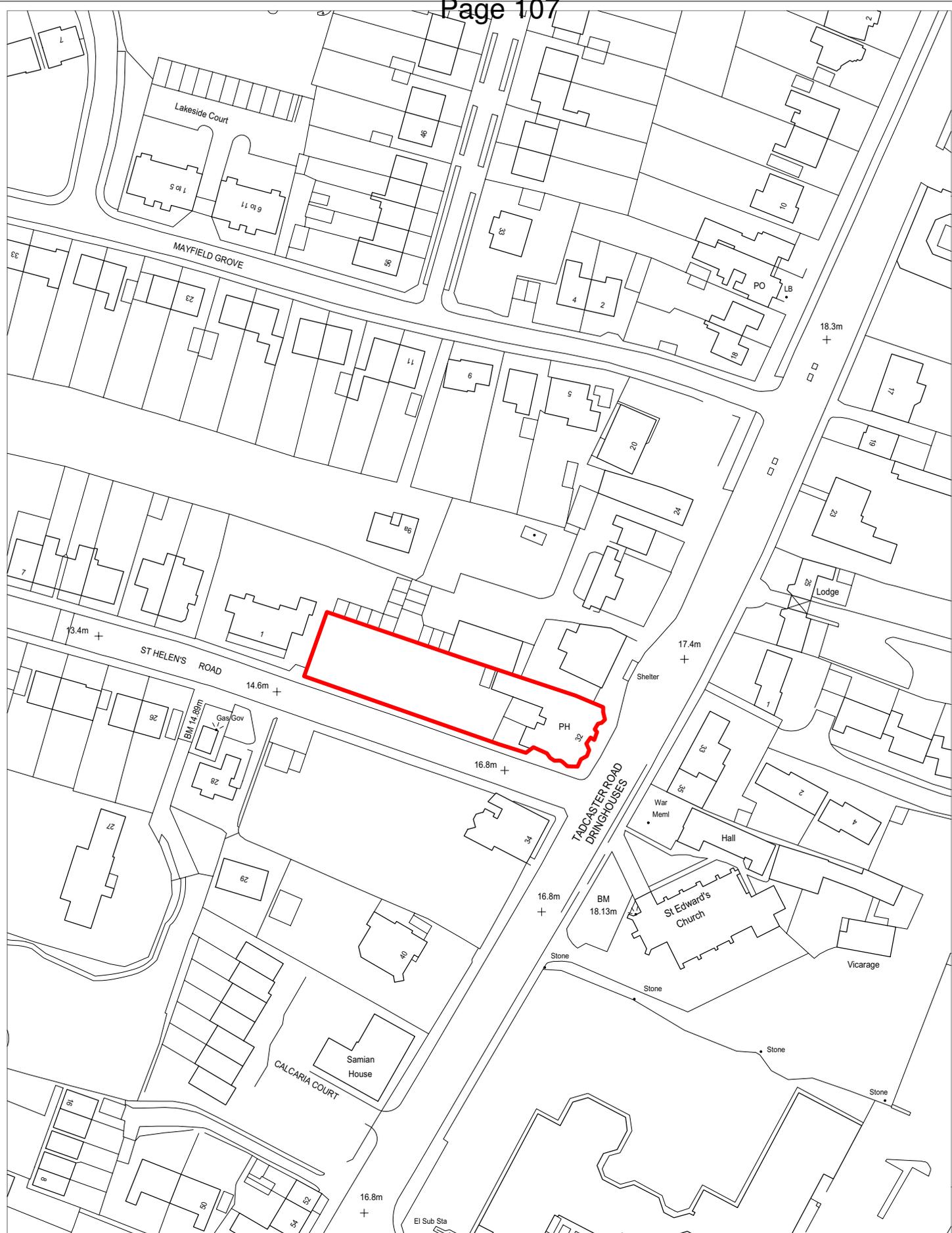
7.0 INFORMATIVES:

1. 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 the special historic interest of the listed building. As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policy HE4 of the City of York Local Plan Deposit Draft.

