

## Notice of meeting of

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

**To:** Councillors Watson (Chair), Gillies (Vice-Chair), Crisp, Galvin, Gunnell, Jeffries, Orrell, Reid and Semlyen

**Date:** Thursday, 15 March 2012

**Time:** 3.00 pm

**Venue:** The Guildhall, York

### **AGENDA**

**Site visits for this meeting will commence at 11.45am on Wednesday 14 March 2012 at Memorial Gardens.**

#### **1. Declarations of Interest**

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

#### **2. Minutes (Pages 5 - 14)**

To approve and sign the minutes of the meeting of the West & City Centre Area Planning Sub-Committee held on Thursday 9 February 2012.

#### **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 in this case **5pm on Wednesday 14 March**. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

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

#### 4. Plans List

To determine the following planning applications related to the West and City Centre Area.

- a) **Turf Tavern, 277 Thanet Road, York, YO24 2PE (12/00087/FULM)** (Pages 15 - 36)

Erection of 12no. two and three storey dwellings with garage block. *[Dringhouses and Woodthorpe Ward]* **[Site Visit]**

- b) **32 Lord Mayors Walk, York, YO31 7HA (12/00100/FUL)** (Pages 37 - 50)

Change of use from offices with flat above to a 10 bedroom house in multiple occupation. *[Guildhall Ward]* **[Site Visit]**

- c) **Lime Tree House, Main Street, Upper Poppleton, York YO26 6DL (11/03230/FUL) - WITHDRAWN** (Pages 51 - 62)

Extensions to ground floor to provide extension to lounge, and en-suite facilities to existing bedrooms. Alterations to roof to provide 7 additional bedrooms at first floor level (revised scheme). *[Rural West York Ward]* – **THIS ITEM HAS BEEN WITHDRAWN.**

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

Democracy Officers:

Name: Catherine Clarke and Louise Cook (job share)

Contact Details:

- Telephone – (01904) 551031
- E-mail – [catherine.clarke@york.gov.uk](mailto:catherine.clarke@york.gov.uk) and [louise.cook@york.gov.uk](mailto:louise.cook@york.gov.uk)

(If contacting us by e-mail, please send to both democracy officers named above)

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.

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The majority of councillors are not appointed to the Cabinet (39 out of 47). Any 3 non-Cabinet councillors can 'call-in' an item of business from a published Cabinet (or Cabinet Member Decision Session) agenda. The Cabinet will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Cabinet meeting in the following week, where a final decision on the 'called-in' business will be made.

## **Scrutiny Committees**

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- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

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**WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE**

**SITE VISITS**

**Wednesday 14 March 2012**

**Members of the sub-committee meet at Memorial Gardens at  
11.45am**

<b>TIME</b> (Approx)	<b>SITE</b>	<b>ITEM</b>
12:00	Turf Tavern, 277 Thanet Road	<b>4a</b>
12:45	32 Lord Mayors Walk	<b>4b</b>

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City of York Council

Committee Minutes

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MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	9 FEBRUARY 2012
PRESENT	COUNCILLORS WATSON (CHAIR), GILLIES (VICE-CHAIR), CRISP, GALVIN, GUNNELL, JEFFRIES, ORRELL, REID AND SEMLYEN

**43. INSPECTION OF SITES**

The following sites were inspected before the meeting.

Site	Attended by	Reason for Visit
1 Station Road, Upper Poppleton	Councillors Galvin, Gillies, Gunnell, Jeffries, Reid, Semlyen and Watson.	As objections had been received and the officer recommendation was to approve.
20 Shambles, York	Councillors Galvin, Gillies, Gunnell, Jeffries, Reid, Semlyen and Watson.	As objections had been received and the officer recommendation was to approve.

**44. DECLARATIONS OF INTEREST**

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

Councillor Gillies declared a personal non prejudicial interest in plans items 4d and e (1 Station Road, Upper Poppleton) as he had known the applicant when he had been a resident in his ward.

**45. MINUTES**

RESOLVED: That the minutes of the last meeting of the West and City Centre Area Planning Sub Committee held on 12 January 2012 be

approved and signed by the chair as a correct record.

**46. 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.

**47. 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.

**47a Land Adjacent To Northminster Business Park, Wykeham Road, Upper Poppleton, York (12/00024/REMM)**

Members considered a major reserved matters application (13 weeks) from Mr George Burgess for details of landscaping and external appearance of a proposed two storey building for business use granted under outline permission.

Officers advised that landscape officers had raised no objections to the application and noted that the proposed planting was in keeping with the landscape character of the area, and generally a good mix of native species. They recommended additional conditions to secure the planting and to avoid contamination and compaction of the soil during construction which would ensure the soil conditions remain good for the planting.

**RESOLVED:** That delegated authority be given to officers to approve the application after expiry of the public consultation period, subject to the conditions listed in the report and the additional conditions below.

Additional Condition

The landscape scheme as detailed on drawing 2175/4 shall be implemented within a period of six months of the completion of the

development and maintained thereafter in accordance with the approved five-year site biodiversity management plan. Furthermore, any trees, hedging plants, or shrubs which within a period of five years from the substantial completion of the planting and 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 the Local Planning Authority agrees alternatives in writing.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the entire site, since the landscape scheme is integral to the amenity and the biodiversity value of the development.

Additional Condition

No development shall take place until a plan has been submitted and approved in writing by the local planning authority that shows the locations of the site security fencing (to be erected tight to the back of the proposed kerb in order to safeguard the proposed planting areas and existing trees from construction operations). The works shall be carried out in accordance with the approved details.

Reason: To protect existing trees and prevent compaction and contamination of the soil in order to ensure good growing conditions for the successful establishment of the approved landscape scheme both of which are integral to the quality of the development.

