



## Notice of meeting of

### **West & City Centre Area Planning Sub-Committee**

**To:** Councillors Sue Galloway, Horton, Reid, Simpson-Laing, Sunderland and B Watson

**Date:** Tuesday, 22 May 2007

**Time:** 3.00 pm

**Venue:** The Guildhall, York

### **AGENDA**

**Site visits for this meeting will commence at 9.00 am on Monday 21 May 2007 meeting at 1 Rougier Street, York.**

#### **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. Minutes (Pages 3 - 16)**

To approve and sign the minutes of the meeting of the West & City Centre Area Planning Sub-Committee held on 19 April 2007.

#### **3. 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, details at the foot of this agenda.

#### 4. 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) McMillans, 1 Rougier Street, York (07/00690/FUL)**  
(Pages 17 - 24)

Erection of covered shelter to create an external smoking area on existing rear flat roof. *[Micklegate Ward]*

- b) Builders Yard Rear of 2 to 24 Trafalgar Street, York (07/00351/FUL)** (Pages 25 - 36)

Erection of 4 no. 1 bedroomed flats and 1 no. detached dwelling after demolition of workshop. *[Micklegate Ward]*

- c) 4 Ogleforth, York (06/02042/FULM)** (Pages 37 - 56)

Conversion, part demolition and extension of vacant warehousing and offices to form 12 no. apartments with associated parking. *[Guildhall Ward]*

- d) 4 Ogleforth, York (06/02052/LBC)** (Pages 57 - 66)

Listed building consent for conversion, part demolition and extension of vacant warehousing and offices to form 12 no. apartments. *[Guildhall Ward]*

- e) 46 Bishopfields Drive, York (07/00682/FUL)** (Pages 67 - 74)

Conversion of existing three storey house to three apartments, external alterations and use of rear garden as 3 no. parking spaces. *[Holgate Ward]*

- f) 65 Green Lane, Acomb, York (07/00700/FUL)** (Pages 75 - 86)

Demolition of 65 Green Lane and erection of replacement 3 storey dwelling; two storey extension to detached building at 67 Green Lane to form new house and erection of 2 no. detached dwellings and 2 no. semi-detached dwellings and private drive to rear of 65, 67 and 69 Green Lane.

*[Westfield Ward]*

- g) 9 Fellbrook Avenue, York (07/00452/FUL)** (Pages 87 - 94)  
Two storey side extension and one and two storey rear extension.  
*[Acomb Ward]*
- h) St Andrews Hall, 40 Main Street, Bishopthorpe, York (07/00620/FUL)** (Pages 95 - 102)  
Two storey flat roof extension to front to accommodate new lift and stairs (re-submission). *[Bishopthorpe Ward]*
- i) 3 Cherry Grove, Upper Poppleton, York (07/00782/FUL)** (Pages 103 - 108)  
Conservatory to rear. *[Rural West York Ward]*
- j) Land and Buildings Lying to the North West of Moor Lane and Forming Part of Oakwood Farm, Northfield Lane, Upper Poppleton, York (07/00313/FUL)** (Pages 109 - 118)  
Permission for retention of 3 no. polytunnels (Retrospective).  
*[Rural West York Ward]*
- k) Oakwood Farm, Northfield Lane, Upper Poppleton, York (07/00314/FUL)** (Pages 119 - 128)  
Erection of fence to field boundary (Retrospective).  
*[Rural West York Ward]*
- l) Cherry Tree House, 68 Main Street, Askham Bryan, York (07/00663/FUL)** (Pages 129 - 142)  
Erection of new detached dwelling after demolition of existing dwelling (re-submission). *[Rural West York Ward]*
- m) Cherry Tree House, 68 Main Street, Askham Bryan, York (07/00669/CAC)** (Pages 143 - 148)  
Demolition of existing dwelling and garage/workshop.  
*[Rural West York Ward]*
- 5. Any other business which the Chair considers urgent under the Local Government Act 1972**

## Democracy Officer

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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****Monday 21 May 2007****Members of Sub Committee should meet at 1 Rougier Street at  
09.00am**

<b>TIME</b> (Approx)	<b>SITE</b>	<b>ITEM</b>
09.00	BPM (McMillans), 1 Rougier Street, York	4a
09.20	46 Bishopfields Drive, York	4e
09.40	3 Cherry Grove, Upper Poppleton	4i
10.00	Oakwood Farm, Northfield Lane, Upper Poppleton (07/00314/FUL – Fencing and 07/00313/FUL – Polytunnels)	4j&k
10.20	9 Fellbrook Avenue, York	4g
10.40	65 Green Lane, Acomb	4f
11.10	Cherry Tree House, 68 Main Street, Askham Bryan	4l&m
11.30	St Andrews Hall, 40 Main Street, Bishopthorpe	4h
12.00	Builders Yard R/O 2-24 Trafalgar Street	4b
12.30	4 Ogleforth	4c&d

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City of York Council

Minutes

MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	19 APRIL 2007
PRESENT	COUNCILLORS LIVESLEY (CHAIR), BARTLETT (VICE-CHAIR), SUE GALLOWAY, HORTON, MACDONALD, REID, Simpson-Laing, Sunderland AND B WATSON

**82. INSPECTION OF SITES**

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
Site between 29b and 31 Beckfield Lane	Councillors Livesley, Bartlett, Horton, MacDonald, Sunderland and Reid	As the application is recommended for approval and objections have been received
OS Field 5186, north of BT Depot, Askham Fields Lane, Askham Bryan	Councillors Livesley, Bartlett, Horton, MacDonald, Sunderland and Reid	As the application is recommended for approval and objections have been received
The Cross Keys, Tadcaster Road	Councillors Livesley, Bartlett, Horton, MacDonald, Sunderland and Reid	As the application is recommended for approval and objections have been received
St Benedict Court, St Benedict Road	Councillors Livesley, Bartlett, Horton, MacDonald, Sunderland and Reid	As the application is recommended for approval and objections have been received
Temporary Moorings, The Esplanade, Museum Street	Councillors Livesley, Horton, MacDonald, Sunderland and Reid	As the application is recommended for approval and objections have been received

**83. 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 non-prejudicial interest in agenda item 5b (Temporary Moorings, Museum Street) as he owned a flat on the opposite riverbank.

Councillor David Horton declared a personal prejudicial interest in agenda item 5k (Millfield Works, Millfield Lane, Nether Poppleton) as the speaker supporting the application was a neighbour of his. He left the room and took no part in the debate or decision. He also declared a personal non prejudicial interest in agenda item 5a (Royal Oak Inn, Goodramgate) as he was a member of CAMRA.

Councillor Simpson-Laing declared a personal prejudicial interest in agenda item 5f (The Veterinary Surgery, Salisbury Road) as she lived opposite the Veterinary Surgery and was one of the objectors. She left the room and took no part in the debate or decision.

Councillor Reid withdrew from the room under the provisions of the Planning Code of Good Practice (para 2.7) for agenda items 5h and 5i (The Cross Keys, Tadcaster Road) as she had represented a resident at a recent licensing hearing regarding this premises.

Councillor Sue Galloway withdrew from the room under the provisions of the Planning Code of Good Practice (para 2.7) for agenda items 5h and 5i (The Cross Keys, Tadcaster Road) as she was a panel member at a recent licensing hearing regarding this premises.

Councillor Sunderland declared a personal non-prejudicial interest in agenda item 5f (The Veterinary Surgery, Salisbury Avenue) as she was a customer of the Veterinary Surgery.

**84. EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: That the Press and Public be excluded 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.

**85. MINUTES**

RESOLVED: That the minutes from the meetings held on 22<sup>nd</sup> March 2007 and 3<sup>rd</sup> April 2007 be approved and signed by the Chair as a correct record.



**86. 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.

**87. 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.

**87a Royal Oak Inn, Goodramgate, York (07/00345/LBC)**

Members considered an application for Listed Building Consent submitted by Darren Dickson for the removal of internal seating (retrospective).

RESOLVED: That the application be approved.

REASON: That the removal of the internal seating 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.

**87b Temporary Moorings Museum Street York (07/00266/FUL)**

Members considered a full application submitted by Mr Gill for the proposed mooring of a floating coffee bar with a waiter serviced seated area on the river bank (April – September, inclusive).

Officers recommended that an additional condition be added regarding the relocation of a public bench that is currently located in the proposed seating area.

The Chair queried whether the mooring was to the north west of Lendal Bridge as stated in the report and it was clarified that the mooring was to the north east of Lendal Bridge.

Representations were received from the Inland Waterways Association Secretary who was in favour of the application but had some reservations. He was unclear how the mooring would work as the applicant was planning on packing up the café every night and taking the boat away. The representor was concerned that in the height of the season the applicant would not be able to find a free mooring and therefore would not be able to set up the café. He also raised concerns about how many moorings would be free during the Dragon Boat Races or other events where the river was used heavily. He said it would be preferable for the applicant to have a

permanent mooring rather than a temporary one where he had to take pot luck everyday on availability.

Representations were also received from the applicant who said that he had chosen the site because it was screened from the Museum Gardens by the trees. His boat was painted in traditional colours and the tables and chairs used would be as per council directive. The boat would be moored from 08:00 to 18:00 hours and all trace of the café would be removed every night. The applicant said that he was happy not to trade through any festivals involving the river if he was given advance notice of when these would occur.

Members asked how long the applicant thought it would take him to 'pack up' each evening and the applicant thought it would take approximately 30 minutes as it was a matter of moving 10 tables and 40 chairs.

Officers clarified that the moorings were for a 48 hour period and they cannot be booked in advance.

Members asked whether there were any toilet facilities on board for the staff and the applicant said that there were facilities on board for the staff but not for the public. The applicant confirmed that there would be no public access to the boat. Members also asked the applicant whether he would be displaying a sign board and the applicant confirmed that all signage would be on the boat itself. Members asked the applicant to clarify whether he would be putting a barrier around the tables and chairs once they were on the riverbank and he said that he would.

Some Members welcomed the application and said that there was a need to extend the availability of the hours of trading for the summer months. Members also said that there would have to be a substantial boundary fence around the furniture on the riverbank to ensure the health and safety of the members of the public using the café.

Some members said that the whole principle was that boats come and go and so it was not unreasonable to presume that the applicant would need to pack up the café each evening and vacate the mooring.

Some Members thought that the beauty of this stretch of the riverbank was that there was no commercial activity along it and it was therefore a peaceful place to be. They thought the café would be too obtrusive for the locality.

**RESOLVED:** That the application be approved subject to the conditions outlined in the report and the following additional and amended conditions:

- (i) The bench sited in the proposed seated area that would require removal shall be located to a site agreed with the Local Planning Authority.

Reason: In the interests of the users of the river bank and in the interest of visual amenity.

- (ii) The use hereby permitted shall be confined to the following hours:  
Monday- Sunday (Including Bank Holidays)  
- 0800-2000 hours  
Reason: To minimise the impact that noise could potentially have on the nearby residents.

REASON: The proposal, subject to the conditions listed in the report and 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 4<sup>th</sup> 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.”

**87c St Benedict Court St Benedict Road York (07/00436/FUL)**

Members considered a full application submitted by Moorside Developments Ltd for the erection of 8 two and three storey town houses and associated works.

Officers updated that they had received a response from the planning panel stating that the loss of the Working Men’s Club was regrettable; it also suggested that the development could be more eco-friendly. A letter had also been received from the local resident’s association asking that road safety signs be erected once building works start. They also said that the applicant should be required to make financial contributions towards open spaces.

The Officer had also received a telephone call from Councillor Merrett who had suggested that the sub-committee should refuse the development due to the loss of the Working Men's Club. St Clement's Church Hall was not available as a community centre and there had been no changes to the application since it was last submitted and refused. He said that if the sub-committee were minded to approve the application then the applicant should make commuted sum payments under Policy C6.

Representations were received on behalf of the Nunnery Area Residents' Association in objection to the application. The representative stated that the Working Men's Club had been a well used facility and its loss was regrettable as it was used as a meeting venue within the community. He also said that there were some concerns surrounding access to the site.

Representations were also received from the applicant's agent who circulated part of a committee report from 2002 regarding Layerthorpe Working Men's Club and said that this had been a precedent case and if it was right to approve the scheme for Layerthorpe then it was right to approve for St Benedict Court. He also stated that the proposed development would provide desperately needed family housing.

Members asked the representative of the Residents' Association if they currently had a room suitable for meetings and he clarified that a room was available at Barstow House for smaller meetings but there was not any larger facility nearer than the Clementhorpe Community Centre.

Members agreed that the development of 8 family Terrace Houses was a good use for the site and would be very advantageous for the area. Many Members agreed that it was a sign of the times that some forms of clubs were disappearing from communities. Members raised concerns that each property had only one parking space and there was already a very serious problem in the area with parking. These were three and four bedroom houses and they queried whether one parking space per unit would be enough, there were also concerns regarding the sustainability of the development. Members generally liked the design of the application and said that the loss of community facilities was only a short time problem as eventually St Clement's Hall would be reopened and would be made available for community use.

**RESOLVED:** That the application be approved subject to the conditions outlined in the report and the following additional conditions.

- (i) Prior to commencement of the development details of security lighting to be installed to the rear of the development, and thereafter maintained, shall be submitted to and approved by the Local Planning Authority.

Reason: In the interests of the security of the residents of the development.

**REASON:** The proposal, subject to the conditions outlined in the report and the additional conditions listed above, would

not cause undue harm to interests of acknowledged importance, with particular reference to the loss of the 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, I1c and ED4 of the City of York Local Plan Deposit Draft.

**87d Paventia House Moss Street York (07/00503/FUL)**

Members considered a full application submitted by York Family Housing for the erection of a temporary portakabin to the side of Paventia House.

Representations were received from the manager of the Family Housing Unit at Paventia House. She said that the portakabin would be single storey with a floor area of 24m<sup>2</sup>. The garden area where the portakabin was to be placed was well secluded and the only access to it would be from the side door of the existing building. It would be used for counselling purposes and no additional staff would need to be employed.

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

REASON: That subject to the conditions listed in the report the application 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 Draft Local Plan – Incorporating the Proposed 4<sup>th</sup> set of changes and national planning guidance contained in Planning Policy Statement Note 1 “Delivering Sustainable Development.”

**87e Practical Car - Van Rental Tanners Moat York (06/02662/FULM)**

This application was withdrawn by the applicant prior to the meeting.

**87f The Veterinary Surgery Salisbury Road York (07/00181/FULM)**

Members considered a major full application by the Minster Veterinary Practice for the erection of 3 two storey dwellings with rooms in the roof and a three storey block of 7 apartments after demolition of the existing buildings (resubmission).

Officers updated that the reason regarding Flood Risk Assessment had been reworded.

RESOLVED: That the application be refused.

REASON:

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.

**87g Land Between 29b And 31 Beckfield Lane York (06/02519/FUL)**

Members considered a full application submitted by John Wheldon for the erection of 2 dwellings on land between 29b and 31 Beckfield Lane.

Officers updated that the address should read 31a Beckfield Lane and not 31 Beckfield Lane. Officers also circulated diagrams showing where the sun would be on the buildings at certain times of the day.

Representations were received from a neighbour in objection to the proposed development. He said that he had lived adjacent to the site for 25 years and access to the site was via a very narrow lane. He commented on the fact that only one parking space per dwelling had been allocated and therefore there would not be any parking spaces for visitors. There was also very little turning space. He also said the applicant's agent had not addressed the problems regarding the change in ground levels on the site. In addition he raised concerns regarding overshadowing.

Representations were also received from the applicant's agent in support of the application and he circulated some drawings to the sub-committee to show how he had addressed some of the concerns regarding ground levels. He said that the issue to be determined is whether limited overshadowing is contrary to planning policy.

Members queried the 'no rights of access' mentioned in section 3.6 of the report and Officers clarified that there may be a covenant saying that there was no right of access but this was an entirely separate issue to the planning application. Officers clarified that covenants did not have any bearing on whether planning permission should be granted or not.

Some Members raised concerns about the narrowness of the lane and thought that there were too many units for the available access. Officers said that there was no policy regarding how many units could stem from a certain point of access there were only guidelines. They clarified that there had not been any objections from Highways.

Some Members were concerned that if an extra four cars were using the lane then this could lead to some major problems as the lane was so narrow. There was a real concern about vehicular access to the proposed development. Concerns were also raised regarding pedestrian access.

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

- (i) That the application be delegated to Officers to approve the application subject to receipt of an amended plan showing reduction to the ground level of the eastern most unit, and subject to the amendment of the wording of condition 11 (HT1) to reflect the different levels of the two houses.

Reason: to establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

- (ii) 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 highway.

REASON: That the proposal subject to the conditions listed above and the conditions listed in the report 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.

**87h The Cross Keys 32 Tadcaster Road Dringhouses York (07/00460/FUL)**

Members considered a full application submitted by The Spirit Group for the erection of a timber canopy to the rear of the Cross Keys in a paved seating area.

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

REASON: That subject to the conditions listed in the report, the proposal 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.

**87i The Cross Keys 32 Tadcaster Road Dringhouses York (07/00461/LBC)**

Members considered an application for Listed Building Consent submitted by the Spirit Group to erect a timber canopy at the rear of the Cross Keys in a paved seating area.

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

REASON: The proposal, subject to the conditions listed in the report, 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.

**87j OS Field 5186 (North of BT Depot) Askham Fields Lane Askham Bryan York (07/00122/FULM)**

Members considered a major full application by Professor G Reece for the reforming of land and use as an occasional 4X4 training course (resubmission).

Officers updated that Informative 5 Part E had been amended to include Control of Asbestos at Work Regulations 2002. An additional Informative had been added regarding Health and Safety. Officers also said that the following amendments had been made to the report:

- The following to be added to paragraph 3.4 of the report: The Environmental Protection Unit would recommend that should the developer suspect that the site contains asbestos that they employ a consultant to advise them of the risks and how to remove the material.
- Paragraph 4.5 of the report: following discussion at the site visit and with the applicant it has been confirmed that the site will not be used for recreational purposes.

Representations were received from the applicant's representative who said that the college was aiming to be one of the biggest land based colleges in the country. There was a need for people to be trained to use 4 X 4's and at the moment there were very few training opportunities available.



Members asked the representative about the tipping that had taken place on the site and he stated that the college adheres to rigorous controls regarding noxious substances. Members raised concerns that some residents had claimed that the gates to the area had been left opened and that is why the fly tipping had taken place. Members also said that it may be impossible for the college to know what had been 'dumped on the land' and it did not appear that any tests had been carried out on the material that had been tipped. The representative from the college said that there was no evidence that the materials were noxious or dangerous in any way and that if any contaminated waste had been dumped then the college would have used the correct methods to remove this. There were concerns that the tipped waste would be buried and contaminated waste inadvertently covered.

Members said that they welcomed the application and the provision of a facility of this nature and felt sure that if there was any contaminated land then it would be cleared properly.

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

4. The site shall be used by motor vehicles for no more than two days in any one 7 day period and be used for training purposes only.  
Reason: To protect the amenity of nearby occupants from noise.
  
11. Any unexpected areas of contamination identified during site works will be reported to the Local Planning Authority and a suitable remediation strategy agreed and fully implemented prior to occupation of the site.  
Reason: To address any problems of ground contamination.

Informative 5 – Part E – 'Your attention is drawn to the Control of Asbestos at Work Regulations 2002, which regulates the removal and management of asbestos in non domestic environments, the details of which can be found on <http://www.opsi.gov/SI/si2006/20062739.htm>'

Informative 6 – Your attention is drawn to the Health and Safety Executives advice regarding what action should be taken by employees on discovering asbestos. By law the contractor does not necessarily have to employ specific asbestos removal contractors and may be able to dispose of it themselves, however they should follow the guidance supplied by the health and safety executive below.  
<http://www.hse.gov.uk/pubns/guidance/em1.pdf>

REASON: The proposal, subject to the conditions listed in the report and 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.

**87k Millfield Works Millfield Lane Nether Poppleton York (07/00138/FULM)**

Members considered a major full application submitted by London Ebor Developments Pension Fund for the erection of a building comprising office and industrial units.

Officers updated that a letter had been received from the architect that addressed the questions raised by the Parish Council. There had also been a comment from Councillor Hopton that asked the sub-committee to bear in mind the entrance to Manor School.

Representations were received from the applicant's agent who said that the intention was to replace the existing building. He said that the area would be improved and that people had already shown interest in the scheme.

Members asked how many floors the building would have and the representative said two. Members said that there was nothing in the report regarding sustainability and there was no HT1 height condition. Officers clarified that the height of the building was 6.5m and an additional condition regarding this would be added.

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

- (i) Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 6.5m metres, as measured from the existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: to establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

REASON: The proposal, subject to the conditions listed in the report and 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.

**88. ENFORCEMENT CASES UPDATE**

Members considered a report, which provided them with a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by this Sub-Committee.

RESOLVED: That the reports be noted.

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

COUNCILLOR D LIVESLEY

CHAIR

The meeting started at 3.00 pm and finished at 7.15 pm.

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**COMMITTEE REPORT**

**Committee:** West/Centre Area  
**Date:** 22 May 2007

**Ward:** Micklegate  
**Parish:** Micklegate Planning Panel

**Reference:** 07/00690/FUL  
**Application at:** McMillans 1 Rougier Street York YO1 6HZ  
**For:** Erection of covered shelter to create an external smoking area on existing rear flat roof  
**By:** McMillans (York) Ltd  
**Application Type:** Full Application  
**Target Date:** 18 May 2007

**1.0 PROPOSAL**

1.1 The application relates to the erection of a partially covered shelter/enclosure on an existing flat roof at first floor level at the rear of the "BPM" (formerly McMillans) bar/night club in Rougier Street. The shelter would be used as an external smoking area in anticipation of new legislation coming into force in July preventing smoking within public places. Access to the shelter, which would be attached to the rear wall of the building, would be via a new internal staircase and double door giving access to the flat roof. The site is within the Central Historic Core conservation area and the application has been appropriately advertised.

1.2 The application has been brought to Committee at the request of Councillor B. Watson

**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:

CYHE2

Development in historic locations

CYGP1  
Design

### 3.0 CONSULTATIONS

#### 3.1 INTERNAL

##### DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

###### Conservation

This property is situated in Central Historic Core Conservation Area. The property is not a listed building, but there are a number of listed buildings within the context of the development site including;- nos 19-21 Tanner Row, a grade II listed building dating from 1899; no.17 Tanner Row, The Corner Pin Public House, a grade II listed building dating from the mid eighteenth century with an early nineteenth century wing; no. 7a Tanner Row, the former All Saints Rectory, a grade II\* listed building, timber framed, dating from c.1600, and no. 7 Tanner Row, a grade II listed building dating from the eighteenth century.

Within the context of this cluster of listed buildings in Tanner Row, and the Central Historic Core Conservation Area, the design and location of the smoking shelter requires careful consideration. The proposals include a covered shelter positioned at first floor level on an existing flat roof to the rear of the building. The shelter is set back from the Tanner Row façade by some 4.5 metres. The ridge height of the shelter is 3.1 metres.

Given the 4.5 metre set back from the Tanner Row façade, the shelter is hidden from general public view at pavement level in Tanner Row. The shelter will be visible from the rear yard. The design of the shelter consists of vertical timber faced walls with a pitched roof finished in a slate substitute.

Having visited the site and considered the position of the shelter, it would appear that the location is largely hidden from public view. It is unlikely that the visual amenity of this part of the conservation area will be greatly affected by the shelter in this position. The design and finishes are of a traditional character, in order to minimise the visual impact of the shelter when viewed from the upper floors of adjacent buildings and the rear yard.

**ENVIRONMENTAL PROTECTION** - The environmental protection unit have no objections to this application, provided that the access to the smoking area is provided with a double door lobby area as discussed during the site meeting with the applicant. A condition is recommended requiring the submission of a noise management scheme, specifying the measures to be incorporated for the control of noise emanating from the site. The scheme should, in particular, address breakout of noise from the night club and noise from patrons of the night club using the smoking shelter.

### 3.2 EXTERNAL

MICKLEGATE PLANNING PANEL - No objections

ADJACENT OCCUPIERS - One letter has been received making the following points:

- the shelter is at the same height of the bedrooms in an adjacent property and music, conversations etc will be clearly heard.
- there is no way that a "wooden hut" can be adequately soundproofed.
- since extended hours were introduced noise at the premises has increased and this will make the situation even worse.
- in reality there will be inebriated revellers on the roof of a building that plays loud music until 3am - this is a breach of my Human Rights to get a good nights sleep.
- 

### 4.0 APPRAISAL

#### 4.1 Key Issues

- impact on character and appearance of the conservation area
- impact on occupiers of neighbouring properties

4.2 The application relates to the erection of a partially covered shelter/enclosure to create an external smoking area at first floor level on an existing flat roof at the rear of the premises. The property is not a listed building but is located within the Central Historic Core conservation area. When determining planning applications within conservation areas, the Council has a statutory duty to consider the desirability of preserving or enhancing the character and appearance of the area.

4.3 Policy E4 of the Approved North Yorkshire Structure Plan states that buildings and areas of special townscape, architectural or historic interest (e.g. listed buildings, conservation areas) will be afforded the strictest protection. Policy HE2 of the City of York Draft Development Control Local Plan states that within or adjoining conservation areas, development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion detail and materials. Proposals will be required to maintain or enhance existing urban spaces, views, landmarks, and other townscape elements, which contribute to the character or appearance of the area.

4.4 Policy GP1 relates to design and states that development proposals will be expected to respect or enhance the local environment, and 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. In addition, proposals will be expected to ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.5 The smoking "shelter" would measure 6.5 m x 6 m approx and would be constructed in vertical timber boarding with a hipped roof extending part way into the

structure. The roof would be tiled in reconstituted slate, matching the colour and texture of the natural slate roofs of a number of the adjacent buildings. The structure would be attached to the rear of the premises with access via a new internal stairway and double doors formed in the rear wall. The central part of the roof would be open in order to ensure that it is not "substantially enclosed" in accordance with the new Smoking Regulations. Tables and chairs within the structure would accommodate approximately 12 customers with further "bus shelter" type seating being provided around the perimeter of the shelter (total capacity approx 30).

4.6 The proposed shelter would be screened from Rougier Street by the taller pitched roof of the main building, and would not be visible from street level in Tanner Row due to being set back approximately 4.5 metres from the perimeter of the flat roof. Glimpse views of the shelter would be available from the junction of Tanner Row and North Street and, at a distance of approximately 130 metres, from across the river in the vicinity of the City Screen cinema. Although the shelter would be partially visible from Tanner Street, a small cul-de-sac at the rear of the premises, this area is not often frequented and essentially functions as a private car park/service area for the adjacent commercial premises. Public views of the shelter would, therefore, be reasonably limited. As such, it is considered that the proposal would not have a detrimental impact on the overall character or appearance of the conservation area.