Contact details:

Author: Jonathan Kenyon Development Control Officer
Tel No: 01904 551323

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CITY OF
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CROSS KEYS, TADCASTER ROAD - 07/00160/LBC

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COMMITTEE REPORT

Committee: West/Centre Area
Date: 19 April 2007

Ward: Rural West York
Parish: Askham Bryan Parish Council

Reference: 07/00122/FULM
Application at: OS Field 5186 (North of BT Depot) Askham Fields Lane
Askham Bryan York
For: Reforming of land and use as an occasional 4x4 training course
(resubmission)
By: Professor G Reece
Application Type: Major Full Application (13 weeks)
Target Date: 3 May 2007

1.0 PROPOSAL

1.1 The applicant seeks planning approval to reform land and use it for an occasional 4x4 training course (resubmission).

1.2 Application 06/01791/FULM originally proposed dual usage, with 4x4's and BMX's using the site. The aforementioned application was withdrawn. The application before the committee has removed the proposed usage by BMX bicycles.

1.3 The application site relates to area of unmanaged land currently used for the storing/dumping of inert materials. Prior to the dumping of the aforementioned materials the site contours varied little. The site is bordered by agricultural land to the north and east, a BT depot to the south and a working/educational woodland to the west. Access is from Askham Fields Lane via an existing access track.

RELEVANT HISTORY

1.4 06/01791/FULM - Use of Land for BMX Track and Occasional 4 x4 Training Course - Withdrawn 5th October 2006

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYGP1

Design

CYGB1

Development within the Green Belt

CYNE7

Habitat protection and creation

3.0 CONSULTATIONS

INTERNAL

3.1 Urban Design and Conservation - No Objections - Condition Included.

3.2 York Consultancy - No Objection "low risk Flood Zone 1 and will not suffer from river flooding".

3.3 Highway Network Management - No Objections - Condition Included.

3.4 Environmental Protection Unit - No Objections - Conditions Included

3.5 Lifelong Leisure and Learning - No Comments

3.6 York Consultancy - No Objections.

3.7 Urban Design and Conservation - No Objections.

EXTERNAL

3.8 Marston Moor Internal Drainage Board - No Objections - Conditions and Informatives.

3.9 Yorkshire Water - No Objections - Conditions Included.

3.10 Askham Bryan Parish Council - Objections.

- * Lack of Information.

- * Concerns about the range of vehicles.

- * Concerns about noise pollution.

- * Has the site been used previously without Planning Permission.

3.11 Two letters of objection have been received regarding the applicants' proposals. The letters raise the following concerns.

- * Concerns about the burning of Waste Materials.

- * Problems with Litter.

- * Highway Concerns.

- * BMX and 4 x 4 do not mix.

- * Concerns about parking

* No toilet facilities on the site "students have been seen urinating in the bushes"

4.0 APPRAISAL

KEY ISSUES

Green Belt
Landscaping/Nature
Imported Materials
Noise
Parking
Hydrology

POLICY CONTEXT

4.1 GB1 - Development in the Green Belt: states that planning permission within the Green Belt will only be granted where:

- a) the scale, location and design of such development would not detract from the open character of the Green Belt; and
- b) it would not conflict with the purposes of including land within the Green Belt; and
- c) it would not prejudice the setting and special character of the City of York

AND it is for one of the following purposes:

- * agriculture and forestry; or
- * essential facilities for outdoor sport and outdoor recreation; or
- * cemeteries; or
- * limited extension, alteration or replacement of existing dwellings; or
- * limited infilling in existing settlements; or
- * limited affordable housing for proven local needs; or
- * limited infilling or redevelopment of existing major developed sites; or
- * minerals extraction, provided high environmental standards are attainable;
- * or highway works or other essential operations including waste disposal; or
- * park and ride facilities; or
- * reuse of existing buildings.

All other forms of development within the Green Belt are considered inappropriate. Very special circumstances will be required to justify instances where this presumption against development should not apply.

4.2 Policy GP1 'Design' of the City of York Development Control Draft Local Plan includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape;

incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

4.3 Policy NE7 'Habitat Protection and Creation states "development proposals will be required to retain important natural habitats and, where possible, include measures to enhance or supplement these and to promote public awareness and enjoyment of them.

Within new developments measures to encourage the establishment of new habitats should be included as part of the overall scheme.