REASON: The proposal, subject to the conditions listed in the report and the additional conditions above, would not cause undue harm to interests of acknowledged importance, with particular reference to visual amenity and biodiversity. As such the proposal complies

with Policies GP1, GP9, NE1 and NE7 of the City of York Development Control Local Plan.

**47b The Little Mill Shop, 20 Shambles, York, YO1 7LZ  
(11/03428/FUL)**

Members considered a full application from Miss Katie Pask for the change of use from retail (use class A1) to mixed use retail and cafe (use class A1 and A3).

Officers advised that a response had been received from the Guildhall Planning Panel who had raised concerns about the continued loss of retail space to cafe use in the city.

Officers also stated that a letter of support had been received from the existing occupants of the building stating that the changes required were minimal and would not harm the historic fabric of the building and that the proposed use would allow full occupation of the building and retain a retail presence at ground floor level.

They also advised that a letter of objection/concern had been received from the tea rooms on the Shambles and the resident at number 21. These raised following points:

- Already a proliferation of gift shops with eating places attached in the Shambles – some operate without planning permission and some have larger eating areas than which they were granted consent for.
- Un-necessary competition, the Shambles should retain its diversity and not contain another eating establishment.
- Application form states upper floor rooms will be used for weddings and events – concern this could lead to disturbance to neighbours particularly in the evening.
- Concern that the use could become more of a bar rather than cafe.

Officers reported that the Environmental Protection Unit has no objection to the application but noted there were residential properties next door and to the rear of the proposed use and noted that in the event that hot food is to be served, a kitchen extraction system would be required, with ventilation above the ridge of the roof in which case the Food & Safety Unit would also need to be consulted.

In respect of amendments to conditions, officers recommended that condition 5 be amended to restrict opening hours from a 23.00 to a 21.00 finish with a further condition restricting music to restrict sound through the walls given the adjoining residential use.

Representations were received from the applicant in support of the application. She explained to members that this was a joint venture with a business partner and they happy with the suggested conditions. She confirmed they did not intend to sell alcohol and their intention was to close at 6.00pm in the evening. In response to concerns which had been raised about hosting hen parties and potential noise issues, she explained their hen do's were aimed at families and those who wanted a nice tea rather than what most people thought of as a typical hen party. In response to a question about disabled access, and how customers, particularly those with a visual impairment, would move safely around the premises safely, the applicant agreed to look into this and take advice on how best to achieve this.

RESOLVED: That delegated authority be given to officers to approve the application when the statutory publicity period ends on 15 February 2012, subject to consultation with the Chair and Vice Chair if any objections are received during this time and subject to the conditions listed in the report and the amended and additional conditions below.

Amended Condition 5

The premises shall operate only between the hours of 07:00 and 21:00 each day of the week.

Reason: In the interests of the amenities of surrounding residential premises, given that it is proposed to have a cafe on the upper floors, this is in accordance with policy GP1 (i) and S6 of the Development Control Local Plan.

Additional condition 6

No live or recorded music shall be played that is audible outside of the premises.

Reason: In the interests of the amenities of surrounding residential premises, given that it is proposed to have a cafe on the upper floors.

REASON: The proposal, subject to the conditions listed in the report and the amended and additional condition above, would not cause undue harm to interests of acknowledged importance, with particular reference to the unique historic and retail character of the street, amenity and the architectural and historic importance of the listed building. As such the proposal complies with Policies S4, S6 and HE4 of the City of York Development Control Local Plan.

**47c The Little Mill Shop, 20 Shambles, York, YO1 7LZ  
(11/03429/LBC)**

Members considered an application for listed building consent from Miss Katie Pask for internal alterations.

Officers advised that the only changes required to enable the proposed use and satisfy building regulations would be the installation of emergency lighting, smoke/heat detectors, upgrading of doors to provide 30 minute fire protection and installation of a doorway to provide protection between the kitchen in the 1<sup>st</sup> floor rear room and the stairwell and they were content these measures could be undertaken without harm to historic fabric and could be dealt with through conditions. They asked that condition 3 be amended to include a sub-section on fire protection.

RESOLVED: That delegated authority be given to officers to approve the application when the statutory publicity period ends on 15 February 2012, subject to consultation with the Chair and Vice Chair if any objections are received during this period and subject to the conditions listed in the report and the amended condition below.

Amended condition 3

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.

- a) Any new ductwork and associated cabling required in installation with the w/c and kitchen equipment which affects historic fabric.
- b) Any required ventilation and soil pipes.
- c) Fire Protection works including, the installation of emergency lighting, smoke/heat detectors, upgrading of doors and installation of a doorway to provide protection between the kitchen in the 1st floor rear room and the stairwell.

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

REASON: The proposal, subject to the conditions listed in the report and the amended condition above, would not cause undue harm to interests of acknowledged importance, with particular reference to the historic and architectural interest of the listed building. As such the proposal complies with Policy HE4 of the City of York Development Control Local Plan.

**47d 1 Station Road, Upper Poppleton, York, YO26 6PX  
(11/02886/FUL)**

Members considered a full application from Mr D Wilson for the erection of two detached dwellings and associated driveways and parking following the demolition of the existing dwelling and outbuildings.

Officers provided an update to Members. They advised that paragraph 4.11 of the report should state that the access point to plot 2 (the proposed bungalow) would be some 50m from the junction of Longridge Lane with Station Road and not 45m as stated.

In respect of trees along the site boundaries, they advised that a detailed survey had been undertaken and it would therefore be easy to identify what specimens would be retained. Also the fact

the site was within the conservation area offered a degree of protection to the trees on site.

They advised that paragraph 4.5 of the report states that in terms of its scale, massing and relationship to site boundaries, the new detached dwelling house property on plot 1 would closely reflect other properties in the vicinity notably "Longridge Lane" but this should also read "Station Road".