4.7 At its closest point, the shelter would be approximately 16.5 metres from the nearest residential property at 7a Tanner Row, and the potential for noise and nuisance from customers using the smoking shelter, particularly late at night, is a consideration in this case. However, as the sides of the shelter would be enclosed, with a total height (including the perimeter pitched roof) of 3.5 metres, it is considered that the majority of noise from conversations etc would be largely contained within the structure. Members will also be aware that there are a number of potential sources of late night noise within the immediate vicinity of the site, including Flares night club, the Corner Pin public house, and the Salt and Pepper hot food takeaway. It is considered unlikely, therefore, that the proposal would result in any demonstrable increase in ambient noise levels, particularly bearing in mind the high levels of activity that already occur in the area.

4.8 It is proposed that the design of the shelter will include an enclosed lobby with double doors in order to isolate it from the night club. In addition, the shelter would incorporate sound deadening material in its construction. These matters could be controlled through the imposition of the condition recommended by the Environmental Protection Unit (see "Consultations" section above), requiring the submission of a Noise Management Scheme prior to the commencement of the development. For these reasons, it is considered that an objection on the grounds that the proposal would adversely affect the amenity of local residents would be difficult to sustain. Should planning permission be granted, a condition could also be imposed preventing the playing of amplified music within the smoking shelter, in order to minimise the potential for noise nuisance.



## 5.0 CONCLUSION

5.1 It is not considered that the proposal would be unduly harmful to the character or appearance of the conservation area due to the limited public views that would be available. Nor is it considered that the residential amenity would be adversely affected due to the high levels of late night activity that already take place in this city centre location, together with the incorporation of sound reduction measures into the proposal, such as an enclosed lobby and the use of sound deadening material in the construction. These measures could be secured through the submission, approval and implementation of a Noise Management Scheme, as recommended by the Council's Environmental Protection Unit.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

1 TIMEL2

2 VISQ8

3 Before the development commences a detailed noise management scheme shall be submitted to and agreed in writing by the Local Planning Authority, specifying the provisions to be made for the control of noise emanating from the site. The scheme should, in particular, address the breakout of noise from the adjacent night club and noise from patrons of the night club using the smoking shelter. The approved development shall be carried out in complete accordance with the approved scheme.

Reason: In the interests of the amenity of adjacent residents.

4 No amplified music shall be played at any time either inside or outside the smoking shelter hereby approved.

Reason: In the interests of the amenity of adjacent residents.

5 All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday	08.00 to 18.00
Saturday	09.00 to 13.00
Not at all on Sundays and Bank Holidays.	

Reason: To protect the amenity of surrounding occupiers.

## 7.0 INFORMATIVES: Notes to Applicant

## 1. REASON FOR APPROVAL

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

- impact on character and appearance of the conservation area
- impact on occupiers of neighbouring properties

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

2. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be noted. Failure to comply with the guidance could result in formal action being taken under the Control of Pollution Act 1974:

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

(ii) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

(iii) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

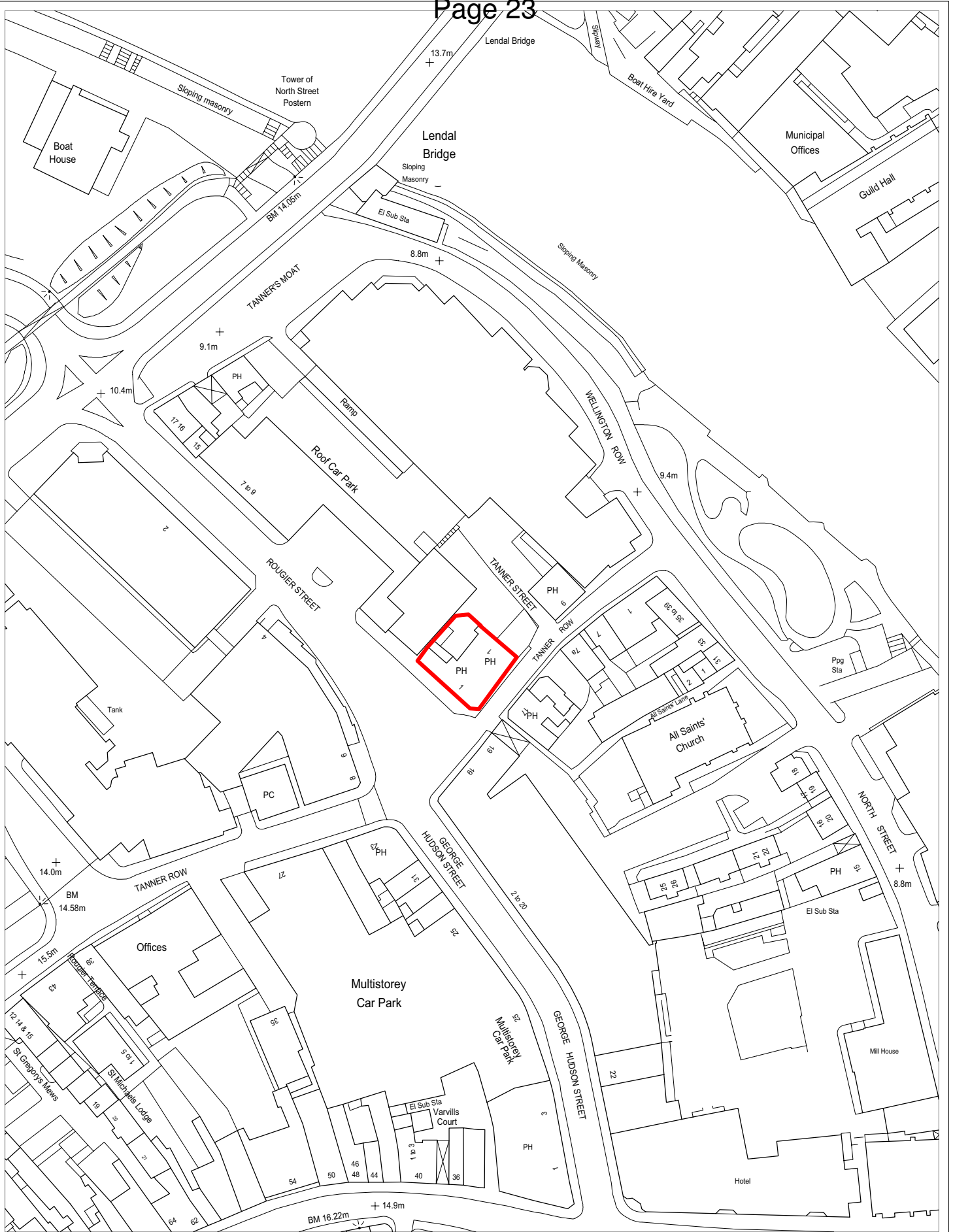
(iv) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(v) There shall be no bonfires on the site.

### **Contact details:**

**Author:** Simon Glazier Assistant Area Team Leader

**Tel No:** 01904 551351



CITY OF  
**YORK**  
COUNCIL

## BPM (McMILLANS), 1 ROUGIER STREET

SCALE 1:1250  
Originating Group

DRAWN BY PSL  
Project

DATE 14/5/2007  
Drawing No.



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**COMMITTEE REPORT**

**Committee:** West/Centre Area  
**Date:** 22 May 2007

**Ward:** Micklegate  
**Parish:** Micklegate Planning Panel

**Reference:** 07/00351/FUL  
**Application at:** Builders Yard Rear Of 2 To 24 Trafalgar Street York  
**For:** Erection of 4no. 1 bedroomed flats and 1no. detached dwelling after demolition of workshop  
**By:** G H Developments  
**Application Type:** Full Application  
**Target Date:** 11 April 2007

**1.0 PROPOSAL**

1.1 The application is for planning permission to erect two buildings (two storey), to create one 1 bed dwelling and four 1 bed flats. The buildings would be predominantly of timber elevations and the roofs would be slate.

1.2 The site presently accommodates two vacant single storey workshop buildings. The land is unkempt and enclosed by a brick wall to the west, it tapers off to the south, there are the rear gardens of surrounding dwellings to the east and the north.

1.3 The site has previously been used as a builder's yard and for the storage of materials. Planning applications for the erection of a new workshop and for an extension to the existing workshop were both refused in 1990 and 1995 respectively. Reference numbers 7/014/00226/B/FUL and 7/14/226A/PA.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

2.2 Policies:

CYGP1  
Design

CYH4  
Housing devp in existing settlements

CYH3C  
Mix of Dwellings on Housing Site

CYH5A

Residential Density

CYE3

Retention of existing employment sites

CYL1C

Provision of New Open Space in Development

### **3.0 CONSULTATIONS**

INTERNAL

#### **3.1 Highway Network Management**

No objection to the application, but recommend a number of conditions which should be adhered to prior to occupation of the proposed dwellings. The following observations have been made,

- The 3.2m wide access road is considered to be acceptable, although it is the minimum.
- The access is surfaced with slag paving which was laid around 1900. The foundations and drainage of the surfacing were not designed to withstand current traffic conditions. It is therefore recommended that as the paving is likely to deteriorate further as a direct result of the development, the alley should be re-constructed to an appropriate standard.
- It will be essential to improve visibility and access at the site entrance. A system of no parking or waiting (by introducing double yellow lines) would be necessary.
- There are at least three garages which are accessed from the proposed access road. These should not be unduly inconvenienced during building works or as a consequence of the development.
- The car parking arrangement has been revised in accordance with comments made by Highway Network Management. There are now two groups of parking spaces with adequate space for turning / manoeuvring.

#### **3.2 Drainage**

No objection. Advise that as the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment. This would need to prove that the ground has sufficient capacity to except surface water discharge, and to prevent flooding of the site and surrounding land. Drainage advise that these tests would be carried out as part of the building regulations process and therefore the applicant shall be advised of this requirement through an informative.

#### **3.3 City Development**

Advise that it should be satisfied that the proposal would not create a loss of employment. Also that design and conservation (UDC), and Highway Network Management officers are satisfied with the proposal. UDC have not been consulted as the application is not within a conservation area.

### 3.4 Environmental Protection Unit

No response to date.

### 3.5 Safer York Partnership (Police Architectural liaison Officer, ALO)

No response.

EXTERNAL

### 3.6 Planning Panel

No objection.

3.7 Publicity, application publicised by neighbour notification, expiry for comment was 8.3.07. 11 representations have been made. They make the following points,

- Problems with access (including emergency services) due to the narrowness of the road, visibility at the junction and the existing garages in the alleyway.
- The surface (slag paving) does not have a solid foundation to accommodate vehicles; this could damage the surface and also harm the drainage system.
- Problems during construction - noise and access.
- Parking is already tight on Trafalgar Street and the loss of spaces to create sight lines from the proposed access would be objected to.
- The lane to the rear of Balmoral Terrace is private (un-adopted) and therefore should this be used for access by future occupants? - it is only proposed to use the Trafalgar Street access.
- Location of individual parking space is this within the site and would it impede the rear access of 25 Rectory Gardens - this space has been omitted in the revised plans.
  
- Lack of lighting in the access road could create opportunities for crime (another representation suggests the development should improve security)
  
- Loss of privacy from overlooking / overshadowing / overdominance due to proximity of proposed dwellings to those existing.
- Planting of trees could also add to overshadowing.
- Overdevelopment of the site (amount of dwellings).
- Noise from future occupants may harm the amenity of existing residents.
- Lack of provision for disabled access.
- Details of boundary treatment requested.
- The occupants of 48 South Bank Avenue support the application as they consider it would enhance the appearance of the presently unkempt area.

## 4.0 APPRAISAL

### 4.1 Key issues

Principle of development  
Design / Amenity

Highways  
Other matters

## RELEVANT NATIONAL POLICY

### 4.2 PPG3 / PPS3: Housing

## DRAFT LOCAL PLAN POLICIES

4.3 Policy E3b states that the 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. Planning permission for other uses will only be given where a) there is a sufficient supply of employment land to meet both immediate and longer term requirements over the plan period in both quantitative and qualitative terms, and b) unacceptable environmental problems exist, or c) the development of the site for other appropriate uses will lead to significant benefits to the local economy, or d) the use is ancillary to an employment use.

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 H3c states that a mix of new house types, sizes and tenures will be required on all new residential development.

4.6 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.

4.7 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, 40 dwellings per hectare is recommended in urban areas.

4.8 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.

## PRINCIPLE OF DEVELOPMENT

4.9 The application site is brownfield land in a built up residential area, and within a reasonable distance of amenities and transport links. It is therefore an acceptable location to build housing (In accordance with national guidance in PPG/S3 and Local



Plan policy H4a). However, the application site was previously in an employment use and therefore the loss of employment land must be justified in accordance with policy E3 of the Draft Local Plan.

4.10 The proposed use is preferable on the site as it would be more compatible with its residential surrounds. The site is adjacent housing and there would be the potential that an employment or industrial use would be detrimental to the amenity of the residents nearby. This is exemplified by the two previous planning applications at the site which sought to extend the workshop premises, and intensify use of the site. These were refused on the grounds of residential amenity. Sometime between those applications (most recent being 1995) and the present, the use of the site ceased. Since then the site has not been occupied and has acquired an unkempt appearance. An employment use could potentially be accommodated at the site, without harm, however the site suffers from poor access also. The means of access into the site from Trafalgar Street is narrow and can only just accommodate private vehicles; anything larger would not be able to access the site. Furthermore, inclusive access would also be troublesome to achieve.

4.11 Overall it is considered that there are other available sites that lend themselves to employment use far better than the application site. Also the proposed use would be less likely to harm the amenity of surrounding residents. As such the use of the site for housing is considered to be acceptable in principle.

#### DESIGN / AMENITY

4.12 With regards to the design and density of the development, 5 units in total are proposed on a site 0.03 hectares in size, this exceeds the recommended minimum density required in policy H5a of the Local Plan. The scale and design of the proposal is considered to be compatible with the character of the surrounding area.

4.13 Overlooking would only occur on the north elevation of unit A that would face the rear elevation of houses on South Bank Avenue. There would be a 7m separation distance to the boundary and further to rear windows (around 14m to rear 2 storey outshots, 20m to main rear building line). This is comparable with the common separation between the front elevations of terraced dwellings (9-10m) in the locality and is considered to be acceptable. The revised plans introduce a first floor window on the east elevation of unit A, which faces the rear gardens of 24 and 26 Rectory Gardens. The window serves a w/c and is narrow. It is considered that provided the glazing is obscure, the privacy of both parties would be protected. This can be conditioned, along with the prevention of other openings being added to the east elevation (would apply to unit B also).

4.14 The dwellings would be some 4.8m to their eaves level, 6.4m to ridge. Because of this, their proposed siting and the orientation of the sun, the rear gardens of 25 and 26 Rectory Gardens may suffer some loss of light / overshadowing. This would occur in the evening only and would affect a small proportion of the gardens. The dwellings to the north may also suffer from some loss of light when the sun was low. Overall the loss of light that may be suffered by nearby properties would not be significant.

4.15 Because of the location of the proposed dwellings, their roof shape and orientation of surrounding dwellings, only outlook from the rear of 26 Rectory Gardens would be materially affected by the proposed development. It is considered that a separation distance of 10m to the blank side elevation is generally acceptable; furthermore the timber finish of the proposed dwelling would soften the appearance of the dwelling. It is considered that the proposed buildings would not be unduly dominant.

#### BOUNDARY TREATMENT / LANDSCAPING

4.16 The east side of the site is, at present marked by a row of low vegetation at the rear of 26 Rectory Gardens and a 2m or so high timber fence at 25. There is no need for the developer to alter this arrangement, or that at the north boundary. The use of soft planting to enhance the boundary treatment and generally improve the appearance of the site is welcomed. Details of the type of soft planting proposed will be required by condition, to ensure a reasonable mix and height of vegetation. Details of any future proposed fencing / walls will also be controlled by condition to ensure an acceptable overall appearance.

#### STORAGE SPACE

4.17 The provision of cycle and bin storage is identified on the proposed plans and the external appearance / mean of enclosure of such shall be controlled by condition.

#### CONTRIBUTION TOWARD OPEN SPACE

4.18 In accordance with policy L1c a contribution toward open space is required before the development could be occupied. The developer has agreed to pay a contribution of £640.

#### LIGHTING

4.19 The access road at present is unlit. In the interests of security and safety, the design and amount of street lighting shall be required as part of the works to bring the access road up to standard (as requested by Highway Network Management). The developer shall also be advised of secure by design which would include recommendations of how to provide lighting around the houses, such as near entrances, in the interests of the security of future residents.

#### HIGHWAYS

4.20 Vehicles movements to and from Trafalgar Street would need to do so with caution, with specific regard to the garage to the south of 48 South Bank Avenue. It would be preferable that no doors opened out onto the highway, however Highway Network Management are satisfied that the width of the highway is adequate and there are no undue safety concerns.

4.21 Subject to the conditions recommended by Highway Network Management it is considered that there would be adequate parking, cycle storage and access to the

site. The improvements to the access would also enhance highway safety for local residents who presently use their garages which are accessed from Trafalgar Street. The site would only be accessed from Trafalgar Street and the re-surfacing works would only relate to the area of adopted highway, which does not include the lane behind Balmoral Terrace.

4.22 It is possible that access to the rear alleyway may be impeded during building works and when the alley is re-surfed. The planning permission relates to the 'end product' and thus this is not reason to refuse the application. It shall be recommended that the developer informs residents affected of proposed times of works so they may plan accordingly. Furthermore works to the highway would be covered under separate legislation.

## 5.0 CONCLUSION

5.1 The proposed development is considered to be acceptable in principle and of acceptable design; there would be no undue adverse affect on highway safety or amenity. Approval is recommended.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

1 PLANS2

2 TIME2

3 VISQ8

4 LAND1

- 5 Details of any boundary treatment (such as walls and fences) shall be submitted to and approved in writing by the Local Planning Authority prior to their installation 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.

- 6 The areas shown as cycle and bin storage on the approved drawing shall be retained for such use at all times, unless otherwise agreed in writing by the Local Planning Authority.

The storage enclosures shall be built in accordance with details, including materials (preferred to match the approved dwellings), height and means of enclosure (for cycle stores) that shall be submitted to and agreed by the Local Planning Authority prior to occupation of the dwellings.

Reason: To ensure an acceptable design in accordance with policy GP1 of the City of York Draft Local Plan.

- 7 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Development Order 1995), (or any Order revoking or re-enacting that Order), development of the type described in Part 1 of Schedule 2 of that Order shall not be carried out at unit B without the prior written permission of the Local Planning Authority following receipt of a planning application in that respect.

Reason: In the interests of visual amenity on this site which is sensitive because of its restricted size.

- 8 At first floor level on the east elevation of the buildings hereby approved there shall be no new openings installed and the proposed first floor window on the east elevation of unit A shall be obscurely glazed.

Reason: To prevent overlooking into the properties on Rectory Gardens.

- 9 HT1 .....7 metres...

- 10 HWAY7

- 11 HWAY27

- 12 HWAY10

- 13 HWAY19

- 14 HWAY31

- 15 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

Extent of no waiting restrictions agreed and implemented within Trafalgar Street at the junction of the alley leading to the site with Trafalgar Street, agreed prior to the commencement of the development.

Reason: In the interests of the safe and free passage of highway users.

- 16 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 £640.

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.

**7.0 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 design, amenity 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, H3, H4, H5, E3 and L1 of the City of York Local Plan Deposit Draft.

**2. 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

3. The applicants 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](http://www.securedbydesign.com)

4. Your attention is drawn to the needs of nearby residents who have garages which are accessed from the rear alley behind Trafalgar Street. They should be advised accordingly of any works which may impede their ability to use the access.

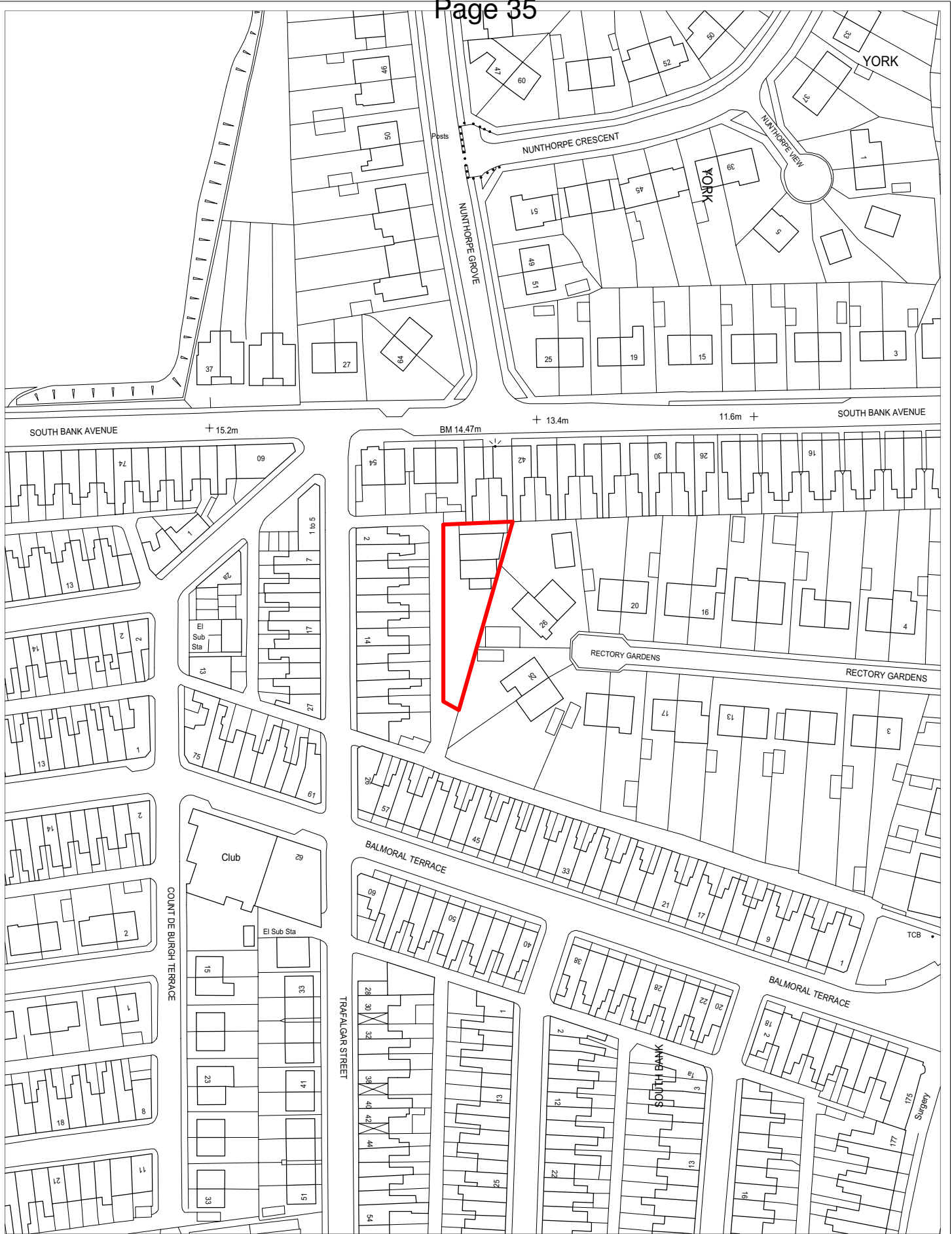
5. You are advised that the proposed method of surface water disposal will be subject to assessment under Building Regulations.

**Contact details:**

**Author:** Jonathan Kenyon Development Control Officer

**Tel No:** 01904 551323

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BUILDERS YARD REAR OF 2 - 24 TRAFALGAR STREET - 07/00351/FUL

SCALE 1:1250  
 Originating Group

DRAWN BY PSL  
 Project

DATE 14/5/2007  
 Drawing No.



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

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**COMMITTEE REPORT**

**Committee:** Central Area  
**Date:** 22 May 2007

**Ward:** Guildhall  
**Parish:** Guildhall Planning Panel

**Reference:** 06/02042/FULM  
**Application at:** 4 Ogleforth York YO1 7JG  
**For:** Conversion, part demolition and extension of vacant warehousing and offices to form 12 no. apartments with associated parking  
**By:** House And Son Ltd  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 18 December 2006

**1.0 PROPOSAL**

1.1 The application relates to the conversion of a substantial range of former warehouse buildings within the historic street of Ogleforth to form 12 apartments. The buildings are vacant at the present time but were previously occupied by Messrs House and Son, a well established local electrical contractor and retailer. The majority of the buildings are 3/4 (commercial) stories in height and would be retained as part of the proposal, but also include a smaller single storey building on the Ogleforth frontage of the site which would be demolished and replaced with a two storey extension ( with raised eaves and accommodation in the roof) accommodating three of the apartments. The accommodation would consist of 6 x one bedroom apartments and 6 x two bedroom apartments. Two of the one bedroom apartments incorporate mezzanine floors providing the possibility of additional living/sleeping accommodation. In addition to being within the Central Historic Core conservation area, the warehouse is a Grade II listed building and a separate application for listed building consent has been submitted, also incorporating the demolition proposal referred to above.

1.2 Both external car parking/yard areas at the front of the site would be retained, with the southeastern access onto Ogleforth being reduced in width and that to the northwest being repositioned. A total of seven car parking spaces would be provided, a significant reduction on the existing provision, with part of the external area being used to provide refuse storage and outside amenity space. Cycle parking would be provided for each apartment within individual storage areas in the barrel vaulted basement. To the southeast of the site is The Dutch House, a Grade II "star" listed building , which has the benefit of planning permission and listed building consent for its conversion to a single dwelling, granted in November 2006. To the rear of the Dutch House, and also abutting the application site, is a small private car park which has recently been the subject of two planning applications for residential development. An application for the erection of three dwellings on this site was refused in July 2005, with a subsequent appeal to the Secretary of State being dismissed, whilst in September of this year planning permission was granted for a more modest proposal consisting of two detached dwellings.