4.4 Planning Policy Guidance Note 2 'Green Belts' sets out the purposes of including land within Green Belts and establishes specific categories of development that are appropriate within Green Belts. All other development is deemed inappropriate and therefore harmful to the Green Belt. For such development to be acceptable in Green Belts very special circumstances must be demonstrated to show that the harm is outweighed by other considerations. Policy E8 of the North Yorkshire County Structure Plan establishes a Green Belt around the City of York and Policy E9 states that planning permission will only normally be granted for the change of use or redevelopment of existing buildings in connection with agriculture, outdoor sport, cemeteries or large institutions and 'other uses appropriate in a rural area'. The boundaries of the Green Belt are detailed on the Proposals Map of the City of York Local Plan Deposit Draft (CYLPDD) and this site clearly falls within the Green Belt.

GREEN BELT

4.5 The site will be predominantly used to educate students/member of the public in the skills required for safe off road driving, however at certain times (currently unspecified)of the year the facilities will be available for recreational purposes. The proposed usage is therefore considered to be appropriate, within the designated Green Belt and compliant with the principles of Local Plan Policy GB1.

4.6 The proposed mounding will vary considerably across the site to provide both interest and complexity. Heights vary between 1 metre and 4 metres above the original ground level, which in places is comparable with that existing currently. The proposed tree planting will be located on higher bunds and will replicate the existing planting, found along the western boundary. The additional planting and contouring will replace both the sporadic mounding and self seeded vegetation and is not considered to detract from the open character of the designated Green Belt.

LANDSCAPING AND NATURE

4.7 Planting will include a range of indigenous trees, shrubs and wildflower species, bolstering landscape interest and wildlife diversity. Dense planting has been proposed along existing boundaries to mitigate any visual impact and muffle sound from vehicles.

IMPORTED MATERIALS

4.8 The source for the inert materials need to create this particular facility has not yet been identified. The applicant has been in discussion with the Environment Agency, who have expressed a willingness to grant a "Tipping Licence". Conditions have been included, requiring the applicant to provide samples of any materials proposed to be tipped on the site.

NOISE

4.9 It is accepted that the proposed usage will increase noise levels both on and around the access site. The site will only be used by 4 x 4 vehicles and tractors. Conditions have been included, restricting the usage to "no more than two days in any one 7 day period", this in conjunction with the increased planting should go along way to alleviating concerns raised by objectors. The applicant and the Environmental Protection Unit have stated/requested respectively that the access gate is locked when the site is not in use. Locking the gate will stop unauthorised usage, which could subsequently increase noise levels at inappropriate times of the day.

PARKING

4.10 An existing hard standing provides parking for approx. 16 vehicles. Additional parking for those taking certificated courses is provided within the main college campus. Highway Network Management have no objections to the scheme.

HYDROLOGY

4.11 Yorkshire Water, Marston Moor IDB and York Consultancy have no objections to the applicants proposals. Conditions and informatives have been included to secure and protect both the local aquatic environment and service infrastructure.

5.0 CONCLUSION

This particular application is considered to be acceptable in this instance and is therefore recommended for approval.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2

2 The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:-

GD0105 - Proposals Plan and Plant Schedule.

or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans.

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 use hereby permitted shall be confined to the following hours:

Monday to Fridays	08.30 hrs to 18.00 hrs
Saturdays	not at all
Sundays and Bank Holidays	not at all

Reason: To protect the amenity of nearby occupants from noise.

- 4 The site shall be used by motor vehicles for no more than two days in any one 7 day period.

Reason: To protect the amenity of nearby occupants from noise.

- 5 Prior to first use the site shall be suitably secured to prevent the unauthorised access of the site, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of nearby occupants from noise which may be associated with unauthorised use of area by motorised vehicles.

- 6 All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to 08:00 to 18:00 Monday to Fridays, 09:00 to 13:00 Saturdays and no works at all shall be carried out on Sundays and Bank Holidays.

Reason: To protect the amenity of local residents during the construction of the development.

- 7 An assessment of the contamination status of soils brought onto site shall be undertaken. The results of the investigation shall be submitted to and approved by the local planning authority in writing prior to any development commencing on the site.