To conclude, they informed Members that the reason for draft condition 13 should be amended to refer to the City of York LDF Draft Core Strategy Policy CS10.

Representations were received from a local resident of Longridge Lane in objection to the application. She expressed concerns over the design of the proposed dwellings which she stated were an eyesore and would be obvious from her living room window. She also raised concerns with regard to the safety of cars exiting from the proposed driveway onto the road close to a busy junction and local post office.

Representations were also received from the agent in support of the application. He advised Members that he had made every attempt to meet national and local policies and adhere to the Poppleton Village Design Statement and that officers had been very helpful throughout the application process.

Members noted that the hedging around the site was sparse in places and comprised a mixture of varieties and asked that whatever hedging is left after demolition is still of shielding value to the new properties. They expressed the view that the proposals were a good use of the plot which currently contained a derelict bungalow. They acknowledged that the plot was a reasonable size for two family houses and expressed pleasure that the applicant was not trying to squeeze more houses into the 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 impact upon the character and appearance of the Upper



Poppleton Conservation Area. As such the proposal complies with Policy HE3 of the City of York Development Control Local Plan.

**47e 1 Station Road Upper Poppleton York YO26 6PX  
(11/02887/CAC)**

Members considered an application for conservation area consent from Mr D Wilson for the demolition of an existing dwelling and outbuildings.

**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 impact upon the character and appearance of the Upper Poppleton Conservation Area. As such the proposal complies with Policy HE3 of the City of York Development Control Local Plan.

Councillor B Watson, Chair  
[The meeting started at 3.00 pm and finished at 3.35 pm].

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**COMMITTEE REPORT**

**Date:** 15 March 2012      **Ward:** Dringhouses And Woodthorpe

**Team:** Major and Commercial Team      **Parish:** Dringhouses/Woodthorpe Planning Panel

**Reference:** 12/00087/FULM

**Application at:** Turf Tavern 277 Thanet Road York YO24 2PE

**For:** Erection of 12no. two and three storey dwellings with garage block

**By:** JH Bryan and Union Pension Trustees Ltd

**Application Type:** Major Full Application (13 weeks)

**Target Date:** 12 April 2012

**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The site relates to an area of land (0.2 hectares) situated within a predominantly residential area at 277 Thanet Road between Dringhouses and Acomb. Until recently, the site was occupied by the Turf Tavern, a two storey public house of 1950s architecture. The pub fronted Thanet Road, from which there was an access with a secondary access on the adjacent side street to the west, Jervis Road. The pub closed on 30 September 2011, since which time the building was subject to vandalism, theft and arson. The pub was demolished in January without the benefit of planning permission but in accordance with a demolition consent issued by Building Control.

1.2 The proposal involves the redevelopment of the site to provide 12 No two and three bedroomed properties to be provided in three terraces of four units. The existing access onto Thanet Road would be closed with Jervis Road as the sole means of access / egress to the site. The terraced blocks would front Thanet Road and Jervis Road with 6.5 metre front gardens and 7 to 11 metre rear gardens. Parking would be provided to the rear with a single garage provided for the 6 No. three bedroomed properties and a parking space for the remaining 6 No. two bedroomed properties. Three visitor spaces are also detailed.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

Application Reference Number: 12/00087/FULM

Item No: 4a

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## 2.2 Policies:

CYGP1 Design

CYGP3 Planning against crime

CYGP4A Sustainability

CYGP6 Contaminated land

CYGP15 Protection from flooding

CYHE10 Archaeology

CYH3C Mix of Dwellings on Housing Site

CYH5a Residential density

CYT4 Cycle parking standards

CYL1B Loss of local leisure facilities

CYL1C Provision of New Open Space in Development

## 3.0 CONSULTATIONS

### PUBLICITY

3.1 The application has been advertised by way of letters to internal and external consultees and local residents and by site and press notices. The consultation period expired on 17 February 2012.

### INTERNAL

#### Highway Network Management

3.2 (Original Scheme) There are no objections in principle to the development however the following highway issues should be resolved;

- (i) the new access off Jervis Road should be formed by means of a dropped crossing rather than a kerbed access.
- (ii) The distances between the garages and the car parking bays scales at 5.5 metres, which fails the required dimensions for reversing and turning of 6 metres. A 0.5 metre reversing strip should also be accommodated adjacent to Plot 11's vehicular parking bay and the garage for plot 1.
- (iii) Written confirmation as to whether the applicant intends to seek formal adoption of the internal layout is required.
- (iv) Drawings of the proposed covered and secure cycle storage should be provided.
- (v) Consideration needs to be given to the remote location of the car parking.

3.3 (Revised Scheme) The revised plans address most of the above highway issues however the site plan shows the previous arrangement of a new access being formed not a dropped crossing as requested. For clarity it is recommended that the site layout is altered to show the kerb line continuing along Jervis Road. Since the

remote controlled entrance gates are set back by more than 6m and open into the site, the Highway Authority would have no objections to their presence. A vehicle would be able to pull up to the gates, clearing the highway whilst they open.

#### Environmental Protection Unit

3.4 The Environmental Protection Unit are concerned that neighbouring residents amenity may be affected during the development and are concerned regarding the potential for contamination of land and the effect this could have on future occupants health. Therefore should this application be approved, EPU would recommend conditions relating to land contamination and the submission of a construction environmental management plan and an informative relating to low emissions.

#### York Consultancy (Drainage)

3.5 The development is in low risk Flood Zone 1 and should not suffer from river flooding. The Flood Risk Management Team has no objections in principle but recommend a condition requiring details of foul and surface water drainage works to be submitted.