1.3 Revised drawings have been submitted which seek to address the comments of the Council's Conservation Architect, together with a Noise Impact Assessment which was requested by the Environmental Protection Officer.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Conservation Area Central Historic Core 0038

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Listed Buildings Grade 1; St Williams College York 0742

Listed Buildings Grade 2\_; The Dutch House Ogleforth 0990

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

2.2 Policies:

CYE3

Retention of existing employment sites

CYH4

Housing devp in existing settlements

CYHE2

Development in historic locations

CYHE4

Listed Buildings

CYGP1

Design

CYT4

Cycle parking standards

CYL1

Open spaces in new residential devts

CYC6

Dev't contributions to comm facilities

CYHE5

Demolition of Listed Buildings and Buildings in Conservation Areas

CYGP4  
Environmental sustainability

### 3.0 CONSULTATIONS

#### 3.1 INTERNAL

HIGHWAYS (NETWORK MANAGEMENT) - The conversion of this former warehouse to residential units is welcomed, not least because it will, in the process, remove the passage of large commercial vehicles from these narrow streets with sharp radii, in the shadow of the Minster.

The application indicates that a total of 7 parking spaces are to be provided to serve the 13 apartments, which is a reduction in the number of spaces currently available, and is to be welcomed on this city centre site. Due to the orientation of bays 5, 6 and 7, their occupants would not be able to turn within the site before entering the highway in forward gear. This needs to be rectified and amended details should be sought.

I would normally expect cycle facilities to be provided on the ground floor either within the building itself, or in close proximity to the main entrances. In this instance, the use of the basement area to provide individual storage areas is considered acceptable as a means of also providing parking for residents cycles. A channel section ramp should be attached to the flight of steps to facilitate the movement of cycles.

Whilst pedestrian visibility at the proposed entrances is very restricted, I am not in this instance seeking the introduction of splayed entrance walls given the extremely low level of vehicular traffic to be found along Ogleforth and its limited speed. Such a measure would also impact on the desire to reintroduce a building line along the rear of the footway.

Comments awaited on revised drawings

### DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

#### CONSERVATION ARCHITECT

An independent historic buildings assessment was compiled in May 2006 to inform debate about proposals for the site and its buildings.

The buildings are situated within the Central Historic Core conservation area close to the Minster precinct. There are a significant number of high status buildings in the vicinity, including St William's College (grade I) to the immediate NW of no 8 Ogleforth, and Cromwell House at no 13 Ogleforth (grade II\*) immediately opposite the site. Buildings on the NE side of the street form a continuous building line of 2 & 3 storeys, with the occasional modest gated opening allowing access to the rear. Houses are mostly in residential use, although Cromwell House and Adam House were recently used for offices. The SW side of the street is more open, with yards for

servicing and car-parking being visually open to the street. The earlier buildings remaining on the street are of modest height and domestic scale, smaller than the buildings opposite. The early C20th former coach works, now offices, is much larger, as are the 19th century brewery buildings which are set well back from the street. The roof of the 4 storey brewery buildings interrupts the historic skyline.

The report outlines the development of the buildings and draws attention to the main elements of significance. The buildings are empty at present and their reuse would be welcome. It is important to respect the following principles in the conversion:

- 1) to retain the appearance of the building as an industrial building in the envelope
- 2) to maintain the openness of the spaces as far as would be compatible with the conversion to dwellings
- 3) to retain the remaining fixed equipment and built-in evidence of industrial use
- 4) to address the scale of the street bearing in mind the orientation

Proposals show the buildings would be converted to 12 apartments with the two storey early 20th century element replaced by a three storey block (partially within the roof). Please see below for comment:

#### Industrial character

We welcome the removal of the uncharacteristic lift shaft and canopy. The demolition of the other ancillary elements, including the replacement concrete access to no 8, would not appear to adversely affect the special historic and architectural interest of the building. However the vertical line of "taking in doors" and the sliding door should remain. Openings shown on drawings should be amended to reflect this. New windows/doors in these locations should be designed to be as robust as existing whilst allowing for requirements of additional light and safety measures. Details would be conditioned. We welcome the removal of the uncharacteristic windows.

#### Internal Spaces

The new layout for no 8 Ogleforth maintains the inherited plan configuration.

Clarification is sought regarding the nature of the cornice at basement level where the bathroom wall has been introduced.

Subdivision of apartments within the remaining building uses the principal structural walls to demarcate individual flats. Service accommodation and circulation has been moved to the rear of the building as there is no light from this direction. Some of the spaces have mezzanine floors and a reasonable greater degree of openness has been retained given the constraints of the building.

Given the requirement to upgrade floor zones for sound and fire resistance it is important to agree the approach at this stage. Truss positions should be marked on the "as proposed" drawings, and further information should be provided by way of indicative sections to show how they integrate with the floor zone and with the introduced partitions.

Thermal insulation measures should be indicated so that their impact on the structure and in particular the windows can be assessed.

Procedures for blocking previous openings whilst retaining evidence of their presence can be agreed by way of condition

### Equipment and other evidence

Equipment has been noted on the drawings. It will be important to fully record the building and its details prior to any work commencing. Measures for protecting elements such as the bearing box should be agreed. A schedule of finishes should also be provided for approval and this should allow the fire-proofed construction to be exposed.

### New Build

The loss of the early 20th century extension onto Ogleforth has been accepted from an early stage by English Heritage and ourselves. The building is constructionally and architecturally more interesting than the one proposed and it offers a more comfortable mass and height to the street. Whilst the simpler architectural format would be acceptable the increased height (over 3.5m) would adversely affect residential amenity, in terms of sunlight and privacy in this narrow street (6.5m wide). It would be inappropriate to reintroduce buildings of the scale already demolished as expectations nowadays are of a higher level of amenity. This part of the scheme should be revisited.

The details of some of the above requirements could be covered by condition. However it would be reassuring to agree the various approaches at this stage to ensure that the historic and architectural interest of the buildings can be maintained at detailed development stage.

Comments on revised drawings:

The revised scheme addresses the issues as follows:

- 1) The vertical line of "taking-in doors" has been acknowledged
- 2) The sliding door has been retained
- 3) The layout in apartment 8 has been reassessed and the problem with the existing cornice has been avoided as the area is no longer sub-divided
- 4) Indicative sections have been submitted showing equipment retained in-situ. Trusses have not been marked on the plans but it will be expected that they should be retained, and repaired if necessary
- 5) The acoustic report suggests secondary glazing the window onto St Williams College, lining the party wall, and providing additional linings on the ceilings
- 6) There has been a reduction in the overall scale of the new build element.

It is considered that the effect of the conversion on the special architectural and historic interest of the building is acceptable. It is also considered that the scheme would not be harmful to the conservation area.

Should the scheme be approved please add conditions covering:

- 1) brickwork for the new build

- 2) new windows, doors and all reveals on the new build
- 3) details of all windows and doors and any adaptations, secondary glazing etc
- 4) details of upgrading for fire and sound
- 5) details where previous doorways to be blocked in (the opening must still read
- 6) measures for retaining and protecting beam bearing box, and all fixed equipment in the building
- 7) details of mezzanine floors, new stairs and balustrading

ARCHAEOLOGIST - The site lies in the Area of Archaeological Importance and in an area where there are well-preserved Roman, Anglo-Scandinavian and medieval deposits. These deposits can be classed as unscheduled deposits of national importance.

The site lies in the heart of the Roman legionary fortress and the medieval town. Previous archaeological work on the site has been limited, and indicates a brief but intense period of complex structural and occupational activity during the 14th century. Structural activity seems to have restarted by the 18th century since when it has been continuous.

This site contains important archaeological features and deposits which must be recorded. Therefore, it will be necessary to excavate archaeologically the area on Ogleforth occupied by the building which will be demolished after demolition has taken place. There must also be an archaeological watching brief on all other groundworks. A full drawn and photographic archaeological record of the standing buildings on the site must be carried out by an appropriately qualified and experienced archaeologist.

Standard conditions ARCH1 (submission of archaeological programme) and ARCH2 (archaeological watching brief) are recommended on any consent which is granted, in addition to a non-standard condition to secure the archaeological record of standing buildings on the site.

CONSERVATION AREA ADVISORY PANEL - The panel supports this application, but request that the taking in doors are recognised, possibly by the introduction of a void below the cill. It was felt however that a contemporary design rather than a pastiche might be a better solution for the new build element.

COUNTRYSIDE OFFICER - Whilst there are no records of bats at the site, there are from the adjacent property. The site has limited interest as a roosting site for bats, and the proposals are likely to have only a minimal impact on this interest. It is not considered that a bat survey is either necessary or would achieve anything at this time. There are, however, opportunities to enhance the bat habitat within the design of the building (e.g. through the incorporation of bat bricks and bat tiles at eaves and roof level) and also to provide suitable nesting habitat for swifts. Such works are not expensive or onerous and it is recommended that a condition is attached to any planning permission to secure appropriate measures as part of the development. Such a condition would reflect one of the key objectives referred to in Planning Policy Statement 9 "Biodiversity and Geological Conservation" for building in biodiversity or geological features as part of good design.

CITY DEVELOPMENT - In accordance with Policy E3b, the key issue is whether it is considered appropriate that the employment use on this site is lost. Further comments should be sought on design and historic architecture and from the Highways Department regarding access and cycle standards.

ENVIRONMENTAL PROTECTION - The Environmental Protection Unit have concerns about the effects of noise from adjacent premises affecting the amenity of occupants of the proposed development.

Functions are held on a regular basis in St Williams College, which directly adjoins what will be proposed bedrooms. In addition there are numerous windows in both the development site and St Williams College, in close proximity to each other which would also allow the transmission of noise. The functions held at St Williams College include the playing of both live and recorded music in the Maclagan Hall, with guests usually occupying this and another two of the upstairs rooms at the College. In addition, the stairwell which is glazed on three sides would be open to two of those rooms during functions, increasing the areas through which noise can escape.

There is an activity area serving a building next to St Williams College. The window of the rear ground floor apartment of the proposed development looks directly out onto the activity area used by children of all school ages in groups of between 30-60. Again there is the potential for noise generated by groups using the activity area to cause a nuisance affecting the occupant of the apartment.

There is a delivery ramp serving the rear of St Williams College, which runs directly alongside part of the proposed development site and under numerous proposed bedroom windows. There is the possibility that deliveries of goods and collection of waste from St Williams College could disturb occupants of the proposed dwellings.

Lastly, it was noted during a visit that there is considerable noise produced by the kitchen extract system of the College and cooking odours were noticeable in the area adjacent to the development site. Attached to the rear of another building next to the proposed development site are four cooling units. Due possibly to the cold weather conditions, the units were not running. However during hot weather there is the potential for additional noise impact on the occupants of the proposed development.

The Environmental Protection Unit recommends that no decision is taken until a Noise Impact Assessment has been carried out, including any mitigation measures proposed by the developer. In the event that a Noise Impact Assessment is not submitted by the applicant we would be minded to recommend refusal of this application on the grounds that insufficient information has been given to allow a decision to be made by the Local Planning Authority.

Comments on revised proposals, incorporating the Noise Impact Assessment:

The Noise Impact Assessment makes several recommendations regarding glazing and air gap specifications as well as sound insulation to adjoining walls with the college. All the recommendations should be incorporated into any planning

permission that may be granted in order to ensure the amenity of occupants of the proposed apartments. In addition the orientation of the rooms has been altered which will assist in reducing the impact of loud music from the function room at St Williams College.

Conditions are recommended relating to the following:

- details of sound insulation to be submitted, approved and implemented prior to first occupation.
- a scheme of mechanical ventilation to be submitted and approved for the three bedroom windows adjacent to St. Williams College (southeast facing windows in the southwest corner of the application site).
- standard condition relating to working hours to control working hours.

EDUCATIONAL PLANNING OFFICER - A total contribution of £15,531 (based on the revised drawings) is sought towards the funding of one secondary school place within the local catchment area. This could be secured through a Section 106 Agreement.

LIFELONG LEARNING AND LEISURE - 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 Monk bridge and Glen Gardens
- b) play space - which would be used to improve a local site such as Glen or Clarence Gardens
- c) sports pitches - which would be used to improve a facility within the East Zone of the Sport and Active Leisure Strategy.

The necessary payment could be secured through a Section 106 Agreement.

### 3.2 EXTERNAL

GUILDHALL PLANNING PANEL - No objections but make the following comments:

- boundary treatment - walls to Ogleforth should be higher and articulated.
- general concern that the design is mundane and bland.
- opportunity should be sought for more varied design and roofscape.

N. B. Comments on revised drawings: Re-affirm previous comments

ENGLISH HERITAGE - We consider that the massing of the new build has greatly improved. We suggest the street elevation may benefit from having one central window to ground and first floor (possibly on the lines of a Serlian window) rather than the pairs of windows now proposed. We recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.



N.B. The same comments have been made in respect of the revised drawings.

YORK CIVIC TRUST - Comments as follows:

1. Concern is expressed that the height of the replacement building is excessive and would have an overpowering effect on the buildings opposite.
2. There is no indication that patched brickwork will be carried out using matching bricks, mortar joints and bonding.
3. Whilst there are no objections to the demolition of the building fronting Ogleforth, it is important to note that its demolition requires Conservation Area Consent.

COMMUNITY SAFETY OFFICER - There is some history of car crime in the area and consideration should be given to a camera system and secured gate entry system for pedestrians and vehicles similar to that used elsewhere in the city. There are windows overlooking both the car parking and garden areas and this may prove sufficient to discourage the car criminal and anti-social use of the area. Consideration should be given to raising the height of the neighbouring boundary walls to prevent access to the site from the side. There are a number of windows that face directly out onto the street on the new and existing buildings and these should be designed to comply with current "Secured by Design" standards, as should the lighting for the car park.

ADJACENT OCCUPIERS - Three letters have been received, expressing the following concerns:

- the applicant needs to demonstrate that the loss of this employment site and that alternative employment uses (e.g. offices) are not suitable or are unlikely to occur.
- the proposed extension enables a further three units to be created which is considered to be an overdevelopment of the site. It is considered that this element should be deleted and that the scheme should work within the confines of the existing building.
- the proposed access and turning arrangements are extremely tight in terms of manoeuvring and turning space.
- some of the parking spaces do not appear to be useable and will result in vehicles reversing onto the highway or not using the parking spaces at all.
- any on-street parking will restrict access along this narrow street.
- the number of parking spaces seems inadequate for the proposed thirteen units and there should be at least one space per unit with an additional element included for visitors, minimum 16 spaces. A reduction in the number of units would reduce this disparity.
- there is a potential impact on the future occupiers of the apartments from the adjacent premises (St. Williams College) which is a licensed premises used as a venue for weddings, discos, parties, conferences etc. This lawful activity must not be inhibited by the introduction of residential accommodation in the adjacent building.
- The scheme needs to take this issue more fully into account through the internal layout of the scheme, sound insulation measures, improved glazing and perhaps a noise assessment.
- part of the development has windows overlooking an enclosed yard within the college used as project yard by visiting schools and other groups. This raises issues

of privacy, overlooking, noise nuisance and activity which could impact on the scheme.

- no additional openings should be permitted in the wall abutting St. Williams College.
- consideration should be given to the relationship of the new build apartments to the properties opposite, where the window to window distance is particularly close.
- access to adjacent land will be necessary to carry out the development and any nuisance should be minimised. The construction programme should be managed by condition.
- the development will bring more residents into an area where there is inadequate street lighting and difficult driving conditions.
- the road is very narrow in places and is frequently used by lorries on a daily basis making it impossible to pass. This will be exacerbated by 13 additional flats and a minimum of 13 extra cars.
- the wooden doors on the upper level existing warehouse building could be retained.
- some of the new windows are too small and horizontal and a vertical emphasis would be more appropriate.
- the new extension will bisect the south side of Ogleforth and hide part of the grouping of the old buildings to the rear.
- the elevation to Ogleforth is at best ordinary and needs further consideration.
- reclaimed bricks would be appropriate; the profile of the glazing bars should be carefully chosen.

N. B. Two letters have been received in response to the revised drawings, re-iterating many of the previous points. The following additional points have been raised:

- the revisions show the warehouse buildings retaining or suggesting more of their earlier functions, which is an improvement.
- it is unfortunate that the small windows to be inserted in the blank arches nearest to St. Williams College have not been re-considered.
- The building on the Ogleforth frontage is worth retaining and its replacement is architecturally undistinguished.
- it is hoped that there are no plans to insert roof lights in the warehouse roof.

## **4.0 APPRAISAL**

### **4.1 Key Issues**

- principle of residential conversion/loss of employment site
- effect on character and appearance of the conservation area
- effect on neighbouring properties
- living conditions of future occupiers
- highway and parking issues

4.2 The application relates to the conversion of an existing vacant warehouse and associated offices to residential use. The site is within the Central Historic Core. When determining planning applications within conservation areas, the Council has a statutory duty to consider the desirability of preserving or enhancing the character or

appearance of the area. A separate application for listed building consent has been submitted in respect of the proposal.

4.3 The site falls within the definition of "Previously Developed Land", that is "land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure". Central Government advice in Planning Policy Statement 3 ("Housing - November 2006), from which this definition is taken, states that a key objective is that Local Planning Authorities should continue to make effective use of land by re-using land that has been previously developed. The Approved North Yorkshire Structure Plan is the statutory development plan for the area. Policy H9 states that "provision will be made for the maintenance and, where appropriate, the extension of residential use of property in and around town centres and in particular in and around the historic core of York, through permitting suitable new development and through the conversion of suitable existing property and vacant upper floorspace". Policy H4a of the Draft Local Plan states that planning permission will be granted for new residential development where the site is within the urban area and it involves infilling, redevelopment or conversion of existing buildings, where the site has good accessibility to jobs, shops and services by non-car modes of transport, and subject to the development being of an appropriate scale and density to the surrounding development. The site occupies a central (and sustainable) location within the city centre and has good accessibility to public transport, jobs and services. The development would provide a good mix of accommodation, consisting of 5 x one bedroom apartments and 5 x two bedroom apartments, with floor areas ranging from 34 sq metres to 128 sq metres.

4.4 Policy E3b states that sites or premises either currently or previously in employment use, will be retained within their current use class. Planning permission for other uses will only be given where a) there is a sufficient supply of employment land to meet both immediate and longer term requirements over the plan period in both quantitative and qualitative terms, and b) unacceptable environmental problems exist, or c) the development of the site for other appropriate uses will lead to significant benefits to the local economy, or d) the use is ancillary to an employment use. Although the majority of the buildings to be converted were previously in warehouse use, the proposal also includes the conversion of the offices associated with the former business use. Policy H12 of the Draft Local Plan states that planning permission will be granted for the conversion of redundant office space to residential use where a) there is a sufficient supply of offices to meet both immediate and longer term requirements over the plan period; and b) the proposal will not have an adverse impact on the vitality and viability of the City and District Centres; and c) it has no adverse effect on residential amenity.

4.5 It is considered that the site is not well suited to a warehousing use, being located on a narrow historic street with poor access to the primary road network. Warehousing uses are generally better located within purpose built accommodation on serviced sites with good access to the road network (e.g. York Business Park). The conversion of the building to residential use is supported by highways officers for the reason that it would remove the passage of large commercial vehicles from the narrow streets in the vicinity of the site. In addition, there are a number of residential properties in close proximity to the site, and it is considered that the

amenity and living conditions of the occupiers of these properties would benefit from the removal of a potentially harmful commercial use from the street.

4.6 The alteration of the building to accommodate an alternative employment use, such as offices, would be unlikely to provide a workable solution. Access into the building and internal circulation do not meet modern requirements, and the layout of the building does not lend itself to alterations to meet these requirements. The listed status of the building also limits the scope for alterations to make the building more suitable for office use, e.g. cabling, ducting and service runs to accommodate modern IT equipment. It is considered that the poor access, circulation and staff facilities within the building, together with the availability of vacant, more practical office accommodation elsewhere in the city centre, would make the building difficult to let or sell as offices. It is concluded, therefore, that in both quantitative and qualitative terms, the change of use of the building to residential use would not be unduly harmful to the overall supply of employment sites in the city centre or wider area.

4.7 The property to which the application relates is a Grade II listed building which was originally occupied by Thackwrays Brewery and continued in this use when the ownership changed to Samuel Smiths. Central Government advice in Planning Policy Guidance Note 15: "Planning and the Historic Environment" (PPG15) states that generally the best way of securing the upkeep of historic buildings and areas is to keep them in active use. It also states that the best use will very often be the use for which the building was originally designed, and the continuation or reinstatement of that use should certainly be the first option when the future of a building is considered. Clearly, the reinstatement of the original use is not a realistic option in this case, and the continued use of the building as a warehouse, or its conversion to offices, are not suited to the location of the site or the internal layout of the building. It is considered that the conversion of the building to apartments would constitute an acceptable alternative use, and through the imaginative use of existing spaces, the creation of new spaces through the insertion of mezzanine floors where floor to ceiling heights allow, and the retention of existing features of architectural and historic significance, would not be unduly harmful to the fabric of the building. In particular, the proposal would greatly assist in securing the future upkeep of the building by retaining it in active use, in accordance with the advice in PPG15. In addition, the application site is readily accessible on foot to all city centre facilities and amenities and its reuse for residential purposes is consistent with the basic principles of sustainability. On this basis, it is considered that the principle of the conversion of the building to residential use is one which could be supported.

4.8 Policy E4 of the Approved North Yorkshire Structure Plan states that buildings and areas of special townscape, architectural or historic interest (e.g. conservation areas, listed buildings) will be afforded the strictest protection. Policy HE2 of the City of York Draft Local Plan states that within or adjoining conservation areas, and in locations which affect the setting of listed buildings, development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials. Proposals will be required to maintain or enhance existing urban spaces, views, landmarks, and other townscape elements which contribute to the character or appearance of the area. The application relates to the conversion of the existing range of buildings, with use being made of existing

openings in the external elevations of the buildings. Internal features of interest, such as fireplaces, cranes, pulleys and hoists would also be retained.

4.9 The application also incorporates the demolition of an early twentieth century extension fronting onto Ogleforth. Although this single storey building has some interesting architectural features, it is not of the same quality as the main warehouse buildings to the rear. It is proposed to replace this building with an extension on a narrower footprint than the existing but with accommodation on three floors, with a gable directly onto the street. The extension would contain 2 x two bedroom apartments and 1 x one bedroom apartment. The revised drawings reduce the height of the new extension so that it is better related in massing and scale both to the listed Dutch House to the southeast and to the streetscene in general. The revised scheme also acknowledges and incorporates many of the existing architectural features of the existing warehouse buildings, both internal and external. Subject to conditions relating to materials and the submission of large scale architectural details, the Conservation Architect is now satisfied that the effect of the conversion on the special architectural and historic interest of the building is acceptable. It is also considered that the scheme would not be harmful to the overall character and appearance of the conservation area.

4.10 The Environmental Protection Unit originally raised concerns regarding the impact of noise from the adjacent premises (Maclagan Hall - part of St. Williams College) on the amenity of future occupants of the proposed development. Functions including weddings and seasonal events/parties are held on a regular basis in Maclagan Hall, which directly adjoins and at one point is physically attached to part of the warehouse buildings. There are a number of windows in both the development site and Maclagan Hall in close proximity to each other which would allow the transmission of noise. Further concerns arise due the proximity of an outdoor activity yard within the curtilage of St Williams College to the rear of the warehouse complex. Again there is the potential for noise generated by groups using the activity area (including children of all school ages) causing nuisance and disturbance to occupants of the adjacent apartments. Other potential noise sources include deliveries/collections from the area at the rear of St. Williams College, disposal of empty bottles during or after late night functions, and kitchen extract/air conditioning units, all located within relatively close proximity to the north west facing elevation of the warehouse buildings.

4.11 A Noise Impact Assessment was subsequently carried out by an independent consultant on 15th December 2006 when a disco/dance function was taking place within Maclagan Hall. The report makes several recommendations regarding glazing and air gap specifications, in addition to sound insulation to party walls which directly abut the Hall. In addition, the internal layout of the apartments has been amended so that the majority of bedroom windows would be orientated away from the principle noise sources. Two of the twelve apartments would have bedroom windows overlooking the activity yard referred to above, but this would not normally be in use when the bedrooms are occupied. It is considered that the insulation of these and other affected windows in accordance with the recommendations of the Noise Impact Assessment, together with the use of mechanical ventilation where required, would adequately protect the amenity of future occupants of the apartments.

4.11 No highway objections are raised to the principal of the proposal, indeed the conversion of the warehouse to residential use is welcomed from a highway standpoint as it would result of the removal of large commercial vehicles from the surrounding narrow, historic streets. A total of seven parking spaces would be provided for the 12 apartments (13 if the conversion of the adjacent Dutch House is also included), which together with the proposed cycle parking is considered to be acceptable in this city centre location. Indeed, the proposal would result in a reduction in the number of parking spaces currently available at the site, which in terms of encouraging sustainable travel patterns by means other than the private car is to be welcomed. So far as the number of parking spaces is concerned, Central Government advice in PPG13 states that local authorities should not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances, such as where there are significant implications for road safety which cannot be resolved through on-street parking controls. On-street parking restrictions are in existence throughout the length of Ogleforth, in the form of double yellow lines. Although visibility at the site entrances is restricted, this is considered to be acceptable bearing in mind the low levels of traffic within the street and its limited speed.

4.12 The site would be provided with good levels of security, there being 2.5 metre (8 feet 2 inches approx) brick boundary walls on either side of the site. These would be continued around the front of the site where there are gaps, other than at the site entrances, where electronic security gates would be provided. The nature and scale of the proposed development will attract a requirement for commuted sum payments to be made in respect of education and open space provision, in order to comply with Policies C6 and L1c of the City of York Draft Local Plan respectively. Based on the number of units/bedrooms proposed, these payments have been calculated at £15,531 for the funding of one secondary school place, and £5,658 towards the upgrading of off-site open space in the locality. These payments could be secured by the applicant entering into an Agreement under Section 106 of the Town and Country Planning Act 1990.

## **5.0 CONCLUSION**

5.1 It is considered that the principle of the conversion of these vacant commercial buildings to apartments is acceptable. The detailed proposals would respect the character of this historic group of listed buildings, and would not be harmful to the overall character or appearance of the wider conservation area. The amenity of neighbouring properties would be respected, in particular through the reduction in height of the new extension on the Ogleforth frontage of the site. The mitigation measures contained within the Noise Assessment Report demonstrate that the amenity of future occupants of the apartments would not be unduly affected by noise from Maclagan Hall, directly adjacent to the proposed development. Although only a limited amount of car parking would be provided in association with the development, secure cycle parking would be provided and the site is in a central, sustainable location within walking distance of the city centre and with good access to public transport. As such, the proposal is considered to be satisfactory subject to the imposition of appropriate conditions.

**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:-

Drawing no. 05:38:23 Rev B received on 20 March 2007 (Proposed floor plans)

Drawing no. 05:38:24 Rev B received on 20 March 2007 (Proposed floor plans)

Drawing no. 05:38:25 Rev B received on 20 March 2007 (Proposed elevations)

Drawing no. 05:38:30 received on 20 March 2007 (Proposed section)

or any plans or details subsequently agreed in writing by the Local Planning Authority as 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 VISQ8

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

Windows, doors and reveals within new extension.