Reason: to Protect the Health of users of the track

- 8 Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction (including the planting of trees), shall be located over or within 3 metres either side of the centre line of the sewer.

Reason: In order to allow sufficient access for maintenance and repair work at all times.

Informative

A developer may, where it is reasonable to do so, require a sewerage undertaker to alter or remove a pipe where it is necessary to enable that person to carry out a proposed improvement of land. This provision is contained in section 185 of the Water Industry Act 1991 that also requires the developer to pay the full cost of carrying out the necessary works.

9 LAND1

10 Prior to the development commencing details shall be submitted to and approved in writing by the Local Planning Authority of the measures to be employed to prevent the deposition of mud and other detritus on the public highway by vehicles from the site.

Reason: To prevent the deposition of mud and detritus creating a hazard on the public highway.

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 the impact on the designated Green Belt, visual amenity, landscaping and noise. As such the proposal complies with PPG2 and Policies GP1, NE7 and GB1 of the City of York Development Control Draft Local Plan.

2. DRAINAGE ROUTES

All drainage routes through the Site shall be maintained both during the works on Site and after completion of the works.

Provisions shall be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the Site are not adversely affected by the development.

Drainage routes shall include all methods by which water may be transferred through the Site and shall include such systems as ridge and furrow and overland flows. The affect of raising Site levels on adjacent property must be carefully considered and appropriate measures taken to negate influences.

In addition the applicant should be advised of their general responsibilities:

3. RIPARIAN MAINTENANCE RESPONSIBILITY

Any watercourse adjacent to and/or affected by this development is not maintained by the Board.

The responsibility for the continued maintenance of any such watercourse and its banks rests ultimately with the riparian owners.

4. INTERFERENCE WITH COMMON LAW RIGHTS

The Applicant should be aware of his responsibilities to ensure that the proposals do not interfere with riparian owner's Common Law rights to receive water undiminished in quantity or quality.

If any watercourses crossing the Site are interrupted or diverted then, notwithstanding the need for any statutory Consents or Licences, it is the Applicant's responsibility to take appropriate steps to protect the rights of the riparian owners, for which he has a liability.

It is the Applicants responsibility to ensure that his proposals do not cause or exacerbate flooding problems for others as a result of his proposals.

5. Your attention is 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 considered.

a 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".

b 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.

c 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.

d 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.