#### Lifelong, Learning and Culture

3.6 A contribution towards children's equipped play space, informal amenity open space and outdoors sports facilities is required. "Amenity" would go to supporting the work on Hob Moor, "play" would be used to expand leaside play area and "sport" would be used in the west zone and may include work at Thanet Road (Rugby League) the Knavesmire (football).

#### Adults, Children and Education (Education)

3.7 An education contribution of £35,117 is required. This is to cover the cost of 2 secondary school places at Millthorpe secondary, which is currently full to capacity. A contribution towards primary or foundation education is not required.

#### Design, Conservation and Sustainable Development (Archaeologist)

3.8 This site lies outside the AAI at Dringhouses. The site lies on the site of medieval ridge and furrow recorded in the City of York HER (MYO3442). This ridge and furrow formed part of the North Field of the Manor of Dringhouses. It is probable that elements of this ridge and furrow will be preserved within the undeveloped portion of the Turf Tavern site. There is also evidence for occupation and agricultural use of the Dringhouses area in the prehistoric and Romano-British periods. Evidence for these periods may also be preserved on this site.

3.9 The site is clearly of archaeological interest. It will be necessary therefore to ensure that there is an archaeological watching brief on all groundworks for this development. Please place condition ARCH2 on any consent that is granted

#### EXTERNAL

##### Ainsty Internal Drainage Board

3.10 The Board recommends that any approval granted should include conditions for drainage works to be agreed and for the suitability of the sustainable Drainage System to be to the satisfaction of the Local Authority.

##### Dringhouses and Woodthorpe Planning Panel

3.11 Do not object but comment as follows;

- (i) it is not clear from the site layout plan how access to the parking spaces for the 2 bed plots are accessed from these dwellings
- (ii) although off street parking is available, we have doubts regarding the total parking / garaging facilities available to residents. It is our opinion that the 13 spaces total is less than might reasonably be expected.

##### North Yorkshire Police - Architectural Liaison Officer

3.12 (Original Scheme) The proposed development is in an area of risk in respect of crime and disorder. The applicant has not demonstrated that the potential for preventing crime has been satisfactorily addressed in respect of the design and layout of the proposed development. In respect of design and layout, the proposed development has rear courtyard and rear garage parking. Research has shown that rear parking courts are vulnerable to crime and residents do not tend to use their allocated spaces or garages within these courts, preferring to park in the street and leading to conflict. If rear parking courts are considered absolutely necessary, they must be protected by a gate. The siting of the bin collection assembly area adjacent to the boundary fence of Plot 5B would lead to the potential for damage to the fence by arson and for the bins being used as a climbing aid to gain access into the rear garden of Plot 5B. Open access down the sides of plots and between plots should be closed off through gates and fencing. The North Yorkshire Police cannot support this application.

##### Responses from local residents

3.13 There have been 3 submissions to the application from residents raising the following objections:

- Delighted to have housing rather than the pub adjacent to my dwelling at 2 Jervis Road but concerned regarding the loss of light to my side window due to the close proximity of the proposed three storey dwellings.
- Request clarification as to the proposed boundary treatment between the site and 2 Jervis Road and who will be responsible for the maintenance of the fence.
- Will the development have gated access to the parking area to prevent kids playing football like the pub used to in the past?
- The protective covenant on the site was illegally removed.
- The Turf Tavern was never marketed as a pub before it was demolished.
- Any new development should include a Public House as demanded by the original covenant.
- Object to the simple fact that the pub was pulled down so quickly after receiving the letter regarding the planning application, this has caused considerable inconvenience and disruption to my property and life.

### Campaign for Real Ale York Branch

3.14 Object as a good community pub has been needlessly destroyed. Better use of the site could be made for the benefit of the local community. It is unfortunate that no attempt seems to have been made to market the pub as a going concern. It was bought from a pub company approximately 3 years ago and it would have been thought that the new owner would have implemented a progressive plan of improvements. If we have lost this pub, all that can be hoped for is that the Council will try to protect the remaining ones in the Acomb area as all stand on large plots of land and that the demise of the Turf Tavern does not set a precedent for future times.

## **4.0 APPRAISAL**

### KEY ISSUES

- Loss of pub
- Principle of residential development
- Affordable Housing Provision
- Density and Mix
- Design and Visual Amenity
- Sustainability
- Impact on residential amenity
- Highway considerations
- Impact on Heritage Asset
- Flood risk and Drainage
- Contamination
- Effect on Local Facilities

## POLICY CONTEXT

4.1 Planning Policy Statement 1: Delivering Sustainable Development (PPS1) places sustainable development as the core principle underpinning planning. It seeks a spatial planning approach with high quality development through good and inclusive design and the efficient use of resources. It considers that design, which is inappropriate in its context and fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. The PPS is supported by various good practice guides, including safer places - the Planning System and Crime Prevention and By Design - better places to live.

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

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

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

## LOSS OF THE PUB

4.5 The applicant confirms that a tenant landlord was appointed by Punch Taverns Ltd in November 2008 to operate, manage and grow the business to a commercially viable financial status. However the underlying unviable nature of the business continued and as a result, the landlord terminated his tenancy and the Turf Tavern closed for the final time in September 2011. Since its closure, the building was subject to vandalism, theft and arson. Initially copper pipework and other salvageable fittings were stolen and subsequently over the Christmas period, the premises were subjected to an arson attack which gutted the ground floor interior of the pub. The pub was demolished in January without the benefit of planning permission but in accordance with a demolition consent issued by Building Control.

4.6 Local Plan Policy L1b refers to the loss of leisure facilities, which includes such uses as pubs, bingo halls and sports clubs, and states that permission will only be granted for a change of use where it can be demonstrated that a need for the leisure



facility no longer exists or appropriate facilities exist within the catchment area. The background text to the policy explains that in considering such applications, an assessment of provision will be required to identify whether there are alternative facilities that can be accessed using sustainable methods.