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

5 HWAY19

6 No window shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

7 ARCH1

8 ARCH2

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 together with details of associated hard landscaping. 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, and the associated hard landscaping.

- 10 Prior to the commencement of the development, proposals for the inclusion of features suitable for wildlife in the buildings, and in particular bats and swifts, shall be submitted to and approved in writing by the Local Planning Authority. The proposals shall be carried out as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enhance the biodiversity of the area.

- 11 All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday	08.00 to 18.00
Saturday	09.00 to 13.00
Not at all on Sundays and Bank Holidays.	

Reason: In the interests of the amenity of adjacent occupiers.

- 12 Prior to the commencement of the development, details of the proposed means of sound insulation of the building structure and windows shall be submitted to and approved in writing by the Local Planning Authority. The agreed means of insulation shall be fully implemented and installed prior to first occupation of the development and shall be thereafter maintained.

Reason: In the interests of the amenity of future occupants of the proposed apartments.

- 13 Prior to the commencement of the development, a scheme of mechanical ventilation serving the three bedrooms adjacent to St. Williams College (the southeast facing windows in the southwest corner of the application site) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenity of future occupants of the proposed apartments.

- 14 No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The open space shall thereafter be provided in accordance with the approved scheme or the



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

Reason: In order to comply with the provisions of Policy L1c of the 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 £5,658.

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.

- 15 No development shall commence unless and until a scheme to ensure the provision of adequate 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 Policy C6 of the City of York Draft Local Plan and the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated January 2005.

**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 £15,531. The basis for this calculation is contained within the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated January 2005.

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

**7.0 INFORMATIVES:  
Notes to Applicant**

**1. REASON FOR APPROVAL**

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

- principle of residential conversion/loss of employment site
- effect on character and appearance of the conservation area
- effect on neighbouring properties
- living conditions of future occupiers
- highway and parking issues

As such the proposal complies with Policies E4 and H9 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies H4, E3, H12 and HE2 of the City of York Local Plan Deposit Draft.

2. If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a remediation scheme to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the Council may consider taking action under Part IIA of the Environmental Protection Act 1990.

3. The developer's 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 noted:

(i) 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".

(ii) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

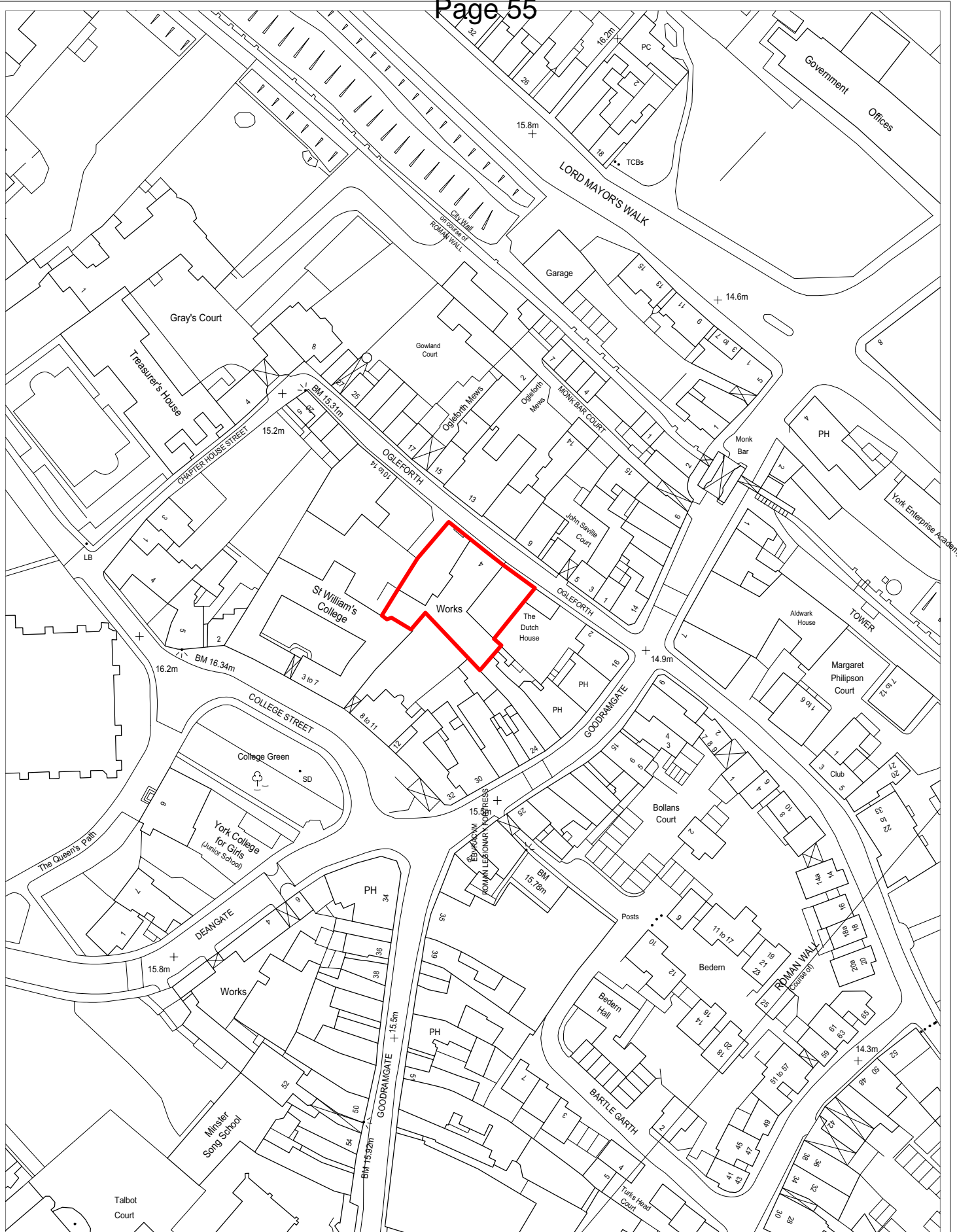
(iii) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(iv) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(v) There shall be no bonfires on the site."

**Contact details:**

**Author:** Simon Glazier Assistant Area Team Leader  
**Tel No:** 01904 551351



CITY OF  
**YORK**  
COUNCIL

## 4 OGLEFORTH (HOUSE & SON)

SCALE 1:1250  
Originating Group

DRAWN BY PSL  
Project

DATE 14/5/2007  
Drawing No.



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**COMMITTEE REPORT**

**Committee:** Central Area  
**Date:** 22 May 2007

**Ward:** Guildhall  
**Parish:** Guildhall Planning Panel

**Reference:** 06/02052/LBC  
**Application at:** 4 Ogleforth York YO1 7JG  
**For:** Listed building consent for conversion, part demolition and extension of vacant warehousing and offices to form 12 no. apartments  
**By:** House And Son Ltd  
**Application Type:** Listed Building Consent  
**Target Date:** 13 November 2006

**1.0 PROPOSAL**

1.1 The introductory comments in relation to application ref: 06/02042/FULM also apply to this parallel application for listed building consent.

**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

Listed Buildings Grade 1; St Williams College York 0742

Listed Buildings Grade 2\_; The Dutch House Ogleforth 0990

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

Schools St. Wilfrid's RC Primary 0230

2.2 Policies:

CYHE4  
Listed Buildings

**3.0 CONSULTATIONS**

3.1 INTERNAL

## DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

### Conservation

An independent historic buildings assessment was compiled in May 2006 to inform debate about proposals for the site and its buildings.

The buildings are situated within the Central Historic Core conservation area close to the Minster precinct. There are a significant number of high status buildings in the vicinity, including St William's College (grade I) to the immediate NW of no 8 Ogleforth, and Cromwell House at no 13 Ogleforth (grade II\*) immediately opposite the site. Buildings on the NE side of the street form a continuous building line of 2 & 3 storeys, with the occasional modest gated opening allowing access to the rear. Houses are mostly in residential use, although Cromwell House and Adam House were recently used for offices. The SW side of the street is more open, with yards for servicing and car-parking being visually open to the street. The earlier buildings remaining on the street are of modest height and domestic scale, smaller than the buildings opposite. The early C20th former coach works, now offices, is much larger, as are the 19th century brewery buildings which are set well back from the street. The roof of the 4 storey brewery buildings interrupts the historic skyline.

The report outlines the development of the buildings and draws attention to the main elements of significance. The buildings are empty at present and their reuse would be welcome. It is important to respect the following principles in the conversion:

- 1) to retain the appearance of the building as an industrial building in the envelope
- 2) to maintain the openness of the spaces as far as would be compatible with the conversion to dwellings
- 3) to retain the remaining fixed equipment and built-in evidence of industrial use
- 4) to address the scale of the street bearing in mind the orientation

Proposals show the buildings would be converted to 12 apartments with the two storey early 20th century element replaced by a three storey block (partially within the roof). Please see below for comment:

### Industrial character

We welcome the removal of the uncharacteristic lift shaft and canopy. The demolition of the other ancillary elements, including the replacement concrete access to no 8, would not appear to adversely affect the special historic and architectural interest of the building. However the vertical line of "taking in doors" and the sliding door should remain. Openings shown on drawings should be amended to reflect this. New windows/doors in these locations should be designed to be as robust as existing whilst allowing for requirements of additional light and safety measures. Details would be conditioned. We welcome the removal of the uncharacteristic windows.

### Internal Spaces

The new layout for no 8 Ogleforth maintains the inherited plan configuration. Clarification is sought regarding the nature of the cornice at basement level where the bathroom wall has been introduced.

Subdivision of apartments within the remaining building uses the principal structural walls to demarcate individual flats. Service accommodation and circulation has been moved to the rear of the building as there is no light from this direction. Some of the spaces have mezzanine floors and a reasonable greater degree of openness has been retained given the constraints of the building.

Given the requirement to upgrade floor zones for sound and fire resistance it is important to agree the approach at this stage. Truss positions should be marked on the "as proposed" drawings, and further information should be provided by way of indicative sections to show how they integrate with the floor zone and with the introduced partitions.

Thermal insulation measures should be indicated so that their impact on the structure and in particular the windows can be assessed.

Procedures for blocking previous openings whilst retaining evidence of their presence can be agreed by way of condition

### Equipment and other evidence

Equipment has been noted on the drawings. It will be important to fully record the building and its details prior to any work commencing. Measures for protecting elements such as the bearing box should be agreed. A schedule of finishes should also be provided for approval and this should allow the fire-proofed construction to be exposed.

### New Build

The loss of the early 20th century extension onto Ogleforth has been accepted from an early stage by English Heritage and ourselves. The building is constructionally and architecturally more interesting than the one proposed and it offers a more comfortable mass and height to the street. Whilst the simpler architectural format would be acceptable the increased height (over 3.5m) would adversely affect residential amenity, in terms of sunlight and privacy in this narrow street (6.5m wide). It would be inappropriate to reintroduce buildings of the scale already demolished as expectations nowadays are of a higher level of amenity. This part of the scheme should be revisited.

The details of some of the above requirements could be covered by condition. However it would be reassuring to agree the various approaches at this stage to ensure that the historic and architectural interest of the buildings can be maintained at detailed development stage.

Comments on revised drawings:

The revised scheme addresses the issues as follows:

- 1) The vertical line of "taking-in doors" has been acknowledged
- 2) The sliding door has been retained

- 3) The layout in apartment 8 has been reassessed and the problem with the existing cornice has been avoided as the area is no longer sub-divided
- 4) Indicative sections have been submitted showing equipment retained in-situ. Trusses have not been marked on the plans but it will be expected that they should be retained, and repaired if necessary
- 5) The acoustic report suggests secondary glazing the window onto St Williams College, lining the party wall, and providing additional linings on the ceilings
- 6) There has been a reduction in the overall scale of the new build element.

It is considered that the effect of the conversion on the special architectural and historic interest of the building is acceptable. It is also considered that the scheme would not be harmful to the conservation area.

Should the scheme be approved please add conditions covering:

- 1) brickwork for the new build
- 2) new windows, doors and all reveals on the new build
- 3) details of all windows and doors and any adaptations, secondary glazing etc
- 4) details of upgrading for fire and sound
- 5) details where previous doorways to be blocked in (the opening must still read
- 6) measures for retaining and protecting beam bearing box, and all fixed equipment in the building
- 7) details of mezzanine floors, new stairs and balustrading

CONSERVATION AREA ADVISORY PANEL - The panel supports this application, but request that the taking in doors are recognised, possibly by the introduction of a void below the cill. It was felt however that a contemporary design rather than a pastiche might be a better solution for the new build element.

### 3.2 EXTERNAL

GUILDHALL PLANNING PANEL - No objections but make the following comments:

- boundary treatment - walls to Ogleforth should be higher and articulated.
- general concern that the design is mundane and bland.
- opportunity should be sought for more varied design and roofscape.

N. B. Comments on revised drawings: Re-affirm previous comments

ENGLISH HERITAGE - We consider that the massing of the new build has greatly improved. We suggest the street elevation may benefit from having one central window to ground and first floor (possibly on the lines of a Serlian window) rather than the pairs of windows now proposed. We recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

N.B. The same comments have been made in respect of the revised drawings.

YORK CIVIC TRUST - Comments as follows:



1. Concern is expressed that the height of the replacement building is excessive and would have an overpowering effect on the buildings opposite.
2. There is no indication that patched brickwork will be carried out using matching bricks, mortar joints and bonding.
3. Whilst there are no objections to the demolition of the building fronting Ogleforth, it is important to note that its demolition requires Conservation Area Consent.

ADJACENT OCCUPIERS - One letter has been received in response to the revised drawings, raising the following issues in relation to the application for listed building consent:

- the revisions show the warehouse buildings retaining or suggesting more of their earlier functions, which is an improvement.
- it is unfortunate that the small windows to be inserted in the blank arches nearest to St. Williams College have not been re-considered.
- The building on the Ogleforth frontage is worth retaining and its replacement is architecturally undistinguished.
- it is hoped that there are no plans to insert roof lights in the warehouse roof.

#### **4.0 APPRAISAL**

##### 4.1 Key Issues

- impact on the special architectural and historic character of the listed building

4.2 The application relates to the conversion of a former warehouse and ancillary offices to 12 apartments. The property is a Grade II listed building which was previously used for warehousing with ancillary offices, having originally been constructed as a brewery. Policy E4 of the Approved North Yorkshire Structure Plan states that buildings and areas of special townscape, architectural or historic interest (e.g. listed buildings) will be afforded the strictest protection. Policy HE4 of the City of York Deposit Draft Local Plan relates specifically to listed buildings and states that consent will only be granted for development involving internal alterations where there is no adverse effect on the character, appearance or setting of the building.

4.3 Central Government advice in relation to listed building control is contained within Planning Policy Guidance Note 15: "Planning and the Historic Environment" (PPG15). This states that while the listing of a building should not be seen as a bar to all future change, the starting point for the exercise of listed building control is the statutory requirement on local planning authorities to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". PPG15 states that generally the best way of securing the upkeep of historic buildings and areas is to keep them in active use. It also states that many listed buildings can sustain some degree of sensitive alteration or extension to accommodate continuing or new uses.

4.4 The application relates to the conversion of the existing range of buildings, with use being made of existing openings in the external elevations of the buildings. Internal features of interest, such as fireplaces, cranes, pulleys and hoists would also be retained. It is considered that the conversion of the building to apartments would

constitute an acceptable alternative use for the buildings, and through the imaginative use of existing spaces, the creation of new spaces through the insertion of mezzanine floors where floor to ceiling heights allow, and the retention of existing features of architectural and historic significance, would not be unduly harmful to the fabric of the building. In particular, the proposal would greatly assist in securing the future upkeep of the building by retaining it in active use, in accordance with the advice in PPG15.

4.9 The application also incorporates the demolition of an early twentieth century extension fronting onto Ogleforth. Although this single storey building has some interesting architectural features, it is not of the same quality as the main warehouse buildings to the rear. It is proposed to replace this building with an extension on a narrower footprint than the existing but with accommodation on three floors, with a gable directly onto the street. The extension would contain 2 x two bedroom apartments and 1 x one bedroom apartment. The revised drawings reduce the height of the new extension so that it is better related in massing and scale both to the listed Dutch House to the southeast and to the streetscene in general. The revised scheme also acknowledges and incorporates many of the existing architectural features of the existing warehouse buildings, both internal and external. Subject to conditions relating to materials and the submission of large scale architectural details, the Conservation Architect is now satisfied that the effect of the conversion on the special architectural and historic interest of the building is acceptable.

## 5.0 CONCLUSION

5.1 It is considered that the principle of the conversion of these vacant commercial buildings to apartments is acceptable and that the detailed proposals would respect the character of this historic group of listed buildings. As such, the proposal is considered to be satisfactory subject to the imposition of appropriate conditions.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

1 TIMEL2

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

Drawing no. 05:38:23 Rev B received on 20 March 2007 (Proposed floor plans)

Drawing no. 05:38:24 Rev B received on 20 March 2007 (Proposed floor plans)

Drawing no. 05:38:25 Rev B received on 20 March 2007 (Proposed elevations)

Drawing no. 05:38:30 received on 20 March 2007 (Proposed section)

or any plans or details subsequently agreed in writing by the Local Planning Authority as 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 VISQ8

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

Mezzanine floors, new stairs and balustrading  
Adaptations to all existing windows and doors, including any secondary glazing  
Windows, doors and reveals within new extension

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

- 5 Details of any necessary measures to reduce sound transmission or improve fire resistance shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development, and the development shall be carried out in accordance with the approved details.

Reason: In order to protect the historic character of the building.

- 6 Prior to the commencement of the development, details of the blocking in of any existing openings shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to protect the historic character of the building

N.B. The details shall enable the openings to be "read" after being blocked in.

- 7 Measures for the retention and protection of the beam bearing box and all fixed equipment within the building shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The measures shall be implemented in their entirety throughout the implementation of the development and following its completion.

Reason: In order to protect the historic character of the development.

## **7.0 INFORMATIVES: Notes to Applicant**

1. REASON FOR APPROVAL

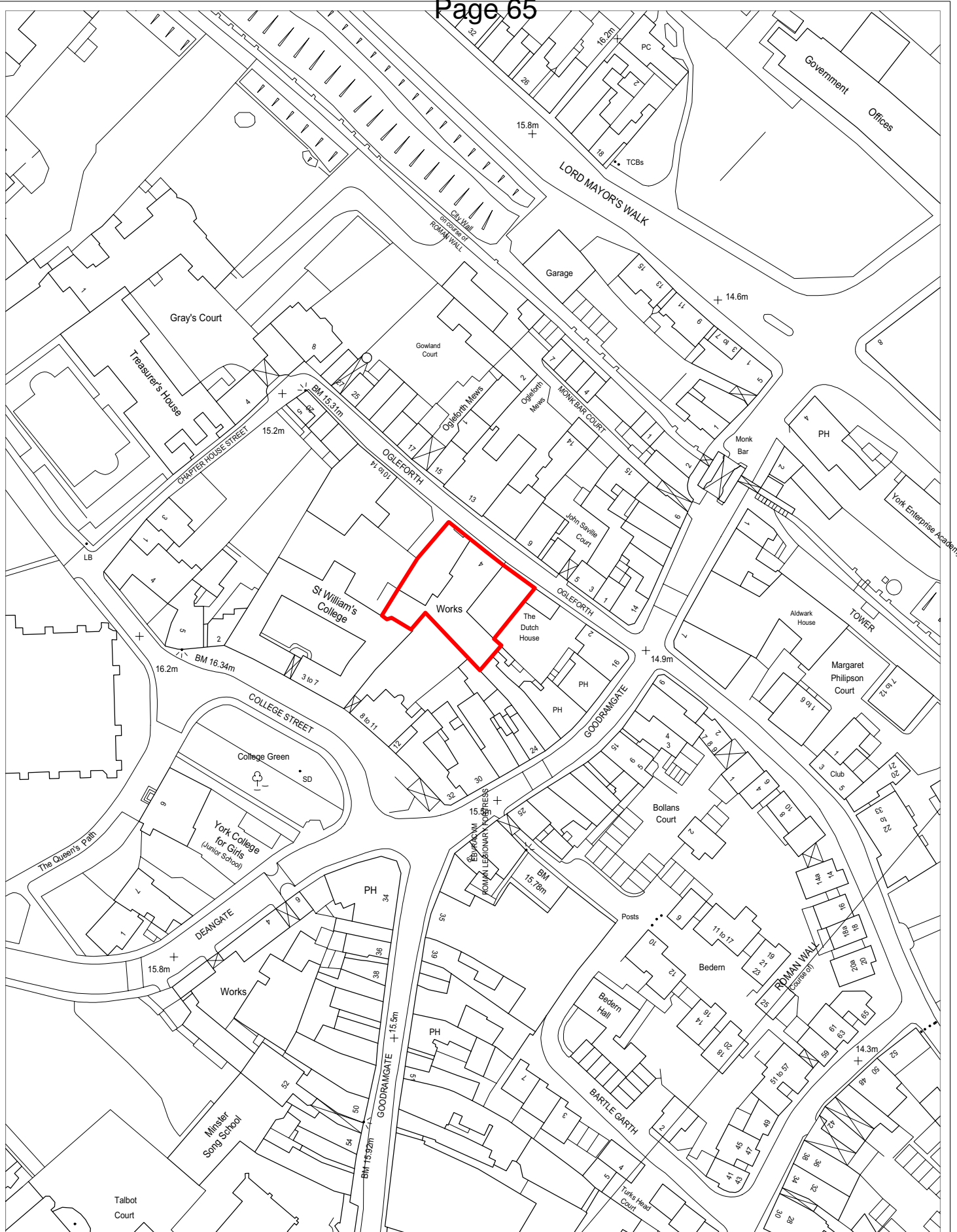
In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to:

- impact on the special architectural and historic character 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:** Simon Glazier Assistant Area Team Leader  
**Tel No:** 01904 551351



CITY OF  
**YORK**  
COUNCIL

## 4 OGLEFORTH (HOUSE & SON)

SCALE 1:1250  
Originating Group

DRAWN BY PSL  
Project

DATE 14/5/2007  
Drawing No.



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**COMMITTEE REPORT**

**Committee:** West/Centre Area                      **Ward:** Holgate  
**Date:** 22 May 2007                                      **Parish:** No Parish

**Reference:** 07/00682/FUL  
**Application at:** 46 Bishopfields Drive York YO26 4WY  
**For:** Conversion of existing three storey house to three apartments, external alterations and use of rear garden as 3no. parking spaces.  
**By:** Mr Ian Anderson  
**Application Type:** Full Application  
**Target Date:** 6 June 2007

**1.0 PROPOSAL**

1.1 The following application is presented to the West/ Centre Planning Sub-Committee at the request of Councillor Tracey Simpson- Laing as the proposal would result in the loss of a family -sized house. In addition, Members are advised that a member of the development control staff is a tenant of the adjoining property, No 45 Bishopfields Drive.

1.2 The application seeks planning permission for the conversion of 46 Bishopfields Drive to 3 No. flats. The property is a mid-terraced 5 No. bedroomed townhouse over 3 floors, with an integral garage. Externally the appearance of the dwelling would be altered by the conversion of the integral garage to a bedroom for the ground floor unit and the formation of a 3 No. car parking area from the rear garden. The internal layout would provide an apartment to each floor accessed from the existing front door. The ground floor would become a 1 No bedoomed flat, the first floor a 3 No. bedroomed flat, and the second floor a 3 No. bedroomed flat. The existing central staircase would provide access to the upper flats and services would be rearranged to give separate supply to each flat. The existing car parking area to the front of the property that accommodates 1 No. car would be retained.

**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

2.2 Policies:

CYT4

Cycle parking standards

CYH8

Conversion to flats/HMO/student accom

CYGP4A

Sustainability

CYGP1

Design

CYH4

Housing devp in existing settlements

CYL1C

Provision of New Open Space in Development

**3.0 CONSULTATIONS**

3.1 INTERNAL

HIGHWAY NETWORK MANAGEMENT- No objections, subject to conditions

ENVIRONMENTAL PROTECTION UNIT- No objections

LIFELONG LEISURE AND LEARNING - A commuted payment is required for the upgrading of open space in the area as the property is increasing from 5 bedrooms to 7 bedrooms.

3.2 EXTERNAL

LOCAL RESIDENTS - 5 representations have been received that raise the following planning issues-

- a. Altering the garage to a bedroom would affect the symmetry of the principal elevation of the terraced development
- b. No shortage of flats in the area, smaller number of family houses- imbalance community, loss of family house
- c. Noise
- d. Unwelcome precedent that could affect the character of the area
- e. Overdevelopment that would undermine the award-winning features of the estate
- f. Neighbours' amenity harmed from noise, pollution, and view to proposed car park
- g. Underprovision of car parking spaces, compound problems of unauthorised parking in the area
- h. Lack of appropriate bin storage
- i. Increased pressure on parking allocation



A petition has also been received with 19 signatures objecting to the proposal

The following issues have been raised but are beyond the scope of planning legislation-

- a. Adverse harm to property values
- b. Deed of covenants restricting development in gardens

#### **4.0 APPRAISAL**

##### **4.1 KEY ISSUES**

- Principle of proposed use
- Impact on adjacent residents
- Impact on the character of the area/ Visual amenity
- Car and cycle parking
- Bin storage

Additional Planning Policy-

Policy H9 Conversion of property to housing, North Yorkshire County Structure Plan

Planning Policy Statement 1 " Delivering Sustainable Development "

Planning Policy Statement 3 " Housing "

4.2 The North Yorkshire County Structure Plan (Alteration No.3) was approved in November 1995. Policy H9 states that provision will be made for the maintenance and, where appropriate, the extension of residential use of property in and around town centres and particularly in and around the historic core of the City of York, through permitting suitable new development and through the conversion of suitable existing property and vacant upper floorspace. This policy is still pertinent. Policy GP1 of the City of York Development Control Local Plan- Incorporating the proposed 4th Set of Changes (April 2005) states that development proposals will be expected, amongst other things, to respect or enhance the local environment. Policies T4 and T13 require adequate on- site provision for cycle and car parking. Policy H8 relates specifically to conversions and states that planning permission will only be granted for the conversion of a dwelling to flats..... where the dwelling concerned has a minimum of four bedrooms. The Local Plan states that in considering the impact of such proposals, attention will be given to the character of the street, the effect on the amount of available amenity space, parking requirements, traffic generation and any other material planning considerations particular to the case.