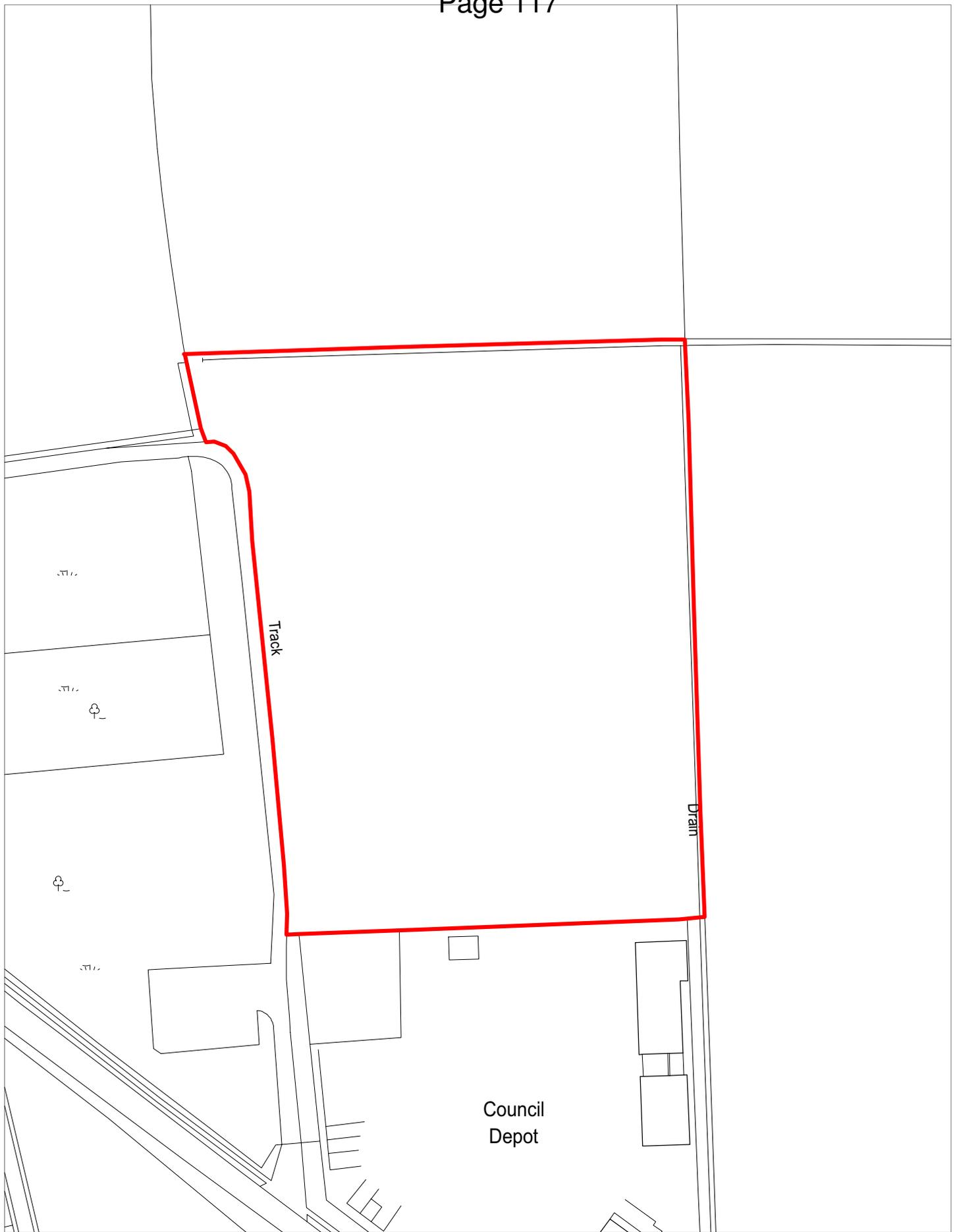
e Any asbestos containing materials shall be removed by licensed contractors to a licensed disposal site.

f There shall be no bonfires on the site.

Contact details:

Author: Richard Mowat Development Control Officer

Tel No: 01904 551416



9, St. Leonards Place, York, YO1 2ET
 Telephone: 01904 551550

OS FIELD 5186 (NORTH OF BT DEPOT), ASKHAM FIELDS LANE, ASKHAM BRYAN - 07/00122/FULM

SCALE 1:1250

DRAWN BY PSL

DATE 5/4/2007

Originating Group Project

Drawing No.



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COMMITTEE REPORT**Committee:** West/Centre Area**Ward:** Rural West York**Date:****Parish:** Nether Poppleton Parish
Council**Reference:** 07/00138/FULM**Application at:** Millfield Works Millfield Lane Nether Poppleton York YO26 6PB**For:** Erection of building comprising office and industrial units**By:** London Ebor Developments Pension Fund**Application Type:** Major Full Application (13 weeks)**Target Date:** 23 April 2007**1.0 PROPOSAL**

1.1 This application seeks permission to erect office and light industrial accommodation fronting onto Millfield Lane following demolition of the existing building. The proposed building would measure approximately 40.5 metres to the widest point 29.5 metres to the longest point and 6.4 metres to the highest point. The building would consist of a combination of glazing and aluminium cladding, giving the building a modern and contemporary design.

1.2 The proposal would provide approximately 780 metres squared of office accommodation spread over two stories and 558 metres squared of industrial accommodation divided into three self contained units.

1.3 The application site is within a designated employment area as identified in the Local Plan. Policy identifies that within these designated areas B1, B2 and B8 uses are acceptable.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYGP1
DesignCYE3B
Existing and Proposed Employment Sites

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

3.1 HIGHWAYS- Car parking is provided in accordance with CYC standards and the development is served by existing accesses. Suitable cycle parking should be provided

EXTERNAL CONSULTATIONS/ REPRESENTATIONS

3.2 Nether Poppleton Parish Council - we object on the following grounds. The drawing suggests that this is purely speculative to obtain planning for this site. The design is not environmentally friendly having a large glazed areas and no air conditioning. With the proposed flat roof it does not match the existing streetscape. No disabled parking provision is shown. No provision for cycle storage is shown. We suggest that officer's request that the scheme be re thought.