4.7 Included in the submission is a plan showing existing pubs and leisure facilities within the locality of the Turf Tavern. In respect of pubs, there are six other establishments within approximately 1.6 kilometres of the application site including The Beagle on Foxwood Lane (400m) and The Cross Keys on Tadcaster Road (950m). There are also a number of other facilities including the Indoor Bowls Club (250m), the Acorn Working Mens Club (250m) and Dringhouses Sports Club (750m). Officers therefore conclude that the loss of the pub accords with Policy L1b as there remains a good range and choice of pubs and other leisure facilities within walking distance of the application site.

## PRINCIPLE OF RESIDENTIAL DEVELOPMENT

4.8 The application relates to the redevelopment of a site formerly occupied by a public house that constitutes previously developed land and is located in a predominantly residential area within the urban boundaries of the City close to public transport routes and the City's cycle network. It is therefore considered to be a suitable location for housing considering the requirements of PPS3: Housing, which identifies previously developed land within an accessible distance of a range of community facilities and with good access to jobs, key services and infrastructure.

## AFFORDABLE HOUSING PROVISION

4.9 A covenant dated March 1954 was made between the council and the owner of the land to require that should permission be granted for the development of the site for residential purposes, 1 No. 2 bedroomed house and 1 No. three bedroomed house should be affordable. The Council agreed to release this covenant in July 2011.

4.10 DCLP policy H2a and the Affordable Housing Viability Study 2010 defines the threshold for requiring affordable housing in urban areas to be with sites with 15 or more dwellings, the proposed development of 12 No. dwellings is below the threshold and therefore there is no requirement for the applicant to provide affordable housing. Despite this, the applicant has stated that two of the properties would be affordable.

## DENSITY AND MIX

4.11 Changes to PPS3 have removed the minimum density requirement of 30 dwellings per hectare. Instead, it is for individual to determine appropriate densities for particular sites and to set out a range of densities for the plan area. Local Plan

Policy H5a aims to achieve a density greater than 40 dwellings per hectare in urban areas. The density of development on the site would be 60 dwellings per hectare.

4.12 Policy H5a also requires the scale and design of development to be compatible with the surrounding area. The area is generally characterised by 2 storey semi-detached or terraced blocks of properties built in the immediate post war period. There are also several examples of three storey blocks of flats. The proposed density of development, scale and design is considered to reflect that of the surrounding area.

4.13 The mix of two and three bedroomed properties within the scheme is considered to be acceptable.

## DESIGN AND VISUAL AMENITY

4.14 GP1 states that development proposals must respect or enhance the local environment and be of a density, layout, scale, mass and design that is compatible with the surrounding area. National policy in PPS1 and PPS3 require that development be of high quality design. PPS1 advises that development which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted. PPS3 states that the planning system should deliver high quality housing that is well designed and built to a high standard. Development should be distinctive, maintain character and make efficient and effective use of land.

4.15 The layout of the scheme which details three terraced blocks of four units fronting Jervis Road and Thanet Road is considered to reflect the form of the surrounding residential area, which is generally characterised by 2 storey semi-detached or terraced blocks set 7 to 8 metres back from the footpath with front gardens and driveway parking. It is acknowledged that the Police Architectural Liaison Officer (PALO) objects to the rear parking courts and rear garage parking due to their vulnerability to crime and the fact that residents tend not to use their allocated spaces within these courts, preferring to park on street. However the alternative to this approach for rear parking would result in hardstanding dominating the street frontages, which would be out of character with the surrounding dwellings. The applicant states that frontage landscaping to Thanet Road and Jervis Road would be domestic scale planting commensurate with neighbouring properties. Officers recognise that this would benefit and soften the setting of this new development. New tree and shrub planting to enhance the communal parking court is also proposed.

4.16 The applicant has addressed issues raised by the PALO and Highways Officer with respect to the remoteness of some of the spaces / garages to the dwellings to which they would be associated and the closure of open access down the sides of plots and between plots to prevent unlawful access. The applicant has also

confirmed that cycle storage would be within garden sheds provided within each of the rear gardens and waste and recycling bins would be stored within the rear gardens. In response to comments from the PALO, remote controlled lockable entrance gates and a lockable pedestrian gate would also be installed. As the entrance gates would be set back by more than 6 metres and open into the site, there are no objections to their installation.

4.17 The original plans for the scheme included gable features on each end of each of the terraced blocks which enabled the creation of a third bedroom in six of the properties. This scheme involved a ridge height of 9.5 metres, approximately 2 metres higher than surrounding residential properties. In response to Officer concerns that the proposed height would render the dwellings overly dominant within their immediate setting, the applicant has submitted revised plans reducing the height by 1m. The gable features on the front elevation have been retained and pitched roofed dormer windows have been introduced on the rear elevation to serve each of the end three bedroomed properties. The proposed external materials would be red multi facing brick, profiled roof tiles, white windows artstone cills, brickwork head and eaves detailing.

4.18 It is considered that the amended plans address concerns relating to height and the scale, massing, form, detailing and materials of the proposed dwellings respect the character of the surrounding residential area.

## SUSTAINABILITY

4.19 As stated previously, the redevelopment of the site represents the efficient use of previously developed land that is in a sustainable location, close to existing facilities and within easy access of public transport and cycle routes.

4.20 The application states that the properties would be designed and constructed to Code for Sustainable Homes Level 4 to optimise renewable resources which is above the requirement contained within the Council's interim planning statement on sustainable design and construction which requires that new dwellings achieve a code for sustainable homes Level 3. It proposes solar thermal panels on the roof and the installation of gas condensing boilers with low nitrogen oxide emissions. The applicant states that surface water disposal is to be a sustainable urban drainage system; this can be conditioned.