4.3 Planning Policy Statement 3 (PPS3), published in November 2006 replaces Planning Policy Guidance Note No. 3 and becomes a material consideration in the determination of planning application from 1st April 2007. This new policy amongst other things, increases the opportunity for local planning authorities to set important areas of policy locally, is more prescriptive in terms of detailing housing mix, and retains the emphasis upon developing sustainable brownfield sites, and the need to

create mixed and inclusive communities which offer a choice of housing and lifestyle through the avoidance of social exclusion. Paragraph 31 of the PPS restates the principle that was included in PPG3 that the "Conversions of existing housing can provide an important source of new housing."

## PRINCIPLE

4.4 In principle, the development would comply with Local Plan Policy H4, as the dwelling lies within the settlement limits of the city and involves the conversion of an existing building located within an established residential area in relatively close proximity to the centre of York. The proposed conversion of this 5 No. bedroomed property would not conflict with Policy H8 of the local plan in terms of being large enough to convert to apartments. Policy H4 advises that there should be a minimum of 4 bedrooms in the dwelling prior to conversion. This proposal would also accord with Policy H9 of the North Yorkshire County Structure Plan, which has a general presumption in favour of expansion of residential use in and around town centres through the conversion of suitable existing property, irrespective of the size of the property concerned. To date and until September 2007 when the plan period expires, the Structure Plan remains the most relevant formally adopted document in the City of York's administrative area and forms the statutory development plan for the area. Planning Policy Statement 3 retains the recognition that the conversion of dwellings can provide an important source of additional housing. Clearly, the proposal for a 1 No. one bedroomed and 2 No. three bedroomed properties would provide a range of accommodation in a convenient and sustainable location close to the city centre. It is considered that the proposal would not conflict with the spirit of Central Government advice in PPS 3. It is therefore concluded that the principle of converting this particular dwelling into three flats would not be contrary to adopted planning policy and guidance.

4.5 The Council has recently commissioned a Housing Needs Assessment Survey and the initial results add some credence to the need to retain family -sized properties and to combat an apparent over-supply of flats/ apartments in York. As the results have not been transferred into any adopted guidance or policy at local level, it is considered that the results at this time carry less weight than statutory planning policy and cannot outweigh its principles.

## IMPACT ON NEIGHBOURS

4.6 In terms of possible disturbance of neighbours, the main concern relates to the proposed car parking area that would be formed from the rear garden area. In particular, the ground floor patio windows to a bedroom in No. 45 would be affected by the parking of up to 3 cars approximately 4 metres away. Any upper bedroom windows would be affected to a lesser extent by the associated noise of comings and goings from cars. There would also be an impact on the peaceful enjoyment of the rear garden at No. 45. This rear garden abuts the proposed parking area that would be formed from the majority of the garden area. It is considered that the increased noise and activity in this area, close to this residential property, would be harmful to the reasonable living conditions for the occupiers of this property.

4.7 It would appear that the internal layout could be adapted to provide an acceptable standard of accommodation for any proposed occupiers and without intruding on the reasonable living conditions of the abutting properties to either side that are in flat use and townhouse use. One apartment per floor would be acceptable and the more intensive residential use of the property would not create problems for adjacent residents as existing adjoining uses would remain as they are in bedroom or bathroom use.

#### VISUAL IMPACT

4.8 The property forms part of a terrace of " townhouse " development whose distinctive frontage is characterised by ground floor integral garages and entrances with accommodation on the first and second floors. The ground floor has a solid appearance with no glazing. The proposal would involve the conversion of the garage to a bedroom would result in the existing garage door being removed and replaced with a window and rendering. This would be an alteration to the main elevation that would be prominent and be an alien feature that would be at odds with the unified appearance and symmetry of the terrace. This alteration would be at odds with Policy GP1 of the Local Plan that advises that new development should respect or enhance the local environment and be compatible with the character of the area.

#### CAR/ CYCLE PARKING

4.9 It would appear from the original planning consent for the development that conditions were imposed that required the car parking provision to be retained ( Condition 8 ) and kept clear at all times ( Condition 13 ). The applicant has provided a replacement car parking area that would satisfy the Council's parking requirements for the scale of development given its proximity to the city centre and transport links. It is likely that additional residential units would generate additional traffic movements and lead to increased parking on the surrounding streets and driveways. Whilst the agent considers that there is a common car parking at the rear of the building through the existing archway, this area is the designated parking area for the adjoining flats and is not a shared parking area. The existing garage is the only means of on-site cycle storage and the applicant has not addressed the requirement for the 5 cycle covered and secure cycle spaces that would be needed for the scale of the development. Any approval of planning permission would require this shortfall to be met.

#### BIN STORAGE

4.10 It would appear that large communal bins are used for the larger apartment blocks within the overall development. The agent has given no indication in the submitted details as to the proposed bin arrangements for the 3 apartments.

### **5.0 CONCLUSION**

5.1 In the absence of any strong policy basis that would ensure that existing large, family- sized accommodation should be protected, it is considered that the principle would be acceptable. As to the effect of the 3 flat conversion in terms of layout, amenity space, level of parking provision it is concluded that there are not too many

units provided for the floorspace available. However the additional noise and activity from the proposed parking area in close proximity to the neighbours' principal windows would have unacceptable impact on their reasonable living conditions. Together with the adverse impact of the external alteration to the principle facade, it is considered that the character and appearance of this cohesive area would be harmed contrary to established planning.

## **COMMITTEE TO VISIT**

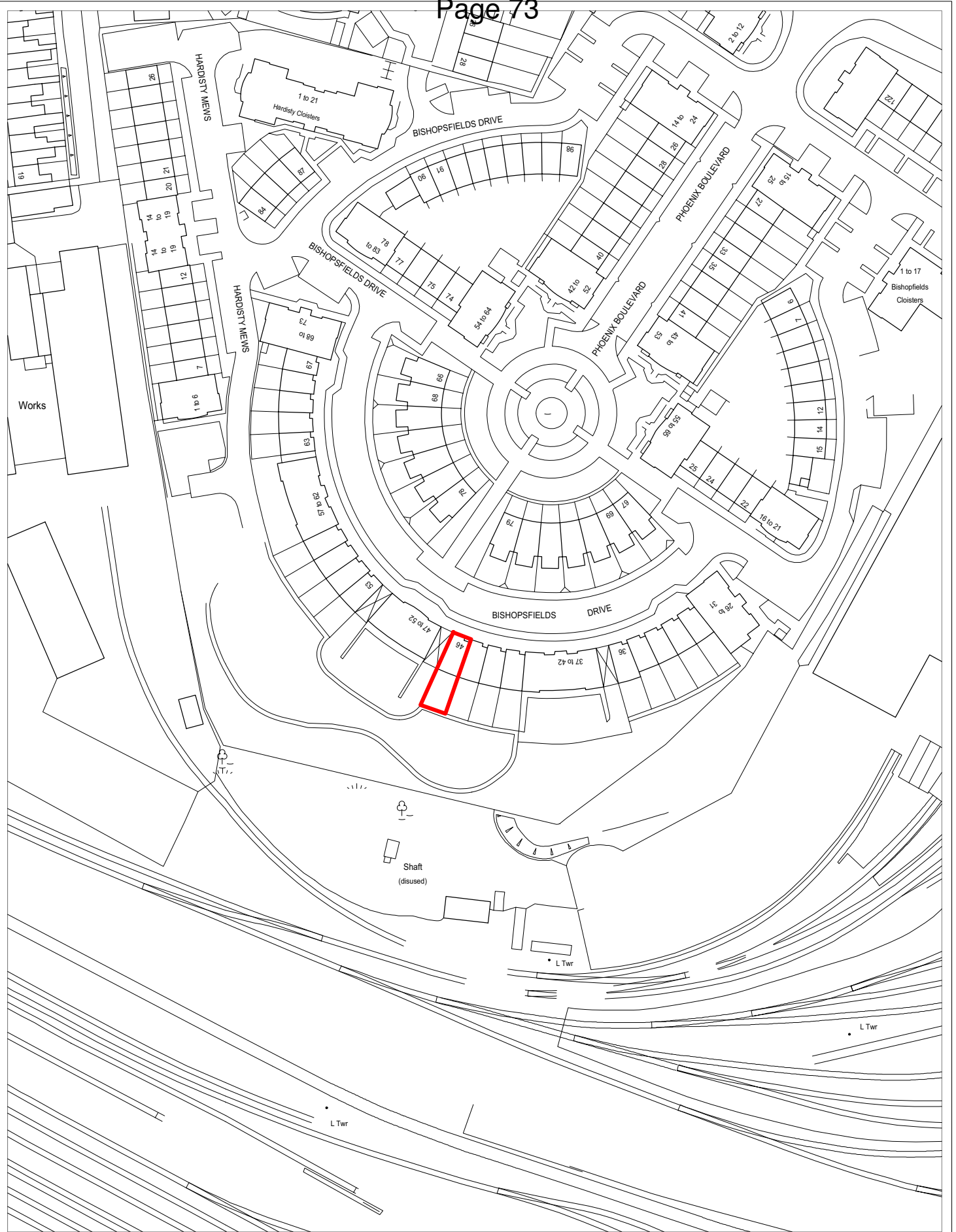
### **6.0 RECOMMENDATION:** Refuse

- 1 The proposed removal of the garage door and introduction of a window to the main elevation of the townhouse would be at odds with the overall design of the terrace and harm its visually unified appearance and visual quality contrary to policy GP 1b) of the City of York Development Control Local Plan- Incorporating the Proposed 4th Set of Changes (2005) and Planning Policy Statement 1 that seeks to ensure good design in developments that is appropriate to the character of the area. In addition, the creation of a car parking area for 3 cars from the rear garden would result in the loss of private amenity space that contributes to the quality of the environment and ensures that the private garden at the rear of No. 45 retains its privacy and level of enjoyment as a rear garden. It is anticipated that living conditions of the occupiers of this dwelling would be unreasonably affected by the increased activity and noise associated with its use as a car park, contrary to Sections c) and i) of the aforementioned Policy GP1 of the Local Plan.

## **7.0 INFORMATIVES:**

### **Contact details:**

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



CITY OF  
**YORK**  
COUNCIL

## 46 BISHOPSFIELDS DRIVE

SCALE 1:1250  
Originating Group

DRAWN BY PSL  
Project

DATE 14/5/2007  
Drawing No.



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**COMMITTEE REPORT**

**Committee:** West/Centre Area                      **Ward:** Westfield  
**Date:** 22 May 2007                                      **Parish:** No Parish

**Reference:** 07/00700/FUL  
**Application at:** 65 Green Lane Acomb York YO24 3DJ  
**For:** Demolition of 65 Green Lane and erection of replacement 3 storey dwelling; two storey extension to detached building at 67 Green Lane to form new house and erection of 2no. detached dwellings and 2no. semi-detached dwellings and private drive to rear of 65,67 and 69 Green Lane  
**By:** Penntons Developments Limited  
**Application Type:** Full Application  
**Target Date:** 7 June 2007

**1.0 PROPOSAL**

1.1 The applicant seeks planning approval to demolish 65 Green Lane and erect a replacement 3 storey dwelling; two storey extension to detached building at 67 Green Lane to form new house and erection of 2no. detached dwellings and 2no. semi-detached dwellings and private drive to rear of 65,67 and 69 Green Lane. All materials used will match the existing where appropriate.

1.2 The application relates to an existing bungalow (No.65, Green Lane) and part of the rear gardens of No's 67 and 69 Green Lane. The rear gardens of the aforementioned properties are approx. 55 metres in length and are enclosed by a mixture of tree, hedge and shrub planting. Lowfields School is located beyond the western boundary. The rear garden of No.67 (the applicant) has a small detached structure located centrally

**RELEVANT HISTORY**

1.3 07/00310/FUL - Demolition of 65 Green Lane and erection of replacement dwelling; extension to detached building at 67 Green Lane to form dwelling and erection of 4no. detached dwellings and private drive to rear of 65, 67 and 69 Green Lane - Withdrawn 26.03.2007

1.4 05/02725/FUL - Single storey pitched roof rear extension to form meeting room and formation of additional car parking spaces - Approved 16.02.2006

**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

Schools Lowfield 0249

2.2 Policies:

CYGP1  
Design

CYGP10  
Subdivision of gardens and infill devt

CYH4A  
Housing Windfalls

CYL1C  
Provision of New Open Space in Development

CYGP4A  
Sustainability

**3.0 CONSULTATIONS**

INTERNAL

3.1 Lifelong Leisure and Learning - No Objections

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 the local open space such as West Bank Park, Acomb Green, Hob Moor or Green lane allotments

b) play space - which would be used to improve the local site West Bank Park or Acomb Green  
Lifelong Learning and Culture - No Objections

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



### 3.2 Highway Network Management - No Objections

- \* Conditions and Informatives Included.

### 3.3 Environmental Protection Unit - No Objections

- \* Informative Included

### 3.4 Learning, Culture and Children's Services - No Objections

- \* No education contribution required due to there being a surplus of places at both Hob Moor Primary and Lowfield School.

### 3.5 Urban Design and Conservation (Sustainability) - No Objections

- \* Condition to be included to ensure that the new homes achieve a EcoHomes "very good" BREEAM standard

### 3.6 York Consultancy (Drainage) - No Objections

- \* Condition and Informative Included

## EXTERNAL

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

- \* Highway Concerns - Increase in traffic/accidents
- \* Replacement dwelling ugly and detrimental to the surrounding streetscene.

## 4.0 APPRAISAL

### 4.1 Key Issues

- \* Policy Context
- \* Highways
- \* Sustainability
- \* Subdivision of Gardens
- \* Visual/Residential Amenity

## POLICY CONTEXT

4.2 Policy GP1 'Design' of the City of York Local Plan Deposit Draft 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 GP10 -Subdivision of Gardens and Infill Development: encourages the protection of wildlife and setting, suggesting that existing landscape features are incorporated into the scheme or compensated for elsewhere should their removal be required.

4.4 H4a - Housing Windfalls: which suggests that a proposals for residential development on land within the urban area would be a acceptable, where "the site is within the urban area and is vacant, derelict or underused or it involves infilling, redevelopment or conversion of existing buildings." However, any development must be of an appropriate design and must be sustainable e.g. good links to jobs, shops and services.

4.5 L1C - Provision of New Open Spaces in Development: the council considers that all residents should have access to safe, attractive and useable public open space and the Local Plan Strategy aims to promote accessible open space in new residential and leisure developments.

4.6 GP4a - Sustainability: requires that proposals for development should have regard to the principles of sustainable development including accessibility of the development site by means other than the private car, contributing to the social needs of the community (including housing), high quality design, enhancing local character and making adequate provision for storage and collection of refuse.

## HIGHWAYS

4.7 Highway Network Management have no objections to the applicants' proposals. The following alteration has been recommended and forwarded onto the applicant.

\* wall adjacent to the parking of unit 2 be lowered by 0.6 metres in height to reduce possible pedestrian/car conflict.

However, if the alterations are not achieved they are not considered significant enough to warrant a refusal on highway grounds.

4.8 Highway Network Management have no concerns with regard the developments impact upon Green Lane, in terms of increased traffic numbers and highway safety.

## SUSTAINABILITY

4.9 Although the applicant has not submitted a sustainability statement in accordance with GP4A of the Local Plan. All new dwellings will be subject to the 2006 Building Regulations, therefore they will be substantially more efficient than existing properties within the surrounding street scene. A development of this size is required to achieve a EcoHomes "very good" BREEAM standard, therefore condition 2 has been included to ensure adherence.

## SUBDIVISIONS OF GARDENS

4.10 GP10 states that permission will only be granted for the sub-division of existing gardens areas, where this would not be detrimental to the character and amenity of the local environment.

4.11 Obviously erecting five dwellings within the rear garden areas of these three well established properties represents a considerable change. Visually the properties are set back approx.60 metres from Green Lane and screened by both the frontage development and existing/proposed landscaping planting, mitigating significantly their overall impact upon the character and appearance of the area.

4.12 Woodland trees which currently form the western boundary of the site will be retained, providing an attractive backdrop whilst also screening the development from Lowfields School.

#### VISUAL AND RESIDENTIAL AMENITY

4.13 Units 4, 5 and 2 by virtue of their localities represent little threat to the existing visual and residential amenity.

4.14 Objectors have raised concerns regarding the overall character and design of the dwelling replacing the existing bungalow. Green Lane contains a variety of housing types and styles and has been significantly altered by a range of previous extensions, therefore it is argued that this small "infill" development will have a minimal impact upon the street scene character of the area. Unit 1 has been designed (following amendments) to replicate the frontage details of No.67, Green Lane.

4.15 Only obscurely glazed windows have been proposed within the northern and southern elevations of Units 3 and 6 respectively, mitigating any overlooking or loss of privacy issues.

4.16 The close proximity of the aforementioned elevations to the shared boundaries with No.63 and 71, Green Lane should also be taken into consideration. Unit 3 by virtue of its height would result in some overshadowing at certain times of the day, however as the affected boundary is currently dominated by mature trees, the overall impact is considered to be minimal. This is particularly pertinent when the overall length of the neighbouring garden and the locality of the main amenity areas within that garden are taken into consideration.

4.17 The southern elevation of Unit 6 is located within 0.7 metres of the southern boundary (shared with No.71 Green Lane). The rear garden of the aforementioned property contains a large brick build out building, which will mitigate any potentially overbearing impact associated with the southern elevation of Unit 6. The orientation of this unit also retains the existing day and sunlight levels of No.71.

## 5.0 CONCLUSION

5.1 The applicants' proposals are considered to be acceptable in this instance, representing little harm to neighbouring amenity, highway/pedestrian safety nor the character and appearance of the surrounding street scene.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

- 1 TIME2
- 2 The developer shall aim to achieve a BREEAM "very good" or "excellent" assessment standard for the development. Unless otherwise agreed in writing with the council prior to the commencement of construction of the development the developer shall submit in writing for the approval of the Local Planning Authority a BREEAM design assessment demonstrating the progress of the BREEAM assessment, the percentage score expected to be achieved and which standard this relates to. Where this does not meet at least a 'very good' standard then the developer must demonstrate what changes will be made to the development to achieve at least 'very good'.

Reason: In the interests of sustainable development.

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

PD16 - Units 5/6  
PD15 - Units 5/6  
PD14 - Unit 4  
PD13 - Unit 4  
PD12 - Unit 3  
PD11 - Unit 3  
PD10 - Unit 2  
PD9 - Unit 2  
PD8 - Unit 2  
PD7 - Unit 2  
PD6 - Unit 1  
PD5 - Unit 1  
PD4 - Unit 1  
PD3 - Proposed Layout Plan

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.

- 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 HWAY10

6 HWAY14

7 HWAY19

8 HWAY21

9 HWAY31

10 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 £9,384

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.

11 LAND1

12 LAND3

13 VISQ8

14 DRAIN1

15 HT1 - Unit 1- 9.4 metres, Unit 2 - 6 metres, Unit 3 to 6 - 7.1 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 sustainability, highway safety and visual/residential amenity. As such the proposal complies with Policies GP1, GP10, H4A, L1C and GP4a of the City of York Development Control Draft Local Plan.

2. Drainage Informatives

The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

Additional surface water shall not be connected to any foul/combined sewer, if a suitable surface water sewer is available.

3. 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

4. Demolition and Construction - Informative

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a scheme remediation to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

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

1. All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday	08.00 to 18.00
Saturday	09.00 to 13.00
Not at all on Sundays and Bank Holidays.	

2. 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".

3. 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.

4. 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.

5. 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.

6. There shall be no bonfires on the site

**Contact details:**

**Author:** Richard Mowat Development Control Officer

**Tel No:** 01904 551416

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## 65 GREEN LANE - 07/00700/FUL



SCALE 1:1250  
Originating Group

DRAWN BY PSL  
Project

DATE 14/5/2007  
Drawing No.

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

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**COMMITTEE REPORT**

**Committee:** West/Centre Area                      **Ward:** Acomb  
**Date:** 22 May 2007                                      **Parish:** Acomb Planning Panel

**Reference:** 07/00452/FUL  
**Application at:** 9 Fellbrook Avenue York YO26 5PT  
**For:** Two storey side extension and one and two storey rear extension  
**By:** Mrs T J Hegarty  
**Application Type:** Full Application  
**Target Date:** 23 April 2007

**1.0 PROPOSAL**

1.1 The application is for a two storey side extension and a one and two storey rear extension.

1.2 The semi-detached dwelling is set within a large plot on a street which has a uniform character gained by the regular spacing of the dwellings. There is an existing large extension to the rear of the dwelling, and a flat roofed sectional garage.

1.3 This application comes before committee at the request of Cllr. Simpson-Laing.

**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

CYH7  
Residential extensions

**3.0 CONSULTATIONS**

3.1 PUBLICITY DATES/PERIODS

Neighbour Notification - Expires 23/03/2007

Site Notice - N/A

Press Advert - N/A

Internal/External Consultations - Expires 23/03/2007

8 WEEK TARGET DATE 23/04/2007

### 3.2 INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT - No objections

### 3.3 EXTERNAL CONSULTATIONS/REPRESENTATIONS

ACOMB PLANNING PANEL - Object

- No provision for car parking other than the front of the property
- No external access to the rear of the property

### 2 LETTERS OF OBJECTION

- The proposed extension would be imposing and overbearing, by virtue of size, proximity and scale
- Would cause a overshadowing, a loss of light
- Large east elevation would be overbearing leading to a reduction in residential amenity
- Impact on the character of the dwelling and the area
- Maintenance to the side elevation would require access over neighbouring property
- Proposal would be over the 20% rule
- Other examples in the street impacting on the on-street parking
- Neighbouring property were advised to reduce the depth of their rear extension

## 4.0 APPRAISAL

### 4.1 RELEVANT SITE HISTORY

None

### 4.2 ADDITIONAL PLANNING POLICY

CYC Supplementary Design Guidance - A guide to extensions and alterations to private dwelling houses, 2001

### 4.3 KEY ISSUES

1. Visual impact on the dwelling and the area
2. Impact on neighbouring property

### 4.4 ASSESSMENT

#### PLANNING POLICY

4.4.1 Policy GP1 'Design' of the City of York Development Control 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.

4.4.2 Policy H7 'Residential Extensions' of the City of York Development Control Local Plan sets out a list of design criteria against which proposals for house extensions are considered. The list includes the need to ensure that the design and scale are appropriate in relation to the main building; that proposals respect the character of area and spaces between dwellings; and that there should be no adverse effect on the amenity that neighbouring residents could reasonably expect to enjoy.

4.4.3 The City of York Council supplementary planning guidance - Guide to extensions and alterations to private dwelling houses (2001) states that the basic shape and size of the extension should be sympathetic to the design of the original dwelling. The scale of the new extension should not dominate the original building. Where a street has a well-defined building line it should be retained, It is suggested that side extensions should be set back at least 0.5 metres from the front of the building. Generally roofs that reflect the pitch and style of the existing roof are encouraged. Issues of privacy for neighbours and for users of the conservatory will be important and obscure glazing should be considered for windows that face neighbours property or gardens. Alternatively solid sides to the conservatory can be used. Side extensions should be sympathetically designed to appear subservient to the main dwelling. Their appearance will be improved if the extensions are set back from the main building. It is important that the design of the side extension takes into account the height of the new building in relation to the distance from the neighbouring properties. Extensions, which go up to the property boundary, may result in a 'terracing effect'. This tends to occur where a two storey side extension is added to a semi-detached house and than the neighbouring house carries out a similar extension. It is exacerbated when the ridgeline continues at the same level and there is a continuation along the building line. If the spaces between houses become filled by side extensions in this way it can alter the character of an area. The 'terracing' effect can be avoided by leaving sufficient space between the extension and the side boundary of about one metre. The extension should be set back from the original building line (by at least 0.5 metres) and have a lower ridge height thus providing a break in the street frontage

### VISUAL IMPACT ON THE DWELLING AND THE AREA

4.4.4 The proposed side extension is built out to the side boundary with 7 Fellbrook Avenue. There are other examples within the street of two storey side extensions. The dwellings within the street have a uniform appearance and whilst the side extensions do impact to an extent on the character of the street, it is considered that this is an established pattern of development in the area. The proposed side extension together with the number of side extensions in the street are not

considered to cause undue harm to the street scene. The closure of the gaps between the dwellings whilst not maintaining the original character of the street is not deemed harmful enough to the visual amenity of the dwelling and character of the street to warrant refusal.

4.4.5 Whilst the proposed extensions are large and to an extent overwhelm the original character of the dwelling when viewed from the rear, it is not considered to cause undue harm to the appearance and character of the street scene. From the street the side extension has an element of subservience - it is set down in height and set back from the front of the building by 0.5 metres and is similar to other two storey side extensions in the street.

4.4.6 The side extension would create a large blank side elevation of 9.9 metres facing 7 Fellbrook Avenue. Outlook will be restricted to some extent although the impact will be minimal taking into account the existing relationship between the buildings. Whilst there is an argument that it could be considered overbearing to 7 Fellbrook Avenue the windows looking onto it are secondary and when viewed from their rear garden the tall garage belonging to 7 Fellbrook Avenue would partially screen any view.

4.4.7 There is an area of hardstanding to the front of the existing dwelling, which will accommodate two vehicles following the loss of the existing drive and garage. Highways Network Management do not have any concerns regarding the proposed development.

#### IMPACT ON NEIGHBOURING PROPERTY

4.4.8 The proposed side extension would be built up to the side boundary of the adjacent property, 7 Fellbrook Avenue has four windows in this elevation the first floor windows are to bathrooms and the ground floor windows are secondary windows to the kitchen. The kitchen also has a north facing main window, which overlooks the rear garden. Light will already be restricted to the side windows at certain times of the day due to the position of the applicant's dwelling. The two storey element will mainly impact on the windows in the kitchen to which light is already largely restricted for a large part of the day.

4.4.9 The two storey rear extension would not bisect the 45 degree line, if drawn from the centre point of the rear kitchen window, and as such it is considered that the extension would not have any detrimental effect sufficient enough to warrant refusal to 7 Fellbrook Avenue.

4.4.10 The single storey rear extension would protrude 6 metres from the rear elevation. The property has previously been extended with a large conservatory. This would be removed and a single storey extension of 3 metres in depth is proposed with a maximum height of 3.8 metres. The existing conservatory would be moved to the rear of this extension and the overall depth of the single storey element would be 6 metres. This is significantly more than the recommend depth of 3 metres. However the neighbouring property (11 Fellbrook Avenue) has an existing single storey extension adjacent which is three metres in depth (including the bay window/door) this results in only the conservatory which extends further than the

neighbouring extension (this has a depth of 3 metres). There is not considered to be a loss of outlook as there is an existing 1.8 metre high fence and mature planting marking the boundary (and also creating screening), the proposed conservatory is a low height - 2.7 metres and therefore is not considered to cause any overshadowing, loss of light, or loss of privacy to the rear windows of 11 Fellbrook Avenue.