4.0 APPRAISAL

KEY ISSUES

- Policy
- Principle of development
- Impact on the appearance of the area
- Impact on neighbours
- Highway safety

POLICY

4.1 PPS1: Planning for Sustainable Development aims to protect the quality of the natural and historic environment. 'The Planning System: General Principles', the companion document to PPS1, advises of the importance of amenity, design and the street scene as issues.

4.2 Policy GP1: states that development proposals will be expected to (i) respect or enhance the local environment, (ii) be 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; (iii) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment; (iv) retain, enhance and/or create urban spaces, public views, skyline, landmarks and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view; and (v) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.3 Policy E3b 'Existing and proposed employment sites' of the City of York Development Control Local Plan states that standard employment sites identified in Schedule 2 and any other sites or premises either currently or previously in employment use, will be retained within their current use class.

PRINCIPLE OF DEVELOPMENT

4.4 The application site has been designated in the Local Plan as an employment site, which B1, B2 and B8 uses have been considered acceptable. The proposal seeks to provide office (B1) and industrial units (B2) which would satisfy policy. The proposal seeks to replicate the existing combination of B1 and B2 uses on the site, which has been well established.

The site is within the employment area, is surrounded by other employment uses and is adjacent to a highway, redeveloping the site of an existing commercial / industrial building. The principle of redeveloping the site for B1 and B2 uses is considered acceptable subject to detailed considerations.

VISUAL IMPACT ON THE AREA

4.5 The proposed building would measure approximately 41 metres to the longest point by 29.5 metres to the widest point and 6.4 metres to the highest point. The exterior of the building would have a combination of extensive glazing and aluminium cladding to the front, and predominately aluminium cladding to the sides and rear.

4.6 The building would not be considered to cause undue prominence in terms of scale and massing, there are a number of larger and taller buildings within this designated employment area. The proposal is similar in scale to the existing buildings occupying the site. The flat roof would be an architectural feature of the building, and by virtue of the variety of buildings within the locality, some of which have flat roofs, may not be considered out of context with the surrounding area.

4.7 The southern elevation, which fronts onto Millfield Lane has an appearance of modern offices, which would have a positive effect upon the surrounding area regenerating the application site.

4.8 The proposal does not relate to the surrounding buildings in terms of design, however the area consists of a collection of a mix of buildings, some of which may be considered large industrial sheds. The proposal would have a positive effect upon the locality by providing a modern building, and may create a precedent for further redevelopment to improve the street scene of the wider area, as well as further establishing the area for employment use.

4.9 The proposal seeks to maximise the use of the site but maintains space between neighbouring buildings and being two storeys in height may not be considered overdevelopment.

4.10 The proposal seeks to introduce landscaping to the front of the site adjoining Millfield Lane, which would again have a positive effect on the street scene and helps to set a precedent for future development in the area creating an attractive street scene.

IMPACT UPON ADJACENT NEIGHBOURS

4.11 The site is located a sufficient distance from residential properties and is separated by other industrial/commercial units. The development is therefore unlikely to have any significant direct harm on the amenities of local residents.

HIGHWAYS

4.12 Highways have raised no concerns with regard to the application as the proposal seeks to utilise an existing access and has conformed to the councils Parking Standards, therefore may be considered acceptable. Cycle parking can be secured by the imposition of a condition.

5.0 CONCLUSION

The proposed building would provide B1 and B2 uses within a designated employment area are considered acceptable in accordance with policy E3 of the City of York Draft Local Plan. The design and appearance of the building would be acceptable, and would not be to the detriment or highway safety or amenity of local residents and would encourage further regeneration of the locality.

6.0 RECOMMENDATION: Approve

- 1 PLANS1 - Development to accord with approved plans
- 2 TIME2 - Development start within three years
- 3 VISQ8 - Samples of exterior materials to be approved
- 4 DRAIN1 - Drainage details to be agreed
- 5 The premises shall be used for B1 and B2 uses and for no other purpose, in the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: So that the Local Planning Authority may re-assess alternative uses which, without this condition, may have been carried on without planning permission by virtue of Article 3 of the Town and Country Planning (Use Classes) Order 1987.