4.21 Each dwelling would have dedicated and fixed recycling facilities in the form of three recycling bins to the rear of the dwellings and composting facilities would also be provided to each dwelling.

## IMPACT ON RESIDENTIAL AMENITY

4.22 Policy GP1 of the local plan relates to all development schemes and requires there is no undue impact due to noise disturbance, overlooking, overshadowing or overdominance.

4.23 The proposed layout of the development with the three terraced blocks fronting Thanet Road and Jervis Road in recognition of the established street pattern, would ensure that the impact on nearby properties in terms of loss of daylight or sunlight to habitable windows or through overshadowing of adjacent land is minimal. The only significant loss of sunlight would be to the side window of No.2 Jervis Road however given that this window appears to serve a stairs / landing area, it would not be considered to have a material impact on the amenity of its residents.

4.24 It is considered that the redevelopment of the site from a pub with car park to a development of 12 No. dwellings with parking court, would improve the level of amenity afforded to nearby residents.

4.25 In terms of the amenity for future residents of the site itself, the houses have rear gardens of approximately 5 to 9 metres in length and front gardens enclosed by hedging. The applicant has responded to issues raised by the Police Architectural Liaison Officer with respects to open access down the sides of plots and between plots to prevent unlawful access to rear gardens and to eliminate possible access and escape routes and a condition requiring full details of all means of enclosure to the site boundaries is recommended.

## HIGHWAY CONSIDERATIONS

4.26 Highway safety is a material consideration. Local highways guidance requires that for developments such as this there are adequate sightlines, vehicles can enter and leave in a forward gear, and the site can be serviced. It is also necessary that adequate secure and covered cycle storage is proposed.

4.27 As stated, Jervis Road would be the sole means of access / egress to the site with parking provided to the rear with a single garage provided for the 6 No. three bedroomed properties and a parking space for the remaining 6 No. two bedroomed properties. 3 No visitor spaces are also detailed. Cycle storage would be provided within garden sheds sited within each of the rear gardens. The precise details of the cycle storage would be appropriately conditioned. As detailed previously, remote controlled lockable entrance gates and a lockable pedestrian gate would be installed.

4.28 The revised plans have addressed issues raised in the initial Highways consultation response with the exception of the omission of the requested dropped crossing on Jervis Road. Amended plans will be submitted. Highway Network

Management raise no objection to the remote controlled entrance gates as they would be set back by more than 6m and open into the site.

#### IMPACT ON HERITAGE ASSET

4.29 The application site lies outside of the area of archaeological importance but is of archaeological interest being on the site of medieval ridge and furrow, which formed part of the North Field of the Manor of Dringhouses. It is probable that elements of this ridge and furrow will be preserved within the undeveloped portion of the Turf Tavern site. Evidence of the occupation and agricultural use of the Dringhouses area in the prehistoric and Romano-British periods may also be preserved on this site. In the context of Policy HE10, a watching brief on groundworks will be necessary.

#### FLOOD RISK AND DRAINAGE

4.30 The site lies in Flood Zone 1 and should not therefore suffer from river flooding. The Council's Drainage Engineer has raised no objections to the proposed development subject to a condition requiring full details of foul and surface water drainage works.

4.31 It is proposed to reduce surface water run-off through an increase in soft landscaping and the use of permeable paving. In principle this sustainable approach to drainage (soakaway) is welcomed. However ground levels lower as the access road leads toward the highway (so water could run-off onto the public highway) and to achieve the necessary reduction in surface water run-off it will need to be confirmed that the soakaway approach would suitably work. As such full details of the drainage approach would be required as a condition.

#### CONTAMINATION

4.32 The contamination report submitted with the application refers to the filling of old pits on Hob Moor associated with brick manufacture. Although the report concludes that the excavations were filled prior to 1967, the Environmental Protection Unit has concerns regarding the potential for contamination of land and the effect this could have on future occupants health and requests that suitable condition be attached to any approval.

#### LOCAL EDUCATION, SPORTS, PLAY AND OPEN SPACE FACILITIES

4.33 The site is within easy access of existing facilities in the area, including a school, shops and health services. In accordance with Policy ED4, there is a requirement to contribute £35,117 to cover the cost of 2 secondary school places at Millthorpe secondary, which is currently full to capacity. A contribution towards primary or foundation education is not required.

4.34 In accordance with policy L1c of the Draft Local Plan, the applicant / developer would also be required to make a contribution towards children's equipped play space, informal amenity open space and outdoor sports facilities. Based upon the City of York Commuted Sum Payments document, the contribution for this development would be £19,056.

The applicant has agreed to provide the contributions and is in the process of preparing a unilateral undertaking.

## OTHER ISSUES

4.35 A covenant dated March 1954 was made between the council and the owner of the land to require that should permission be granted for the development of the site for residential purposes, 1 No. two bedroom house and 1 No. three bedroom house should be affordable. The Council agreed to release this covenant in July 2011. The existence and release of the covenant is not a planning issue.

## 5.0 CONCLUSION

5.1 The redevelopment of the site for residential purposes is acceptable in principle, as the site constitutes previously developed land in a sustainable location within the urban area and would achieve a minimum of Code for Sustainable Homes level 3. The loss of the pub also accords with policy as there remains a good range and choice of pubs and other leisure facilities within walking distance of the application site.

5.2 The amended scheme has addressed issues raised by Highway Network Management and Officers consider that the revised scheme respects the character of the surrounding area in terms of scale, massing, form, detailing and materials. Approval is recommended subject to the following conditions and the submission of a unilateral undertaking with respects to the required open space and education contributions.

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

2 PLANS1 Approved plans

3 HWAY9 Vehicle areas surfaced -

4 The development shall not be occupied until all existing vehicular crossings

not shown as being retained on the approved plans have been removed by reinstating the footway and kerb to match adjacent levels.