4.4.11 The two storey extension wraps round onto the rear elevation and would protrude 3 metres, and be 4.9 metres in width. The two storey rear extension would be 3.8 metres from the side boundary with 11 Fellbrook Avenue and is not considered to impact on the residential amenity of the occupants of No. 11.

## 5.0 CONCLUSION

5.1 The proposed extensions are not considered to have a detrimental impact upon the streetscene or the character of the dwelling. Neither are they considered to cause undue harm to the residential amenity of the occupants of 7 Fellbrook Avenue or 11 Fellbrook Avenue. Approval is recommended.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

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

Drawing Number HFA/02 received 26 February 2007  
Drawing Number HFA/04 received 26 February 2007  
Drawing Number HFA/05 received 26 February 2007  
Drawing Number HFA/06 received 26 February 2007;

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

- 2 TIME2

- 3 VISQ1

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order) no additional windows other than those shown on the approved plans shall be constructed.

Reason: As the insertion of additional windows could have a serious impact on the privacy of neighbours and should therefore be controlled.

**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 the residential amenity of the neighbours, and 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".

**Contact details:**

**Author:** Victoria Bell Development Control Officer

**Tel No:** 01904 551347





9 FELLBROOK AVENUE - 07/00452/FUL

SCALE 1:1250  
 Originating Group

DRAWN BY PSL  
 Project

DATE 14/5/2007  
 Drawing No.



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**COMMITTEE REPORT**

**Committee:** West/Centre Area                      **Ward:** Bishopthorpe  
**Date:** 22 May 2007                                      **Parish:** Bishopthorpe Parish Council

**Reference:** 07/00620/FUL  
**Application at:** St Andrews Hall 40 Main Street Bishopthorpe York YO23 2RB  
**For:** Two storey flat roof extension to front to accommodate new lift and stairs (resubmission)  
**By:** Bishopthorpe Parish Council  
**Application Type:** Full Application  
**Target Date:** 8 May 2007

**1.0 PROPOSAL**

1.1 This application seeks planning permission for the erection of a two-storey extension to the front of Bishopthorpe Village Hall on the south side of Main Street. The Hall has a symmetrical principal front elevation with a gable feature and pitched roof and a two storey flat roof addition to the side. The proposed extension would have a flat roof to match the existing. The proposed extension creates a new entrance area to the building, ramps to achieve access for the disabled will be formed with a new lift to the upper floor level.

1.2 The supporting statement of the Bishopthorpe Village Hall Refurbishment Group states "our overall objective is to upgrade facilities for the village hall to meet community needs as identified during recent community consultation exercises".

The statement identifies four objectives of the extension:

- To facilitate access to all areas of the hall for disabled people and those with small children (achieved by having a lift and redesigning the entrance area)
- To provide additional office space for use as a community archive (this is achieved by moving the staircase thereby releasing space upstairs to create a new room)
- To improve the atmosphere of the hall by generating additional circulation space in the entrance area (achieved through extending the front hallway)
- To enhance the entry area to accommodate short term storage of pushchairs etc and to act as a cloakroom facility if required (achieved by extending the front hallway).

The applicant states "there is a view that the village hall should be considered a special case with regard to this proposal especially in terms of:

- Its use as a community facility is paramount. Without upgrading and providing greater and more flexible access its future may be jeopardised.
- The hall has no land to the side or rear that may be utilised as an alternative to a front extension.
- The current funding opportunities afforded by the Big Lottery Community Buildings Fund offers the best chance we may have for refurbishing the hall to the highest standard."

1.3 This application is a resubmission of an earlier withdrawn proposal (07/00146/FUL). The alterations to the scheme include; the removal of the proposed pitched roof, the relocation of the new entrance from the side to the front elevation of the extension, the widening of the extension from 5m to 7m, a reduction in the forward projection of the extension from 5m to 3.2m.

1.4 The site is within the Bishopthorpe Conservation Area.

1.5 The application was called-in to Sub-Committee by Councillor Livesley.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Conservation Area Bishopthorpe 0015

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

2.2 Policies:

CYGP1  
Design

CYGP11  
Accessibility

CYC1  
Criteria for community facilities

CYHE2  
Development in historic locations

CYHE3  
Conservation Areas

## **3.0 CONSULTATIONS**

INTERNAL

### **3.1 Design, Conservation and Sustainable Development**

It is appreciated that the front extension is required to improve circulation within the existing building and enable the reorganisation of internal uses. The proposed front

extension has been reduced in scale, but now protrudes in front of the principal elevation of the building.

It is suggested that the design of the front extension is reconsidered so that the principal elevation of the main hall is not obscured. This could be achieved by placing the lift in the centre of the staircase or reconfiguring the staircase, thereby losing a minimal amount of space from the ground floor circulation area and the first floor office.

In terms of the external finishes to the proposed front extension, the flat roof detail proposed respects the design of the existing addition and cornice detail at eaves height, whilst the replication of the existing door detail is to be commended. Details of the relocation of the memorial stones above the entrance require confirmation.

### 3.2 Highway Network Management

No objections.

EXTERNAL

### 3.3 Bishopthorpe Parish Council

Support the application.

### 3.4 Conservation Areas Advisory Panel

The Panel felt that the symmetrical front elevation should be respected and that the internal space could be redesigned to ensure that the extension could be decreased to achieve this.

### 3.5 Publicity and Neighbour Notification

No comments or objections received.

## **4.0 APPRAISAL**

KEY ISSUES

- Character and Appearance of the Conservation Area
- Residential Amenity
- Traffic and Highways
- Justification for the Development

PLANNING POLICY

4.1 The Adopted Development Plan is the North Yorkshire County Structure Plan. Policy E4 states that buildings and areas of special townscape, architectural or historic interest will be afforded the strictest protection. Policy R9 states that provision will be made for the development of community leisure facilities.

4.2 The City of York Draft Local Plan has been approved for development control purposes, the following policies are considered to be of relevance to the determination of this application.

4.3 Policy GP1 (Design) expects development proposals to respect and enhance the local environment and to be of a scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, using appropriate building materials. Proposals should ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.4 Policy GP11 (Accessibility) requires planning applications to demonstrate that suitable provision will be made for access and facilities for people with mobility problems, sensory impairment and carers with children.

4.5 Policy HE2 (Development in Historic Locations) and HE3 (Conservation Areas) state 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. Proposals will be required to maintain or enhance existing urban spaces, views, landmarks, and other townscape elements, which contribute to the character and appearance of the area.

4.6 An objective of the Community Facilities chapter of the Local Plan is to protect and enhance existing community facilities. Policy C1 states that applications for community facilities will be granted permission provided that the proposed development is of a scale and design appropriate to the character and appearance of the locality; and it would meet a recognised need.

#### CHARACTER AND APPEARANCE OF THE CONSERVATION AREA

4.7 The application site is within the Bishopthorpe Conservation Area. The Conservation Area Character Statement says that the "Main Street bustles, with its shops, pubs and social facilities. There has been some unsympathetic infill development and alterations....However, Main Street's historic form and character survives....Outbuildings or additions to the frontage properties which extend down the plots are a traditional element of the village form. The street, with buildings set back especially on the south side, retains a rural character overall."

4.8 This well established building line is breached only by the Ebor Inn which is three properties away from the application site to the east. Whilst cited as a justification for the proposal by the applicant, the forward extension to the Ebor Inn is only single storey and is not considered by officers to be a prominent feature. It is accepted that the amendments to the withdrawn scheme, primarily the removal of the pitched roof feature and the reduction in the projection has reduced the prominence of the extension, however the extension now protrudes in front of the principal elevation of the main hall.

4.9 In terms of the external finishes of the proposed front extension, the flat roof detail respects the design of the existing addition and cornice detail at eaves height, whilst the replication of the existing door detail is to be commended. The relocation of the existing memorial stones would need to be confirmed. It is considered that the detailed treatment of the elevations is acceptable.

4.10 The two-storey projection forward of the established building line would not respect adjacent buildings, settings and proportion and would not maintain or enhance existing views and other townscape elements which contribute to the character and appearance of the Conservation Area. Furthermore the extension protruding across the elevation of the building is considered to harm the appearance of front elevation to the building, further harming the appearance of the Conservation Area. It is acknowledged that when in leaf, the substantial trees along the south side of Main Street would screen some views of the extension from the street this in itself is not considered to outweigh the harm caused by the extension.

#### RESIDENTIAL AMENITY

4.11 To either side of the Village Hall are residential properties. No.38 to the south west would be principally affected by the new extension. Whilst the extension would project forward of no.38, it would be separated from the Hall by its own driveway and no windows are shown in the extension's side elevation. It is considered that there would be no material harm to its living conditions by either loss of light, overlooking or overbearing structures. Main Street contains a mix of residential, commercial and community buildings including late night uses. Whilst the extension and other alterations to the layout of the building will increase its attractiveness to users and potentially the number of users it is considered unlikely that the proposal would result harmful levels of noise and disturbance to local residents.

#### TRAFFIC AND HIGHWAYS

4.12 The Hall has its own unmarked car parking area to the front. The extension would result in the loss of a small area of parking or manoeuvring space. The car parking arrangements are considered to be adequate for this village facility. There appears to be no cycle parking provision at the premises, however whilst the building may become more attractive to users, as the extension in itself is unlikely to result in additional visitors it is not considered to be reasonable to seek cycle parking facilities in this case.

#### JUSTIFICATION FOR THE DEVELOPMENT

4.13 The proposed extension provides for improved circulation within the building and enables the reorganisation of internal uses and spaces. The new lift allows for access to the first floor of the building for those with mobility problems and those with young children. The upgrading of the Village Hall to meet community needs has been identified during recent community consultation exercises. It is considered that the proposal would protect and enhance existing community facilities in line with the objectives of the Local Plan and would meet a recognised need as required by policy C1.

### **5.0 CONCLUSION**

5.1 The proposed extension and associated internal alterations would result in an enhanced community facility to meet recognised local needs. Whilst this is in accordance with policy C1 of the local plan, this policy also requires that the development is of a scale and design appropriate to the character and appearance

of the locality. As detailed above the site is within the conservation area, where the remaining historic form and character of the south side of Main Street is identified as being one of the main elements of the character and appearance of the conservation area. The two-storey front extension is considered to harm the character and appearance of the conservation area and the appearance of the Hall.

5.2 There may be circumstances where the need and justification for a proposal, especially one which provides benefits for the community may be considered to outweigh other considerations. In this case whilst there are clear benefits from the proposal, it has not been demonstrated that the submitted proposals are the only way to achieve the Parish Council's aspirations. Officers consider that the design of the front extension could be reconsidered so that the principal elevation of the main hall is not obscured. This could be achieved by placing the lift in the centre of the staircase or reconfiguring the staircase, reorganising the internal spaces may be able to achieve a reduction in the forward projection of the extension, minimising the harm to the conservation area.

5.3 The Council are required under section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas. It is considered that in this case the harm to the Bishopthorpe Conservation Area outweighs the community benefits that would result from the proposal and as such the application fails to accord with policy GP1, HE2, HE3 and C1 of the Development Control Local Plan and policy E4 of the North Yorkshire County Structure Plan.

**6.0 RECOMMENDATION:** Refuse

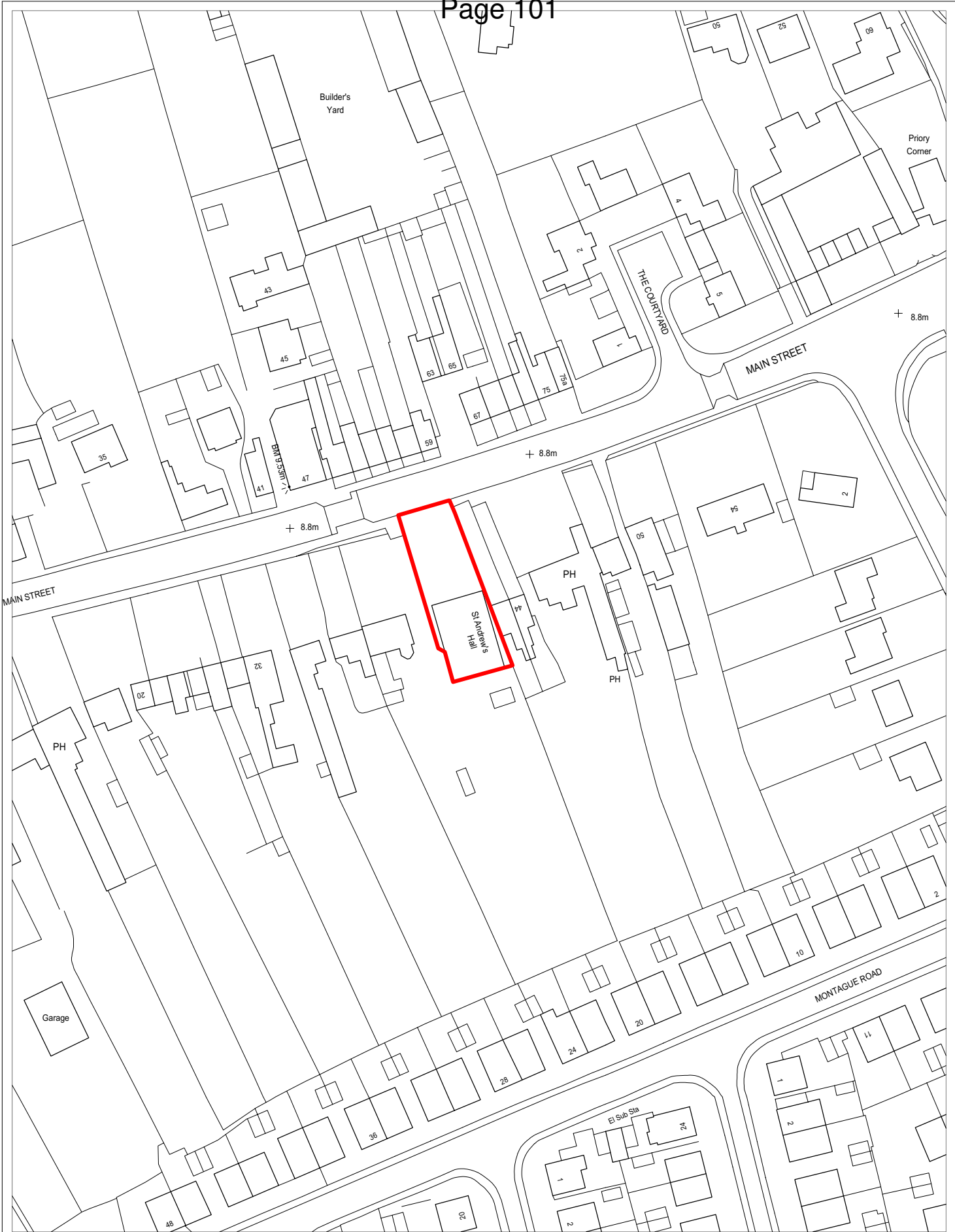
- 1 The proposed flat roofed two storey front extension, by reason of its forward projection beyond the established historic building line along the south side of Main Street and by reason of its projection across the symmetrical principal elevation of the main hall is considered to harm both the appearance of the Hall and the character and appearance of the Bishopthorpe Conservation Area. As such the proposal is contrary to policy E4 of the North Yorkshire County Structure Plan and policies GP1, HE2, HE3 and C1 of the City of York Development Control Local Plan

**7.0 INFORMATIVES:**

**Contact details:**

**Author:** Adrian Hill Development Control Officer  
**Tel No:** 01904 551668





CITY OF  
**YORK**  
COUNCIL

ST. ANDREW'S HALL, 40 MAIN STREET, BISHOPTHORPE - 07/00620/FUL



SCALE 1:1250  
Originating Group

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Project

DATE 14/5/2007  
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1. Visual impact on the dwelling and surrounding area;
2. Impact on neighbouring properties

4.2 DRAFT LOCAL PLAN POLICY CYH7 states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality (ii) the design and scale are appropriate to the main building (iii) there is no adverse effect upon the amenities of neighbours.

4.3 DRAFT LOCAL PLAN POLICY CYGP1 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.

4.4 Supplementary Planning Guidance 'A Guide to Extensions and Alterations to Private Dwelling Houses' March 2001 states that (1.12) Good design and a scale of development that respects the original dwelling and established pattern of development are essential to making a quality extension. An extension in the style of the existing dwelling is likely to be the most acceptable.

4.5 Poppleton Village Design Statement states that proper assessment of the character of the surrounding environment should be taken into account when development is proposed.

#### 4.6 Assessment.

This is a modern semi-detached dwellinghouse, sited within a residential area. The property has previously been extended by the addition of two storey and single storey side extension. A pergola structure is currently in place, where the conservatory is proposed. Good sized gardens abut the site to the front and rear providing sufficient amenity space.

The scale and design of the proposal, with pitched roof, is in keeping with the original dwelling and it is not considered it would cause harm to the appearance of the dwelling or the surrounding area.

Due to the proposed siting of the conservatory, well off all rear boundaries, along with the existing rear boundary treatment of fencing and shrubs, it is not considered any loss of amenity to neighbouring residents will be caused due to overshadowing, loss or privacy or dominant structures.

Neighbouring properties have indicated great concern over current problems experienced relating to flooding with their gardens. The applicant has indicated that surface water runoff from the conservatory will be drained to a soak away. The

objector's gardens are at a higher level than the conservatory site and it is therefore considered that the conservatory will not add to any existing drainage problems that the neighbours currently experience.

## **5.0 CONCLUSION**

It is considered that the proposal will not seriously harm the living conditions of nearby neighbours or the appearance of the dwelling in the street.

## **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Approve

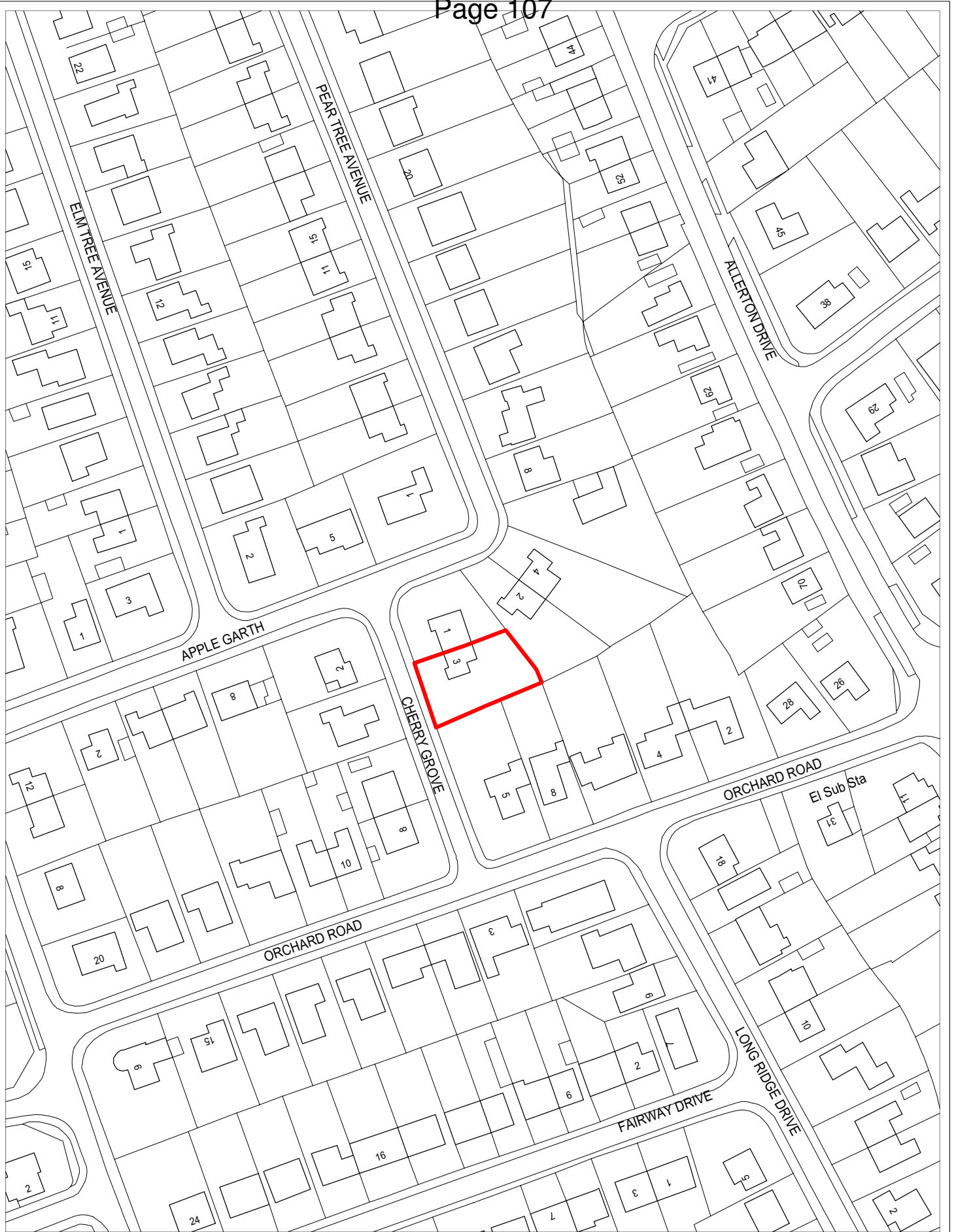
- 1 TIME2
- 2 PLANS1
- 3 VISQ1

## **7.0 INFORMATIVES:**

### **Contact details:**

**Author:** Carolyn Howarth Development Control Assistant  
**Tel No:** 01904 551344

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- 1.3.3 Planning consents have been granted for change of use of the applicant's existing farm buildings to business (B1) and storage and distribution (B8) at Oakwood Farm and prior notification approvals and a full planning permission for the erection of barns and polytunnels on this part of his holding. A chronology of the history of the applicant's sites are listed below.
- 1.3.4 98/00229/AGNOT - Prior Notification notice for a polytunnel at Oakwood farm. The Polytunnel was 21.00 m x 5.00 m and was sited in a field known as North Field. This field runs adjacent to the A1237. The plan indicated that the tunnel ran in an approximate North to South direction. The Council advised that this structure required planning permission under Part 6 class a restriction A1 (a).
- 1.3.5 98/00619/AGNOT. Prior Notification notice for the polytunnel as 98/00229/AGNOT. The Parish Council did not object but made comment on the strength of the building i.e. could it stand gales as it would be so close to a main road\_, the building would be conspicuous on all sides and asked for a site visit as they had concerns regarding another building within green belt. The Highways department did not object. The Council notified the applicant that full planning permission was not required for the proposal.
- 1.3.6 98/1687/AGNOT - Prior notification notice for installation of an additional polytunnel at the same location as the previous polytunnel subject of the 2 previous AGNOT notices. The applicant stated, in supporting evidence, that the first tunnel had been a success and that he wanted to erect an additional one (adjacent to the first). The plans for this application showed two tunnels lying in an East to West direction. The Council confirmed by letter that full planning permission would not be required. This was opinion was based on the assumption that the proposal would be carried out in accordance with the description and plans which were submitted for consideration.
- 1.3.7 01/02448/AGNOT - Prior Notification notice for the erection of an agricultural barn. The agent provided a supporting letter asking that this application should be approved through the agricultural prior notification procedure. Submitted plans showed that the building was to be 21.50 m x 21.50 m and to with a maximum ridge height of 7.30 m. The barn was proposed to be erected in a field off Moor Lane. The agent stated that this building would be used for the storage of straw. The Council confirmed by letter that planning permission was not required for the erection of this agricultural barn.
- 1.3.8 03/04051/AGNOT - Prior Notification notice for an agricultural building. The plans showed the building to be in a field next to the application 01/02448/AGNOT. Checks showed that this building would be within 3km of an aerodrome (approximately 1700 metres ) The officer reporting stated that 'After checking the regulations it appears that the erection of the building can not be treated as an agricultural notification as it is over 3m high and within 3 km of the perimeter of an aerodrome. It is therefore contrary to Part 6 A1.e of the Town and Country Planning (general Permitted Development) Order 1995 and a full application will be required.' On this basis the Council requested a

full application should be submitted. The applicant acquiesced to this request. A full planning application (04/0432/FUL) was subsequently submitted.

- 1.3.9 04/0432/FUL Full planning permission for the erection of a barn - Approved - 26/04/2004. The agent supplied a supporting letter asking for permission to build an agricultural building located in a field off Moor Lane, Knapton.
- 1.3.10 Site History relating to Oakwood Farm
- 1.3.11 02/02837/FUL - Change of use of agricultural building to self-storage unit (use class B8) - Approved - 19.12.2002. The applicant sought to change the use of some of the existing farm buildings into self-storage units. Plans submitted indicated the buildings which were to be changed to the self-storage units.
- 1.3.12 03/01823/FUL - Change of use of part of self-storage unit to milk distribution depot - Approved - 26.08.2003. The applicant sought permission for change of use of the previously approved planning application (02/02837/FUL) to a milk distribution depot. The application included proposals for a milk tanker and a number of milk floats to deliver and collect milk.
- 1.3.13 04/02170/FUL - Change of use to existing building to form B8 Storage or Distribution to B1 Business Use (this application covered approximately one third of the building) - Approved 27/07/2004. The other two thirds had already received permission to become firstly storage and then a milk distribution depot. The proposal sought to provide business accommodation for small commercial enterprises to use the building (a saddler and upholsterer were mentioned).
- 1.3.14 04/04040/FUL - Change of use from and agricultural building to B1 business use and B8 storage use - Approved at Committee 17/02/2005. A site visit was conducted on the 16/02/2005 by members of the planning committee, planning officers and the applicants agent.
- 1.3.15 05/02371/FUL Change the use of from agriculture to business (B1) and storage (B8) - Approved on 24/05/2006.
- 1.3.16 06/02238/FUL - Change of use of an agricultural building from agricultural to B1 (business use) and B8 (storage and distribution). This application was withdrawn in November 2006. The application only covered part of a larger building. The Council advised that an application should be submitted which included all of the building due to the applicant using all of it for the proposed use.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

2.2 Policies:  
CYSP2  
The York Green Belt

CYSP6  
Location strategy

CYGB1  
Development within the Green Belt

CYGP1  
Design

CYGP24a  
Land reserved for possible future development

### **3.0 CONSULTATIONS**

#### **3.1 INTERNAL**

##### **3.1.1 HIGHWAYS**

3.1.2 No objections

#### **3.2 EXTERNAL**

##### **3.2.1 BISHOPTHORPE PARISH COUNCIL**

3.2.2 No comment

##### **3.2.3 NEIGHBOUR RESPONSES**

3.2.4 A site notice was posted adjacent the site. Comments were received from 1 adjacent neighbour. These related to:-

- (i) The colour of the polytunnels is not sympathetic to the open countryside/green belt;
- (ii) Landscaping should be provided to screen the polytunnels and the other existing development on this site;
- (iii) Moor Lane is only 3.00 m in width and is fundamentally unsuitable in terms of size and design to service the complex of units on this site;
- (iv) HGV's use the bridleway to gain access to the site;
- (v) There is a significant amount of open storage littered around the site;
- (vi) The objector also raised a number of complaints relating to the cumulative impact of further development on this parcel of land would have a detrimental impact upon the green belt and that further development should not be allowed.