- 6 Prior to the commencement of development a topographical survey of the site showing existing ground levels and a drawing showing details of the proposed finished ground, slab and roof ridge levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved levels prior to the first occupation of any unit on the site. There shall be no raising of ground levels above the

existing ground levels without the prior written permission of the Local Planning Authority.

Reason: to ensure that ground levels are not raised with the effect of flooding surrounding land.

- 7 HWAY19 - Car and cycle layout
- 8 HWAY18 - cycle parking details to be agreed

7.0 INFORMATIVES:

Notes to Applicant

1. INFORMATIVE:

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:

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

2. 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 area, amenity and highways. As such the proposal complies with Policies GP1 and E3a of the City of York Local Plan Deposit Draft.

Contact details:

Author: Adrian Hill Development Control Officer

Tel No: 01904 551668

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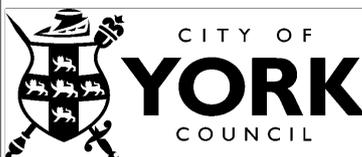
Richmond House

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MILFIELD LANE

Trading Estate

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MILFIELD WORKS, MILLFIELD LANE - 07/00138/FULM



SCALE 1:1250
Originating Group

DRAWN BY PSL
Project

DATE 5/4/2007
Drawing No.

9, St. Leonards Place, York, YO1 2ET
Telephone: 01904 551550

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West & City Centre Area Planning Sub-Committee

19th April 2007

Report of the Director of City Strategy

Enforcement Cases - Update

Summary

1. The purpose of this report is to provide Members with a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by this Sub-Committee.

Background

2. Members have received reports on the number of outstanding enforcement cases within the Sub-Committee area, on a quarterly basis, since July 1998, this report continues this process.
3. Some of these cases have been brought forward as the result of information supplied by residents and local organisations, and therefore "The annexes to this report are marked as exempt under Paragraph 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, as this information, if disclosed to the public, would reveal that the Authority proposes to give, under any enactment a notice under or by virtue of which requirements are imposed on a person, or that the Authority proposes to make an order or direction under any enactment".
4. In order to give Members an up to date report, the schedules attached have been prepared on the very latest day that they could be to be included in this report on this agenda.

Current Position

5. Members should note that 76 new cases were received for this area within the last quarter . 75 cases were closed and 118 remain outstanding. There are 45 Section 106 Agreement cases outstanding for this area after the closure of 5 for the last quarter . Two cases have resulted in the service of formal enforcement notices. No Notices have been served this quarter.

Consultation

6. This is an information report for Members and therefore no consultation has taken place regarding the contents of the report.

Options

7. This is an information report for Members and therefore no specific options are provided to Members regarding the content of the report.

Corporate Priorities

8. Improve the actual and perceived condition and appearance of city's streets, housing estates and publicly accessible spaces.

9. Implications

- **Financial** - *None*
- **Human Resources (HR)** - *None*
- **Equalities** - *None*
- **Legal** - *None*
- **Crime and Disorder** - *None*
- **Information Technology (IT)** - *None*
- **Property** - *None*
- **Other** - *None*

Risk Management

10. There are no known risks.

Recommendations

11. That Members contact the relevant Enforcement Officers to discuss any particular case detailed in the attached ongoing annex and also note the cases closed annex.

Reason: To update Members on the number of outstanding enforcement cases within the Sub-Committees area.

Contact Details

Author:

Hilary Shepherd/
Andy Blain
Planning Enforcement Officers

Chief Officer Responsible for the report:

Chief Officer's name

Michael Slater
*Assistant Director (Planning and Sustainable
Development)*

Dept Name City Strategy
Tel No. 551647/551314

Report Approved

Date 04.04.2007

Specialist Implications Officer(s)

None

Wards Affected: *All Wards in the West and City Centre area*

All

For further information please contact the authors of this report

Background Papers:

Environment and Development Services Business Plan (2000/2001).

Report to Area Sub-Committee in July 2006 – Enforcement Cases Update.

Annexes

Annex A - Enforcement Cases – Update (Confidential)

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