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

5 HWAY19 Car and cycle parking laid out -

6 HWAY31 No mud on highway during construction -

7 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Details to include:

- (i) Peak surface water run-off from the proposed development must be restricted to a maximum 13.4 lit/sec.
- (ii) Details of the flow control device limiting the surface water to the 13.4 lit/sec.
- (iii) Storage volume calculations, using computer modelling must be provided, and must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.
- (iv) Details of the storage facility to accommodate the 1:30 year storm and details of how and where the volume above the 1:30 year storm and up to the 1:100 year storm will be stored.
- (v) Proposed ground and finished floor levels to Ordnance Datum shall be shown on plans. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.
- (vi) Details should be provided of the future management / maintenance of the proposed drainage scheme.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site and that provision has been made to maintain it.

8 Development on Land Affected by Contamination

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must

not commence until parts a to c of this condition have been complied with:

a. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

b. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c. Implementation of Approved Remediation Scheme



The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

## 9 Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the previous condition, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the previous condition.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised,

10 Prior to any works commencing on site, a construction environmental management plan (CEMP) should be submitted and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration and dust resulting from the site preparation, demolition, groundwork and construction phases of the development. Once approved, the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To protect the amenity of neighbouring residents during the construction phase of this development.

## 11 NOISE7 Restricted hours of construction -

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12 VISQ8 Samples of exterior materials to be app -

13 VISQ4 Boundary details to be supplied -

14 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 to be planted. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

15 ARCH2 Watching brief required -

16 Prior to the commencement of the development, the developer shall submit for the written approval of the Local Planning Authority an initial Code for Sustainable Homes (CSH) Design Stage assessment for the development. Unless otherwise agreed in writing with the Local Planning Authority, this shall indicate that at least the minimum code level 3-star rating will be achieved. This shall be followed by the submission of a CSH Post Construction Stage assessment, and a CSH Final Certificate (issued at post construction stage). These documents shall be submitted to the Local Planning Authority after completion and before first occupation of the building. Both documents submitted shall confirm that the code rating agreed in the initial CSH Design Stage assessment has been achieved.

Reason: To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction.

17 No building work shall take place until details have been submitted and approved in writing by the Local Planning Authority to demonstrate how the development will provide 10% of its predicted energy requirements from on-site renewable sources. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the local planning authority. The approved scheme shall be implemented before first occupation of the development. The site shall thereafter be maintained to the required level of generation.

Reason: To ensure that the proposal complies with the principles of sustainable

development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction

18 No development shall take place until details (including location, dimensions and materials) of the sheds which are to provide storage for refuse/recycling and cycles for the individual dwellings have been submitted to and approved in writing by the local planning authority. The enclosure(s) shall be provided in accordance with the approved details before the development is occupied, retained and used for no other purpose except with the written consent of the local planning authority.

Reason: In the interests of sustainability and visual amenity.

19 Notwithstanding the provisions 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 (enlargement of the dwellinghouse), B (addition or alteration to the roof), E (building or enclosure within the curtilage of the dwelling), and F (hardsurfacing) of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of safeguarding the amenity of 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.

20 No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The Open space shall thereafter be provided in accordance with the approved scheme or the alternatives arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: In order to comply with the provisions of Policy L1c of the Development Control Local Plan which requires that all new housing sites make provision for the open space needs of future occupiers.

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £19,056.

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.

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

Reason: The education provision within the catchment area of the development has insufficient capacity to take more pupils, such that additional places are required in the interests of the sustainable development of the city in accordance with Policy C6 of the Development Control 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 £35,117. 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 development
- Impact on visual and residential amenity
- Sustainable development
- Highway safety
- Site drainage
- Archaeology
- Contamination
- Effect on Local Facilities

As such the proposal complies with Policies GP1, GP3, GP4a, GP6, GP15, HE10, H3c, H5, T4, L1b and L1c of the City of York Development Control Local Plan.

2. LOW EMISSION INFORMATIVE:

- A. Low emission construction vehicles and machinery should be a consideration during construction phases of development.
- B. There shall be no bonfires on site during the construction of this development,
- C. In order to facilitate the uptake and recharging of electric vehicles / bikes / scooters within the garage, it is recommended that the applicant should install a standard domestic 13A electrical socket on an internal or external wall. Where mounted on an external wall, a suitable weatherproof enclosure for the socket will be required.