### **4.0 APPRAISAL**

#### **4.0 OFFICERS REPORT**

## 4.1 POLICY

- 4.1.1 Local plan policy GB1 'Development within the greenbelt' states that planning permission will only be permitted within the Green Belt where the scale, location and design would not detract from the open character of the Green Belt; where it would not conflict with the purpose of including land within the Green Belt; where it would not prejudice the setting or special character of York.
- 4.1.2 Local plan policy SP2 'The York Green Belt' states that the primary purpose of the York Green Belt is to safeguard the setting and historic character of the City of York and is defined on the Proposals Map. Although the rural part of the Local Plan area is predominantly open countryside and protected for its own sake, virtually all land outside the main settlements is designated as Green Belt in this Local Plan. Whilst separate national planning guidance exists for both the open countryside (Countryside - Environmental Quality and Economic and Social Development (PPS7) and Green Belts (PPG2), a general presumption against unnecessary or inappropriate development runs through both sets of guidance, combined with the objective of redirecting this development towards existing settlements.
- 4.1.4 Local plan policy SP6 'Location Strategy' states that outside defined settlement limits, planning permission will only be given for development appropriate to the Green Belt or the Open Countryside.
- 4.1.5 Local plan policy CYGP1 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.
- 4.1.6 Draft local plan policy GP24a "land reserved for possible future expansion" states that until, such time as the local plan is reviewed, planning permission on sites designated as reserved land will only be granted for development that is required in connection with future uses which will preserve the open nature of the land and will not prejudice the potential for future comprehensive development of the site. The applicant should demonstrate that any proposal meets these requirements.
- 4.1.7 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 as an issue.

4.1.8 PPG2: Green Belts. Green Belt land-use objectives are outlined and the presumption against inappropriate development is set out. Visual amenity factors are described.

4.1.9 Planning Policy Statement 7: Sustainable Development in Rural Areas states that the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all.

#### 4.2 PRINCIPAL ISSUES

- Principal of development;
- Visual impact on the openness of the green belt; and
- Land reserved for possible future development.

#### 4.1.5 PRINCIPAL OF DEVELOPMENT

4.3.1 It is a matter of some practice contention as to whether transparent plastic polytunnels are operational development, much depends on principles related to size, the method of fixing to the ground and degree of permanency. However, the thrust of case law and appeal cases which have considered agricultural/ horticultural polytunnels indicate that operational development will be held to have occurred. On this basis the Council advised that this existing development should be formally legalised.

4.3.2 Buildings constructed for agriculture are an exception to the general presumption against new building in green belt areas, and of course this policy also applies to horticultural buildings and buildings/structures erected for use ancillary to horticulture. However, appropriateness may be overridden by policies designed to maintain openness.

4.3.3 This application pertains to the further development of land for horticulture purposes within the defined green belt. As noted in previous planning applications concerning Oakwood Farm, the principle of diversification and finding suitable alternative uses within the open countryside/green belt is supported by the Council's Green Belt policy, national planning guidance contained within PPS7 and PPG2. PPS7 states 'recognising that diversification into non-agricultural activities is vital to the continuing viability of many farm enterprises, local planning authorities should be supportive of well-conceived farm diversification schemes for business purposes that contribute to sustainable development objectives and help to sustain the agricultural enterprise, and are consistent in their scale with their rural location.'

4.3.4 The applicant has stated that the construction of the York ring road had a dramatic impact upon his agricultural activities. The applicant has therefore carried out a programme of diversification of this part of his holding. Due to the continued diversification of Oakwood Farm to B1/B8 uses, he has relocated this particular horticultural operation.

4.3.5 It is considered that this proposal accords with Council policy and Government Guidance as laid out in PPS7 and PPG2. The polytunnels would not appear to have a greater impact upon the green belt as they are to be located between 2 agricultural buildings, the use and the principle of farm diversification within this part of the applicant's holding has also been previously been established.

#### 4.4 VISUAL IMPACT ON SURROUNDING AREA

4.4.1 Section 3.15 of PPG2 states that 'The visual amenities of the green belt should not be injured by proposals for development within or conspicuous from the green belt which, although they would not prejudice the purposes of including land in green belts, might be visually detrimental by reason of their siting, materials or design.

4.4.2 As noted in (Hart D.C. 15/6/94) a stance that horticultural buildings should be resisted simply because they are in an area of sensitive landscape is not likely to be supported. Here, an inspector felt that a balance had to be made between the effect of development on the landscape and the need to ensure that the rural economy was not stifled and prevented from necessary growth. The appeal was allowed on the basis that the proposed polytunnels would only be glimpsed and there would be no landscape harm.

4.4.3 After negotiations with the applicant's agent it was considered appropriate to seek a landscaping scheme to ameliorate the visual impact of the polytunnels within the green belt. The applicant has also agreed to additional landscaping to reduce the impact of the existing barn and proposed barn adjacent the polytunnels. Taking this above additional aspect into consideration, it is considered that the proposal to retain the 3 polytunnels is acceptable and would not have a detrimental impact upon the openness of the green belt.

#### 4.5 LAND RESERVED FOR POSSIBLE FUTURE DEVELOPMENT

4.5.1 Draft local plan policy GP24a seeks to protect land designated as on sites designated as "land reserved for possible future expansion". The policy states that reserved land will only be granted for development when it is required in connection with future uses which will preserve the open nature of the land and will not prejudice the potential for future comprehensive development of the site. The applicant has stated that the polytunnels will be constructed from metal hoops set into the ground and covered with polythene sheeting. The construction of the polytunnels is lightweight and they could easily be removed from site if required. As such it is considered that the polytunnels would not prejudice any possible future expansion of the area. Bearing this in mind it is considered that the proposal satisfies policy GP24a.

## 5.0 CONCLUSION

It is considered that the proposal satisfies the Council's local plan policies and national planning guidance advocated in PPG2 and PPS7. With suitable landscaping, the impact of the polytunnels would be ameliorated to a

satisfactory level. A suitable landscaping scheme will also lessen the impact of the existing barn on site and the approved undeveloped barn, both of which have no requirement for landscaping.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Approve

- 1 A scheme of planting the trees and hedgerow to obscure the polytunnels and associated agricultural barns, shall be submitted in writing to the Local Planning Authority within 3 months of the date of approval. The scheme shall then be carried out in its entirety and in accordance with the written approved details to the satisfaction of the Local Planning Authority within 6 months of the date of this permission. In the event of the any newly planted constituent part of the hedging or trees failing to survive, or being removed, it/they should be replaced within 12 months of failure by the planting of such live specimens in such number as may be approved in writing by the Local Planning Authority.

Reason: In order to preserve and ensure the continuity of the existing landscape features of the site in the interests of public amenity and the character of the green belt.

### **7.0 INFORMATIVES: Notes to Applicant**

#### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the green belt. As such the proposal complies with policies SP2, SP6, GB1, GP24a and GP1 of the City of York Local Plan Deposit Draft and also PPG2.

#### **Contact details:**

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**Tel No:** 01904 551610





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OAKWOOD FARM, NORTHFIELD LANE - 07/00313/FUL



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DATE 14/5/2007

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City of York Council LA 1000 20818

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and storage and distribution (B8). A chronology of the history of the site is listed below.

- 1.3.2 02/02837/FUL - Change of use of an agricultural building to self-storage unit (use class B8) - Approved - 19.12.2002. The applicant sought to change the use of some of the existing farm buildings into self-storage units. Plans submitted indicated the buildings which were to be changed to the self-storage units.
- 1.3.3 03/01823/FUL - Change of use of part of self-storage unit to milk distribution depot - Approved - 26.08.2003. The applicant sought permission for change of use of the previously approved planning application (02/02837/FUL) to a milk distribution depot. The application included proposals for a milk tanker and a number of milk floats to deliver and collect milk.
- 1.3.4 04/02170/FUL - Change of use of an existing building to form B8 Storage or Distribution to B1 Business Use (this application covered approximately one third of the building) - Approved 27/07/2004. The other two thirds had already received permission to become firstly storage and then a milk distribution depot. The proposal sought to provide business accommodation for small commercial enterprises to use the building (a saddler and upholsterer were mentioned).
- 1.3.5 04/04040/FUL - Change of use from an agricultural building to B1 business use and B8 storage use - Approved at Committee 17/02/2005. A site visit was conducted on the 16/02/2005 by members of the planning committee, planning officers and the applicants agent.
- 1.3.6 05/02371/FUL Change the use of from agriculture to business (B1) and storage (B8) - Approved on 24/05/2006.
- 1.3.7 06/02238/FUL - Change of use of an agricultural building from agricultural to B1 (business use) and B8 (storage and distribution). This application was withdrawn in November 2006. The application only covered part of a larger building. The Council advised that an application should be submitted which included all of the building due to the applicant using all of it for the proposed use.
- 1.3.8 06/02637/FUL - Change of use to Class B1 (Business Use) and Class B8 (Storage and Distribution Use) (resubmission) – Approved on 17.01.2007 by West and Centre Sub-Committee.

## **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

CYSP2

The York Green Belt

CYGB1

Development within the Green Belt

CYSP6

Location strategy

CYGP1

Design

CYL1d

New public parks, green spaces, woodlands and wetlands

**3.0 CONSULTATIONS**

3.1 INTERNAL

3.1.1 HIGHWAYS

3.1.2 No objections

3.2 EXTERNAL

3.2.1 BISHOPTHORPE PARISH COUNCIL

3.2.2 No comment

3.2.3 NEIGHBOUR RESPONSES

3.2.4 A site notice was posted adjacent the site. Comments were received from 1 adjacent neighbour. These related to:-

- (i) There is a discrepancy between the length of the fencing indicated on the drawings and what has actually been erected; and
- (ii) The fencing is industrial in character and appears to have been formed from metal sheet roofing. The fencing is excessive in height and appears incongruous within the green belt. It is not appropriate or necessary for agricultural use.

**4.0 APPRAISAL**

4.0 OFFICERS REPORT

4.1 POLICY

4.1.1 Local plan policy GB1 'Development within the greenbelt' states that planning permission will only be permitted within the Green Belt where the scale,

location and design would not detract from the open character of the Green Belt; where it would not conflict with the purpose of including land within the Green Belt; where it would not prejudice the setting or special character of York.

- 4.1.2 Local plan policy SP2 'The York Green Belt' states that the primary purpose of the York Green Belt is to safeguard the setting and historic character of the City of York and is defined on the Proposals Map. Although the rural part of the Local Plan area is predominantly open countryside and protected for its own sake, virtually all land outside the main settlements is designated as Green Belt in this Local Plan. Whilst separate national planning guidance exists for both the open countryside (Countryside - Environmental Quality and Economic and Social Development (PPS7) and Green Belts (PPG2), a general presumption against unnecessary or inappropriate development runs through both sets of guidance, combined with the objective of redirecting this development towards existing settlements.
- 4.1.4 Local plan policy SP6 'Location Strategy' states that outside defined settlement limits, planning permission will only be given for development appropriate to the Green Belt or the Open Countryside.
- 4.1.5 Draft local plan policy CYGP1 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.
- 4.1.6 Draft local plan policy L1d "New public parks, green spaces, woodlands and wetlands", indicates locations for recreational opportunity, such a parks, play areas, green spaces, woodlands and wetlands as part of comprehensive developments to improve the quality of the local environment.
- 4.1.7 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 as an issue.
- 4.1.8 PPG2: Green Belts. Green Belt land-use objectives are outlined and the presumption against inappropriate development is set out. Visual amenity factors are described.
- 4.1.9 Planning Policy Statement 7: Sustainable Development in Rural Areas states that the Government's overall aim is to protect the countryside for the sake of

its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all.

#### 4.2 PRINCIPAL ISSUES

- Applicant's justification for the retention of the fencing;
- Visual impact on the surrounding green belt;
- Comments raised by objector;
- Other issues; and
- Impact upon recreational opportunity area.

#### 4.3 APPLICANT'S JUSTIFICATION FOR THE RETENTION OF THE FENCING

4.3.1 The principle of commercial and alternative employment uses on the site has been established by the granting of previous permissions, including the most recent permission last year (06/02367/FUL).

4.3.2 Furthermore, the principle of diversification and finding suitable alternative uses within the open countryside/green belt is supported by the Council's Green Belt policy national planning guidance contained within PPS7. PPS7 states 'recognising that diversification into non-agricultural activities is vital to the continuing viability of many farm enterprises, local planning authorities should be supportive of well-conceived farm diversification schemes for business purposes that contribute to sustainable development objectives and help to sustain the agricultural enterprise, and are consistent in their scale with their rural location.'

4.3.3 The applicant has stated that the construction of the York ring road has had a dramatic impact upon his agricultural activities. To compensate for this he is renting and investing in additional land to the west of the ring road. As a consequence of this and changing methods of farming, the barns have become redundant in terms of their original use/purpose. The applicant has therefore carried out a programme of diversification and reuse of buildings on this site.

4.3.4 The applicant argues that the fence is a necessary ancillary item, to assist the functioning of the site. Indeed, the applicant asserts that security of his site is paramount to uses being undertaken, in particular the storage of caravans and motorhomes.

#### 4.4 VISUAL IMPACT ON SURROUNDING AREA

4.4.1 Section 3.15 of PPG2 states that 'The visual amenities of the green belt should not be injured by proposals for development within or conspicuous from the green belt which, although they would not prejudice the purposes of including land in green belts, might be visually detrimental by reason of their siting, materials or design.'

4.4.2 Bearing the above in mind, it is considered that such a permanent feature within the green belt/open countryside would be unacceptable. However,

taking into consideration the applicants genuine need to secure his site, it is considered reasonable to grant a temporary/limited planning permission.

- 4.4.3 If a limited planning permission were granted, it would allow the following:-
- (1) The proposed hedging adequate time to develop and mature, thus integrating with the existing hedge;
  - (2) The site would be secure;
  - (3) Adaptability on when it would be acceptable to remove the fence whilst addressing points 1 and 2.

#### 4.5. COMMENTS RAISED BY OBJECTOR

4.5.1 The type, appearance and design of the fence would not normally be acceptable within the green belt. However the applicant has mitigated it's impact by painting it a dark green and setting it behind the existing hedgerow. The height of the fencing is also comparable to the existing hedgerow. Taking these points into consideration, It is believed that it's impact would be significantly lessened over a reasonably short period of time, as the replacement hedging establishes itself. Eventually the fence could then be removed.

#### 4.6 OTHER ISSUES

4.6.1 In addition to the existing fence, the subject of this application, another galvanised palisade fence has been erected in front of the hedgerow. The applicant has agreed to remove this, as a further compromise to agreeing to a limited permission for the retention of the green fence on a temporary basis until the hedgerow grows to an adequate height.

#### 4.7 LAND IDENTIFIED FOR RECREATIONAL OPPORTUNITY

4.7.1 Draft local plan policy L1d identifies areas on the proposals maps for recreational opportunity such as parks etc. The policy further states that these areas will be brought forward with the reserved land in a comprehensive way, if such land is needed for future development beyond the lifetime of the plan. At present there are no plans to develop the reserved land in question. Furthermore it is considered that the fencing would not prejudice the possible future redevelopment of the area. It should also be noted that the fencing is recommended for approval on a temporary basis only and therefore would not have a permanent impact. As such it is considered that the retention of the fencing satisfies policy L1d of the Local Plan.

### 5.0 CONCLUSION

5.1 It is considered that whilst the proposal does not strictly accord with Council policy. However it does fall within the spirit of the Council's local plan policies and PPG2. The temporary retention of the fence would not appear to have a long lasting impact upon the green belt. Furthermore, it's impact would be reduced exponentially as the replacement hedgerow re-establishes itself.



**6.0 RECOMMENDATION:** Approve

- 1 The section of green metal 3.00 m high fencing adjacent North Field Lane and the section of fencing bounding the southern most corner of the applicant's plot of land, abutting the junction of North Field Lane, Moor Lane and the York outer ring road (A1237) shall be removed on or before 22.05.2010 and the land should be restored to its former condition in accordance with details to be agreed in writing by the Local Planning Authority before restoration is commenced.

Reason: Permission is granted only in light of the short term need for the development and also so as not have a long term detrimental impact upon the Green Belt.

- 2 The galvanised palisade fencing sited adjacent Northfield Lane shall be removed within 3 months of the date of this temporary planning permission, or within such longer period as may be agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory appearance and setting for the boundary of the site and so as not to prejudice the character and appearance of the green belt.

- 3 A scheme of planting the replacement hedgerow to infill the gaps in the existing hedge, shall be submitted in writing to the Local Planning Authority within 3 months of the date of approval. The scheme shall then be carried out in its entirety and in accordance with the written approved details to the satisfaction of the Local Planning Authority within 6 months of the date of this permission. In the event of the any newly planted constituent part of the hedging failing to survive, or being removed, it should be replaced within 12 months of it's failure by the planting of such live specimens in such number as may be approved in writing by the Local Planning Authority.

Reason: In order to preserve and ensure the continuity of the existing landscape features of the site in the interests of public amenity and the character of the green belt.

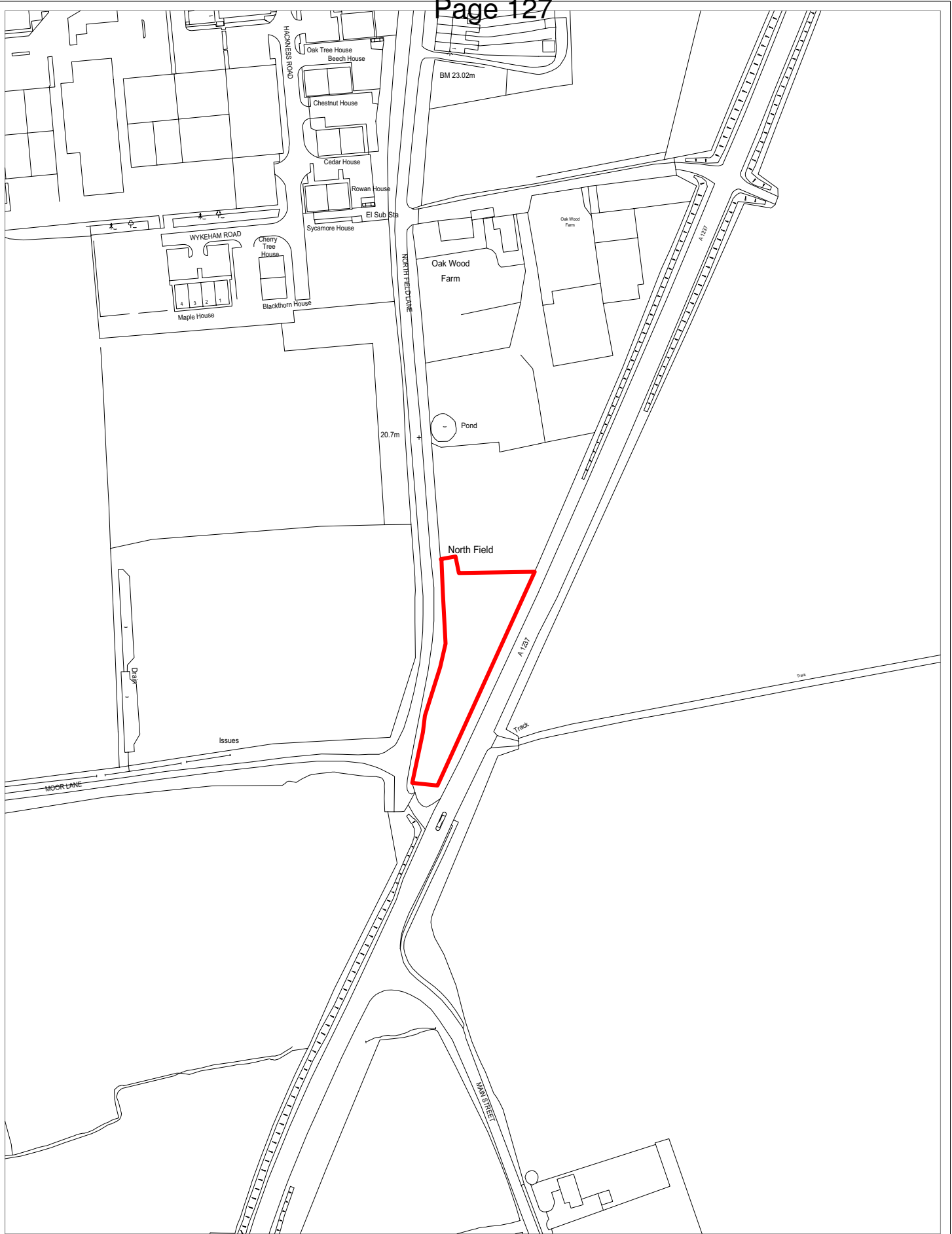
**7.0 INFORMATIVES:**  
**Notes to Applicant**

1. REASON FOR APPROVAL  
In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the green belt. As such the proposal complies with policies SP2, SP6, GB1 and GP1 of the City of York Local Plan Deposit Draft and also PPG2.

**Contact details:**

**Author:** Richard Beal Development Control Officer  
**Tel No:** 01904 551610

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CITY OF  
**YORK**  
COUNCIL

OAKWOOD FARM, NORTHFIELD LANE - 07/00314/FUL

SCALE 1:2500  
Originating Group

DRAWN BY PSL  
Project

DATE 14/5/2007  
Drawing No.



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**COMMITTEE REPORT****Committee:** West/Centre Area**Ward:** Rural West York**Date:****Parish:** Askham Bryan Parish Council**Reference:** 07/00663/FUL**Application at:** Cherry Tree House 68 Main Street Askham Bryan York YO23 3QS**For:** Erection of new detached dwelling after demolition of existing dwelling (re-submission )**By:** Mr And Mrs R Urwin**Application Type:** Full Application**Target Date:** 17 May 2007**1.0 PROPOSAL**

1.1 Planning permission is sought for the erection of a 7-bed detached dwelling to replace an existing 2-storey detached dwelling. The proposal includes the formation of a basement which includes a gym and study/library, a porch, boot room, gardener's room, wine cellar, glazed link service corridor, a tots room, playroom, entrance hall, music room, formal dining room, drawing room, sitting room, TV room, laundry, kitchen, study, and terraced area at ground floor level, as well as garaging for 4 vehicles. At first floor level it is proposed to create 7 bedrooms incorporating a master bedroom suite, guest room and nanny's apartment. Each bedroom is to have its own en-suite and the master bedroom is to include a first floor balcony. Within the roof space it is proposed to create a cinema room and attic playroom and store room

1.1.1 68 Main Street (Cherry Tree House) is an existing detached dwelling which is 14.80 m in length, 21.50 m if the detached garage is included x 5.20 m in width up to 15.20 m x 6.70 m in height to its ridge level (highest point). It is proposed to demolish this dwelling and erect the larger replacement.

1.1.2 The proposed site is located within the Askham Bryan Conservation Area. This irregular shaped site measures 0.62ha. Cherry Tree House (no.68 Main Street) is located adjacent Main Street but is set back from the road by approximately 70.00 m. There is an existing vehicular access (3.00 m wide) which serves Cherry Tree House. There are a number of mature trees which bound the site to the north and south elevations. The site falls away by approximately 2.00 - 2.50 m from front to the rear.

1.1.3 The proposed dwelling is a detached, two storey house with a pitched roof. The windows are to the front (south) and rear (north) elevations. The length of the proposed dwelling is approximately 23.00 m, the width 16.60 m to approximately 30.00 m is and approximately 8.20 m in height to ridge level. There appears to be a difference in ground level of approximately 2.00-2.50 m from the rear of the dwelling to the rear of the site.

1.1.4 A parallel application (07/00669/CAC) seeks Conservation Area Consent for the demolition of Cherry Tree House. These applications should be considered collectively as identified in PPG15 paragraph 4.27.

## 1.2 HISTORY

1.2.1 Planning permission (07/00241/FUL) for the erection of a replacement dwelling was previously withdrawn on 08.03.2007 due to advice received from the Council. Officers advised that the 'east wing' shouldn't result in loss of privacy to the occupier at No.66. The separation distance between the first floor of the existing dwelling and the back of No. 66 had been reduced in the previous scheme from 22.00 m to 20.00 m. Officers advised that this wasn't acceptable. The first floor element should be set further back (north elevation) so as not to further impact upon the amenity of no.66 than the existing situation. Whilst no prescriptive figure was given, it was confirmed that it should ensure the existing situation was preserved. The submitted scheme has therefore been amended to preserve the existing separation distance of 22.00 m. The ground floor element of the 'east wing' has been set further back than the existing built arrangement throughout both schemes.

## 1.3 COUNCILLOR REQUEST

1.3.1 This application is reported to sub committee at the request of Cllr Hopton.

## 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Askham Bryan 0023

2.2 Policies:

CYGB2

Development in settlements "Washed Over" by the Green Belt

CYGP1

Design

CYHE3

Conservation Areas

CYHE5

Demolition of Listed Buildings and Buildings in Conservation Areas

CYH4

Housing devp in existing settlements

## 3.0 CONSULTATIONS

3.1 INTERNAL

3.1.1 Highway Network Management.

3.1.2 No Comment as of 09 May 2007

3.1.3 Urban Design and Conservation

3.1.4 The Council's Conservation Officer states that the applicant proposes to demolish the existing detached house. She states Cherry Tree House is situated on a large plot to the north of Main Street. The house is approached along a driveway adjacent to the boundary of the garden to no. 70 Main Street. The existing house is set back from Main Street and screened from the road by a number of mature trees. The house dates from the 1970's.

3.1.5 The Council's Conservation Officer considers that the principle of the development of a new house of a similar scale to the existing house and within the existing building footprint is generally acceptable. She further states that the design of the new house should take into account of the character and setting of the conservation area.

3.1.6 However she does note that the proposed house appears to have a larger scale and massing to the principal south elevation than the existing house. She further notes that the proposals include a garage wing close to the western boundary of the plot, with accommodation on the first floor. This wing protrudes forward of the principal elevation. It is likely that the development of the wing will be detrimental to the amenity of the roof light windows of the adjacent residential building to the rear of no. 70 Main Street.

3.1.7 Finally the Council's Conservation Officer considers that the proposed materials and finishes appear to be of a traditional character. She advises that the fenestration should be timber with a painted finish to take account of the setting of the building within the conservation area. She concludes by asking that samples of the natural slate roof finish and reclaimed or handmade bricks should be submitted for approval.

3.1.8 Environmental Protection Unit

3.1.9 The Council's EP unit advise the imposition of conditions relating to recommended hours for carrying out construction work, contaminated material and an informative relating to the carrying out of works on site.

3.1.10 Sustainability Officer

3.1.11 The officer comments that details of the application offer very little information relating to sustainable design and construction of the proposal and do not include a sustainability statement in accordance with policy GP4a of the Local Plan. The officer further states, that the limited information which is contained in the Design and Access Statement, however reference is made to 'the incorporation of environmentally friendly energy production methods' (page 1) and that 'The proposed dwelling would have no greater impact on issues of sustainability than the existing dwelling; although in some regards the dwelling

would be an improvement as it would incorporate a renewable energy system and energy efficient materials and building techniques' (last page). The officer notes that these statements are not supported by detailed information.

3.1.12 The officer further comments that, the demolition of an existing dwelling it's replacement with a larger sized but better laid out one on the same site is not sustainable in terms of its use of resources (building materials etc). However the new development will be subject to the 2006 Building Regulations so, if approved, the new property will be substantially more energy efficient than the existing. In the long term the carbon footprint of the new dwelling may be less than the existing (no figures are offered by the applicant). However the layout of the new dwelling does not offer the best use of natural light and heat with all of the main living areas being situated on the north elevation (although it is recognised that the orientation of the site does pose difficulties in this respect).

3.1.13 In light of the current Supplementary Planning Guidance (Sustainable Design & Construction) being a draft document (i.e. not adopted by the Council), the Council's Sustainability Officer considers it unreasonable to seek a sustainability statement, in this instance. However, she notes that the application does state that renewable energy and energy efficiency will be incorporated into the building.

3.1.14 She does note however that the current Building regulations do not include water conservation or space for recycling. She suggests additional details of these should be provided. Therefore she considers that conditions could be attached, if the application were approved, to enhance the sustainability of the scheme.

### 3.5 EXTERNAL

3.5.1 Askham Bryan Parish Council

3.5.2 The Parish Council raise no objections to the proposal.

3.5.3 2 site notices were posted regarding the proposed development and also notifying of development within the Conservation Area. Objections have been received from 2 separate persons regarding the impact of the development upon no. 66 Main Road. These comments relate to:-

- The garage would overlook the garden of no.66;
- Reduce sunlight to the rear garden of no.66;
- Loss of privacy due to overlooking from 3 rear windows;
- Reduce the quality of life of the occupant/s of no.66 during demolition and construction;
- Detrimentially affect the value of no.66's value;
- Increased noise levels would also reduce the quality of life of no.66;
- The occupant of no. 66 is ill and does not want more stress from this development; and



- The Conservation Area status should give some weight when reaching a decision against this application.

## 4.0 APPRAISAL

### 4.0 OFFICERS REPORT

#### 4.1 The main considerations are:

- Principle of development;
- Impact on visual amenity of area; and
- Impact on residential amenity;

### 4.2 POLICY

4.2.1 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 as an issue.

4.2.2 Planning Policy Statement Note 3 - 'Housing' (PPS3) sets out Government policy on housing development and encourages more sustainable patterns of development through the reuse of previously developed land, more efficient use of land, reducing dependency on the private car and provision of affordable housing. PPS3 also advises that car parking standards that require more than 1.5 spaces per dwelling are unlikely to secure sustainable development

4.2.3 Draft local plan policy GP1 'Design' of the City of York Local Plan Deposit Draft 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.

4.2.4 Draft local policy H4 includes that planning permission will be granted within defined settlement limits on land not already allocated on the Proposals Map where it involves infilling, redevelopment and it is of an appropriate scale and density to surrounding development.

4.2.5 Draft local plan policy HE3 states that development within conservation areas will only be permitted where there is no adverse effect on the character and appearance of the area.

- 4.2.6 Draft local plan policy HE5 states that demolition within conservation areas will only be permitted where the buildings do not positively contribute to the character or appearance of the conservation area.
- 4.2.7 Draft local plan policy GB2 'Development in Settlements "Washed Over" by the Green Belt' states that proposals for new buildings within Green Belt villages will be permitted providing they are located within the built up area of the settlement; the location, scale and design is appropriate to the form and character of the village and surrounding property; and, the proposal would constitute limited infilling and not prejudice the openness or purposes of the Green Belt.
- 4.2.8 Askham Bryan Village Design Statement - aims to guide and influence the design of development in a way that preserves and enhances the character and distinctiveness of Copmanthorpe. All developments should retain and enhance site features and should be carried out with great sensitivity, to respect its historic buildings and their settings.
- 4.2.9 Policy E8 of the North Yorkshire County Structure Plan establishes a Green Belt around the City of York. The boundaries of the Green Belt are detailed on the Proposals Map of the City of York Council Development Control Local Plan (CYCDCLP) and this site clearly falls within the Green Belt.

#### 4.3 PRINCIPLE OF DEVELOPMENT

- 4.3.1 The site lies within the defined settlement boundary of Askham Bryan. The property, which is to be demolished, is also located within the Askham Bryan Conservation Area. The proposed residential use conforms with the immediate locale. The proposal involves the demolition of an existing dwelling and the erection of a larger replacement. As such, the scheme constitutes redevelopment and should be judged against local plan policies H4 and GB2.
- 4.3.2 Policy GB2 "Development in settlements 'washed over' by the Green Belt" it states that the proposed development should be located within the built up area of the settlement. It is considered that by the site's position within the settlement boundary is acceptable in policy terms. Policy GB2 further states that the location, scale and design of the proposed development should be appropriate to the form and character of the settlement and the neighbouring property. Policy GB2 states that the proposed development is acceptable if it constitutes limited infilling but should not prejudice the openness or the purposes of the Green Belt. Policy H4 reiterates points addressed in GB2.
- 4.3.3 This particular area of Askham Bryan is characterised by a variety of house sizes and designs. Whilst the proposed replacement dwelling is larger than the existing dwelling, it is considered to be of an appropriate scale. This is due to:-
- the size of the plot/site;
  - being set back from the highway;

- being well screened (meaning that the dwelling would only be partly visible from the highway); and
- the existing grain of development nearby.

4.3.4 The proposal therefore satisfies the requirements of policy GB2 and H4 of the Council's Local Plan. As a consequence the principle of development is acceptable. Whilst the principle of residential use is acceptable, the impact of the development on the visual amenity of the area and the amenity of adjacent residents need to be considered further.

#### 4.4 IMPACT ON VISUAL AMENITY/ CHARACTER OF THE CONSERVATION AREA

4.4.1 The proposal is linked to the demolition of the existing house on the site. This is a substantial, modern property, which does not contribute to the character and appearance of the conservation area. Policy HE5 states that permission will only be granted for the demolition of dwellings within a conservation area if they do not positively contribute to the character and appearance of the area. The proposed replacement dwelling whilst not traditional in design would have a more neutral impact upon the conservation area. As such, it is considered that the development would not have a detrimental impact upon the character and amenity of the local environment. As a consequence the proposal satisfies policies HE5 of the Local Plan and policies GP1, H4 and HE3.

#### 4.5 IMPACT ON RESIDENTIAL AMENITY

4.5.1 One of the principal concerns with regard to the application is the impact the proposal would have upon neighbouring residents, in particular the resident of 66 Main Street.

4.5.2 It is recognised that the proposed dwelling, if built, would give rise to some late evening overshadowing over part of the large garden of no.66. Indeed the occupant of no.66 states that the proposal will cause significant loss of light. However, it is considered that this proposal will have no additional detrimental impact when compared to the existing situation.

4.5.3 Concerns were also raised by the occupant of no.66 regarding the separation distance between habitable room windows and loss of privacy. The proposed first floor windows would have a distance of approximately 22.00 m between the rear bedroom window of 66 Main Street and the proposed dwelling, this is the same separation distance as the existing relationship. It is therefore considered that this relationship would not be significant enough to warrant refusal on these grounds.

4.5.4 To the West side there is a blank wall, which would not be affected as a result of this application. There are two roof lights, which may be overshadowed as a result of the application, however these roof lights are secondary light sources and not considered to significantly harm the amenity of adjoining occupiers to the west (no.70).

- 4.5.5 With regard to noise and disturbance, this may be mitigated through conditions recommended by the Environmental Protection Unit.
- 4.5.6 As such, the proposed development will not unacceptably reduce the amenities currently enjoyed by the adjacent properties and in particular no.66 Main Street. As a consequence the proposal satisfies policies GP1 and H4 of the Local Plan.

## 5.0 CONCLUSION

- 5.1 It is considered that the development is acceptable in principle. The proposed dwelling's design and materials together with the demolition of the existing unsympathetic house will have a neutral effect upon the Askham Bryan Conservation Area and it will not have any significant detrimental impact on the amenity currently enjoyed by adjacent residents, subject to relevant conditions being implemented. .
- 5.2 As a consequence the proposed detached two storey replacement dwelling is considered to acceptable and is recommended for approval as it satisfies local plan policies GB2, GP1, HE3, HE5 and H4 of the City of York Development Control Draft Local Plan, Policy E8 of the North Yorkshire County Structure Plan and the Askham Bryan Village Design Statement.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

- 1 TIME2
- 2 VISQ8
- 3 HWAY9
- 4 HWAY19
- 5 HWAY32
- 6 All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to 08:00 to 18:00 Monday to Fridays, 09:00 to 13:00 Saturday and no work at all shall be carried out at Sundays and Bank Holidays.  
  
Reason: To protect the amenity of local residents during construction of the development from noise.
- 7 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-E; 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.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order re-enacting that order with or without modification), no new window openings shall be created in the north, east or west elevations of the proposed dwelling other than those shown on the submitted plan.

Reason: To protect the privacy of neighbours.

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

- (1) AB4 - Ground Floor General Layout;
- (2) RP2 - Attic Floor Plan;
- (3) FF2 - First Floor General Layout;
- (4) Section CC;
- (5) Section BB;
- (6) East Elevation;
- (7) Garden (north) Front;
- (8) Front (south) Elevation; and
- (9) West Side Elevation.

All plans date stamped 22/03/07

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.

- 10 Prior to the commencement of the hereby approved development, written details of the renewable energy systems, energy efficient materials and building techniques to be incorporated in the proposal, as suggested by the Design and Access Statement, should be submitted to the Local Planning Authority. Development should not commence until written approval has been received by the Local Planning Authority.
- 11 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 8.10 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the

existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: to establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

**7.0 INFORMATIVES:  
Notes to Applicant**

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 the residential amenity of the neighbours, the visual amenity of the locality, highway safety. As such, the proposal complies with policies GB2, GP1, HE3, HE5 and H4 of the City of York Development Control Draft Local Plan, Policy E8 of the North Yorkshire County Structure Plan, the Askham Bryan Village Design Statement, national planning guidance contained in Planning Policy Statement 1 " Delivering Sustainable Development ", Planning Policy Statement 3 " Housing" and Planning Policy Guidance Note 2 "Green Belts".
2. 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.

The developer's attention should be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be attached to any planning approval:

- (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.

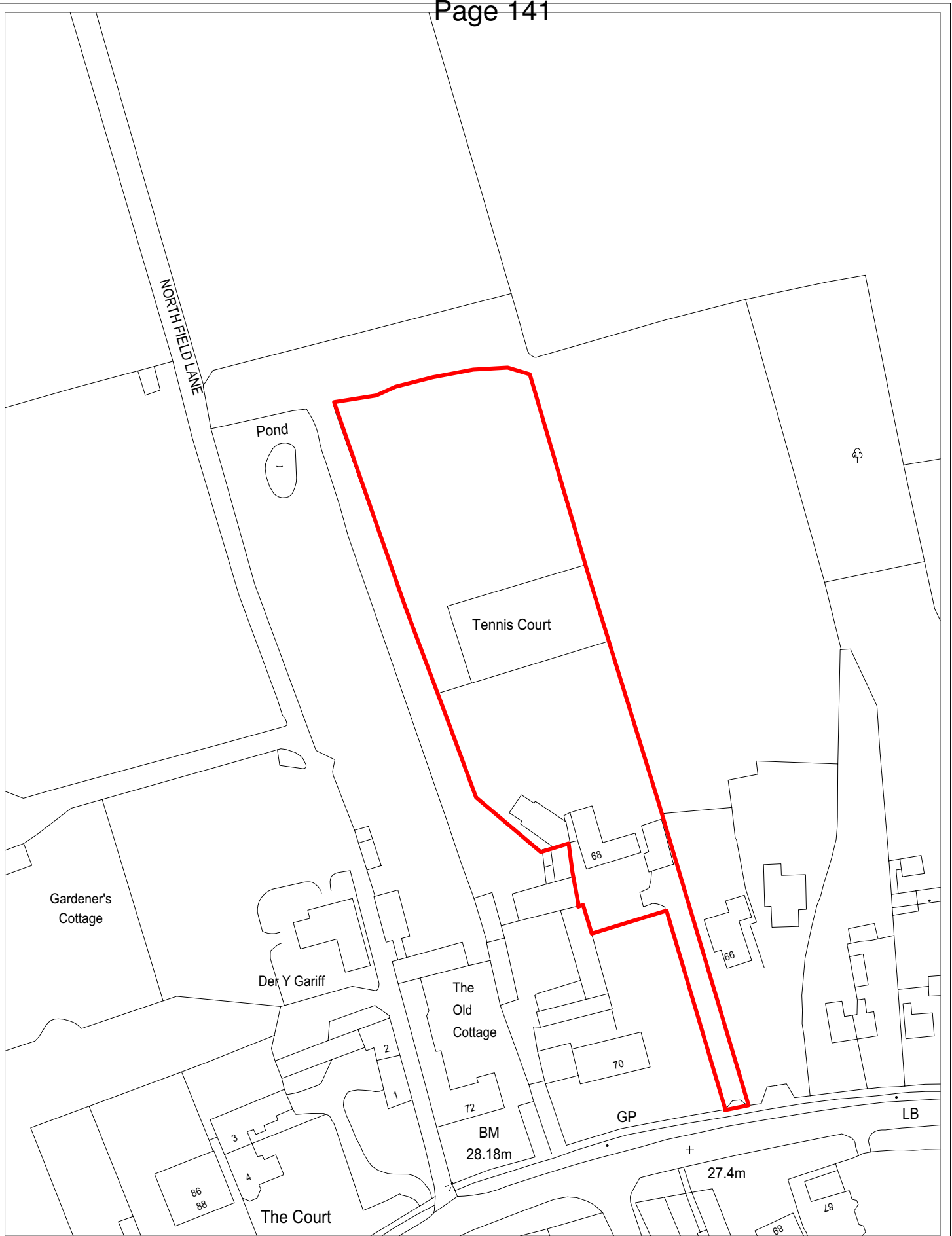
- (e) Any asbestos containing materials shall be removed by licensed contractors to a licensed disposal site.
  - (f) There shall be no bonfires on the site.
3. The following details regarding water efficiency measures should be included within the hereby approved dwelling. Measures should include:
- Dual flush WCs (4/6) litre
  - Showers with nominal flow rates less than 9 litres/minute
  - Flow restricted spray taps
  - Water meter installed
  - Water butt installed
  - Consideration of the use of rainwater harvesting.
4. To assist occupiers to recycle, further details should be included within the development to promote re-cycling. Such measures should include:-
- Adequate provision for the storage of 2 180 litre wheeled bins, recycling box and two bags.
  - Provision of a compost bin with instructions.

**Contact details:**

**Author:** Richard Beal Development Control Officer  
**Tel No:** 01904 551610

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CITY OF  
**YORK**  
COUNCIL

CHERRY TREE HOUSE, 68 MAIN STREET, ASKHAM BRYAN - 07/00663/FUL



SCALE 1:1250  
Originating Group

DRAWN BY PSL  
Project

DATE 14/5/2007  
Drawing No.

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

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**COMMITTEE REPORT**

**Committee:** West/Centre Area                      **Ward:** Rural West York  
**Date:** 22 May 2007                                      **Parish:** Askham Bryan Parish Council

**Reference:** 07/00669/CAC  
**Application at:** Cherry Tree House 68 Main Street Askham Bryan York YO23  
3QS  
**For:** Demolition of existing dwelling and garage/workshop  
**By:** Mr And Mrs R Urwin  
**Application Type:** Conservation Area Consent  
**Target Date:** 17 May 2007

**1.0 PROPOSAL**

1.1 Conservation Area Consent is sought for the demolition of an existing dwelling within the Askham Bryan Conservation Area. In addition a parallel application (07/00663/FUL) seeks planning permission for the demolition of Cherry Tree House and its replacement with a larger dwelling. These applications should be considered collectively as identified in PPG15 paragraph 4.27. Planning permission is sought for the erection of a 7-bed detached dwelling to replace an existing 2-storey detached dwelling.

1.1.1 68 Main Street (Cherry Tree House) is an existing detached dwelling which is 14.80 m in length, 21.50 m if the detached garage is included x 5.20 m in width up to 15.20 m x 6.70 m in height to its ridge level (highest point).

1.1.2 The site is located within the Askham Bryan Conservation Area. This irregular shaped site measures 0.62ha. Cherry Tree House (no.68 Main Street) is located adjacent Main Street but is set back from the road by approximately 70.00 m. There is an existing vehicular access (3.00 m wide) which serves Cherry Tree House. There are a number of mature trees which bound the site to the north and south elevations. The site falls away by approximately 2.00 - 2.50 m from front to the rear.

**1.2 HISTORY**

1.2.1 Both previous applications (07/00241/FUL and 07/00244/CAC) for the demolition and replacement dwelling were withdrawn on 08.03.2007 due to advice received from the Council.

1.2.2 The applications were principally withdrawn due to the detrimental impact upon the amenity of the occupant of no.66 Main Street.

**1.3 COUNCILLOR REQUEST**

1.3.1 This application is reported to sub committee at the request of Cllr Hopton.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

Conservation Area Askham Bryan 0023

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYHE3  
Conservation Areas

CYHE5  
Demolition of Listed Buildings and Buildings in Conservation Areas

**3.0 CONSULTATIONS**

3.1 INTERNAL

3.1.1 Urban Design and Conservation

3.1.2 The Council's Conservation Officer states that the applicant proposes to demolish the existing detached house. She states Cherry Tree House is situated on a large plot to the north of Main Street. The house is approached along a driveway adjacent to the boundary of the garden to no. 70 Main Street. The existing house is set back from Main Street and screened from the road by a number of mature trees. The house dates from the 1970's.

3.1.3 The Council's Conservation Officer considers that the principle of the development of a new house of a similar scale to the existing house and within the existing building footprint is generally acceptable. She further states that the design of the new house should take into account of the character and setting of the conservation area.

3.1.4 However she does note that the proposed house appears to have a larger scale and massing to the principal south elevation than the existing house. She further notes that the proposals include a garage wing close to the western boundary of the plot, with accommodation on the first floor. This wing protrudes forward of the principal elevation. It is likely that the development of the wing will be detrimental to the amenity of the roof light windows of the adjacent residential building to the rear of no. 70 Main Street.

3.1.5 Finally the Council's Conservation Officer considers that the proposed materials and finishes appear to be of a traditional character. She advises that the fenestration should be timber with a painted finish to take account of the setting of the building within the conservation area. She concludes by asking that samples of the natural slate roof finish and reclaimed or handmade bricks should be submitted for approval.

### 3.5 EXTERNAL

#### 3.5.1 Askham Bryan Parish Council

3.5.2 The Parish Council raise no objections to the proposal.

3.5.3 2 site notices were posted regarding the proposed development and also notifying of development within the Conservation Area. Objections were received from 2 separate persons regarding the impact of the development upon no. 66 Main Road. Their comments have been addressed within the full planning application (07/00663/FUL).

## 4.0 APPRAISAL

### 4.1 OFFICERS REPORT

4.1.1 The main considerations are:

- Effect on character and appearance of the existing listed building and character and appearance of the conservation area.

### 4.2 POLICY

4.2.1 Draft local plan policy HE3 states that development within conservation areas will only be permitted where there is no adverse effect on the character and appearance of the area.

4.2.2 Draft local plan policy HE5 states that demolition within conservation areas will only be permitted where the buildings do not positively contribute to the character or appearance of the conservation area.

### 4.3 PRINCIPLE OF DEMOLITION

4.3.1 The application site is located within a historically sensitive area of Askham Bryan and within the Askham Bryan Conservation Area. The site is currently occupied by Cherry Tree House, a substantial 1970's 2-storey detached house situated to the north of Main Street.

4.3.2 The existing property is a substantial, modern property, which does not contribute to the character and appearance of the conservation area. Policy HE5 states that permission will only be granted for the demolition of dwellings within a conservation area if they do not positively contribute to the character and appearance of the area. The proposed replacement dwelling whilst not traditional in design would have a more neutral impact upon the conservation area. As such, it is considered that the development would not have a detrimental impact upon the character and amenity of the local environment. As a consequence the proposal satisfies policies HE5 of the Local Plan and policies GP1, H4 and HE3.

## 5.0 CONCLUSION

- 5.1 In the opinion of the Local Planning Authority the proposal to demolish Cherry Tree House, subject to the conditions listed below, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact upon the character of the Askham Bryan Conservation Area. As such the proposal complies with policy HE5 of the City of York Deposit Draft Local Plan.

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Approve

- 1 The building(s) shall not be demolished before planning permission for redevelopment is granted and a legally binding contract for the carrying out of the works of redevelopment of the site is made and evidence of the contract has been produced to and agreed in writing by the Local Planning Authority, or in the absence of such a contract an alternative confirmation of commencement of the development has been submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure that the premature demolition of the buildings does not take place to the detriment of the character and appearance of the Conservation Area.

### 2 TIMEL2

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

Location Plan 1/1250 scale, rec'd 22.03.2007  
Drwg ESP1 rec'd 22.03.2007  
Design Statement rec'd 22.03.2007

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

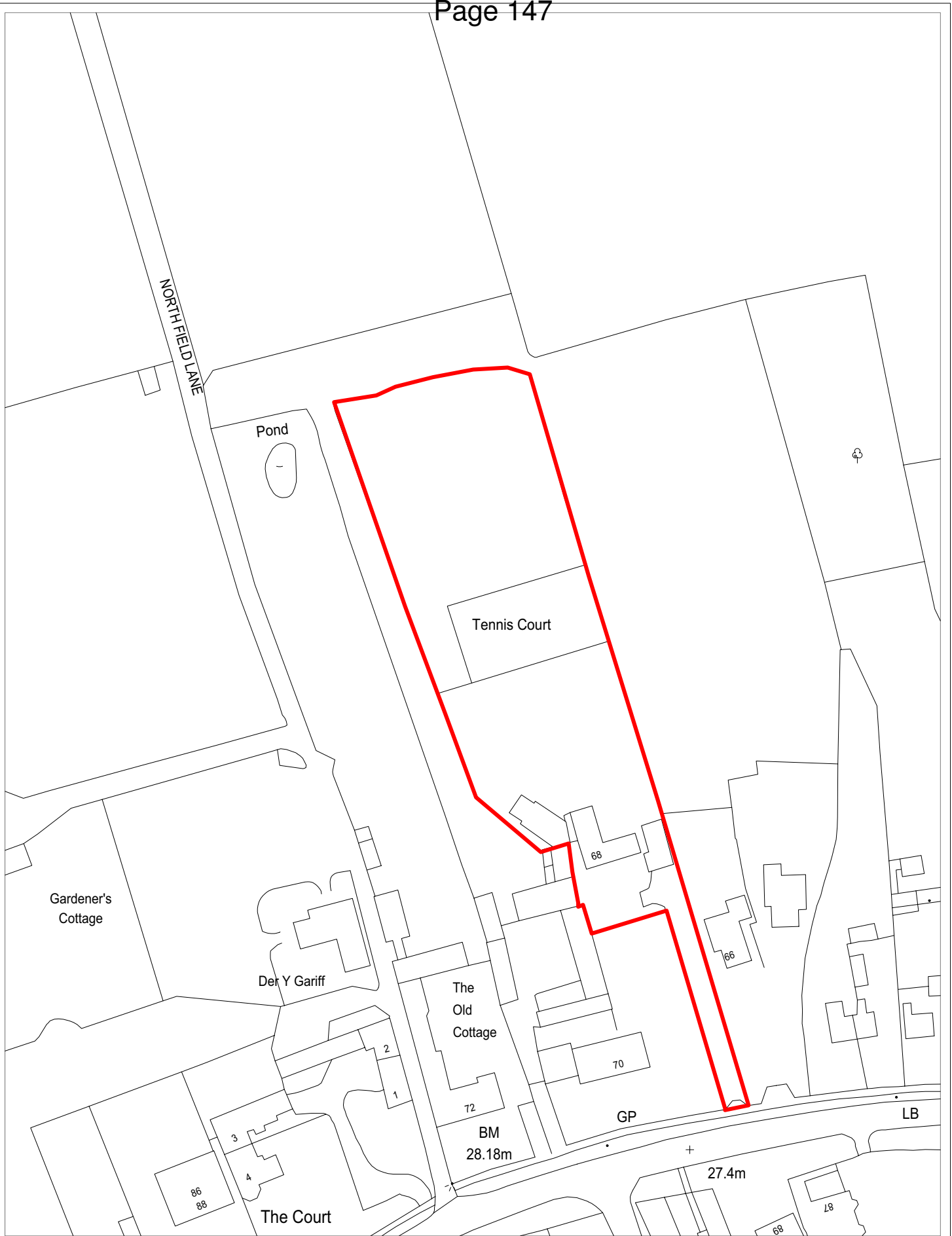
Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

## 7.0 INFORMATIVES:

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 character and appearance of the conservation area. As such the proposal complies with Policies HE3 and HE5 of the City of York Local Plan Deposit Draft.

### Contact details:

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**Tel No:** 01904 551610



CITY OF  
**YORK**  
COUNCIL

CHERRY TREE HOUSE, 68 MAIN STREET, ASKHAM BRYAN - 07/00669/CAC



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