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

**Contact details:**

**Author:** Rachel Tyas Development Management Officer (Wed - Fri)  
**Tel No:** 01904 551610

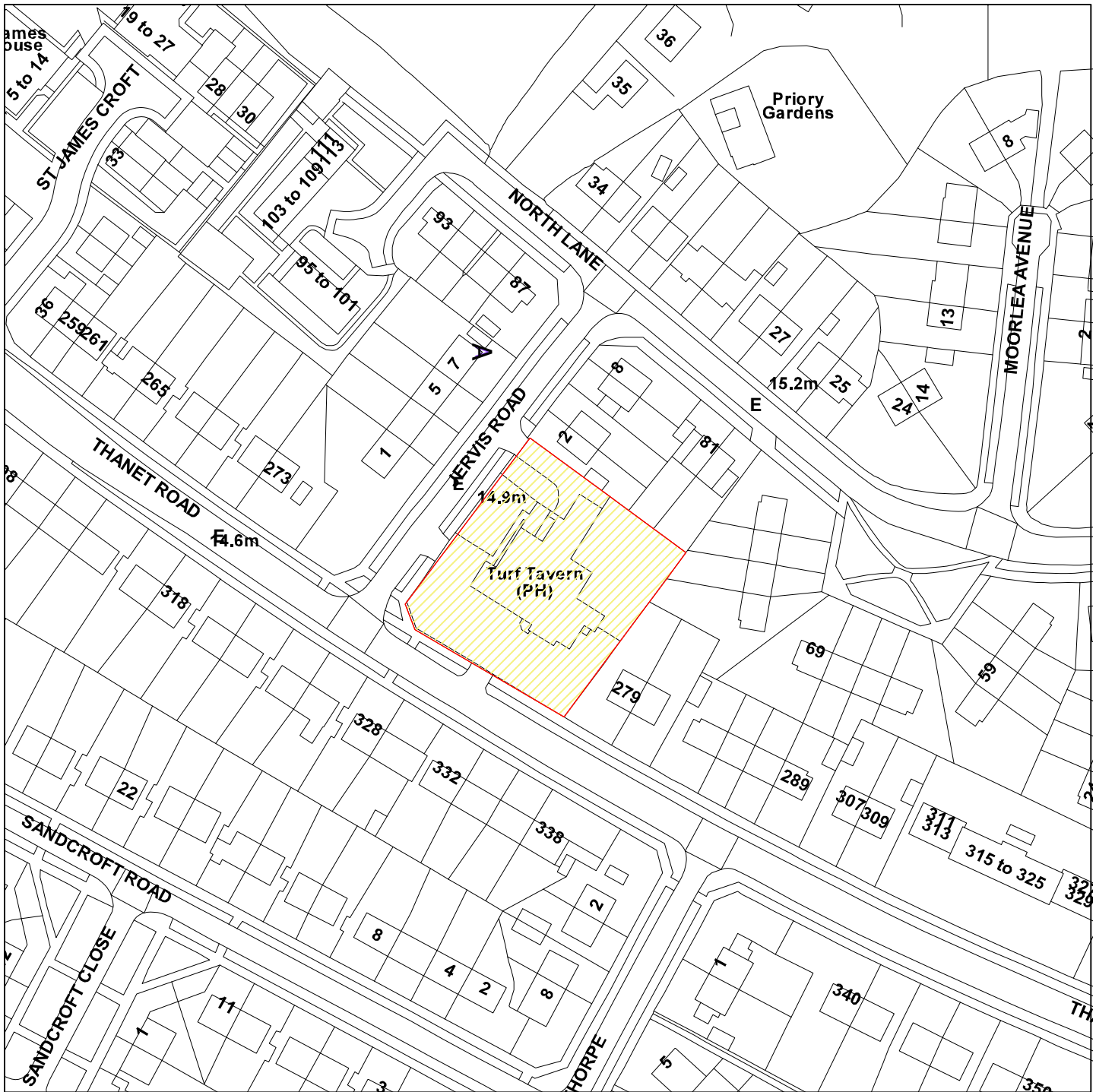
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# 12/00087/FULM

## Turf Tavern, 277 Thanet Road



GIS by ESRI (UK)



Scale : 1:1250

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	
<b>Date</b>	05 March 2012
<b>SLA Number</b>	Not Set

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**DELEGATED REPORT**

**Date:** 15 March 2012                      **Ward:** Guildhall  
**Team:** Major and                              **Parish:** Guildhall Planning Panel  
                    Commercial Team

**Reference:** 12/00100/FUL  
**Application at:** 32 Lord Mayors Walk York YO31 7HA  
**For:** Change of use from offices with flat above to a 10 bedroom house in multiple occupation  
**By:** Mr Adam Bennett  
**Application Type:** Full Application  
**Target Date:** 13 March 2012  
**Recommendation:** Approve

**1.0 PROPOSAL**

## SITE

1.1 This application seeks planning permission for the change of use from former offices with a vacant flat above to a 10 bedroom house in multiple occupation at 32 Lord Mayor's Walk. The property is a four storey ( third floor in the attic ) with a basement that was recently renovated with the addition of a lightwell to the front elevation. It is listed at Grade II and is situated within a short terrace of early mid-C19th houses on the north side of Lord Mayor's Walk close to St John's University. It is within the Central Historic Core Conservation Area, situated just outside the city walls. The neighbouring properties are in residential use; the adjoining properties have been divided into flats for 3 residents.

## PROPOSAL

1.2 The application is retrospective as the building has been occupied by 10 residents since October 2010. The premises have a licence as a House in Multiple Occupancy (HMO) in compliance with the Housing Act 2004

1.3 The following works have taken place internally and Members are advised that they are not a matter for consideration in this application for planning permission for the change of use to an HMO. Although detailed on the submitted drawings, they would require listed building consent only -

- a) the formation of a new bathroom and entrance to Bedroom 3 ( 1st floor)
- b) formation of bedroom and entrance Bedroom 5 ( 2nd floor)
- c) subdivision of part of third floor to 2 bedrooms.

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## PLANNING HISTORY

1.4 LPA Refs. 07/01626/FUL and 07/01627/LBC- Previous applications for planning permission and listed building consent to convert to building into a 12 bedroom student house were withdrawn on 23 August 2008.

1.5 LPA Ref. 08/02312/FUL- Change of use from offices with flat above to dwellinghouse and new window in gable end (Class C3). The use as a single dwelling has not been implemented. Listed Building consent was obtained for the alterations to the listed building in April 2010 , LPA Ref. 10/00253/LBC, and the following alterations have been undertaken- the insertion of rooflights in the front and rear roofslopes, the opening up of a former opening in the north western gable at attic level with the insertion of a casement window, the installation of a timber sash window in the front elevation at basement level, and the formation of a pavement lightwell with a metal grill.

1.6 This application is presented to the West/ Centre planning sub-committee at the request of Councillor Watson given the retrospective nature of the application and the current occupation by students.

## 2.0 POLICY CONTEXT

### 2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: Central Area 0002

Listed Buildings GMS Constraints: Grade 2; 32 Lord Mayors Walk York YO3 7HA 0569

Listed Buildings GMS Constraints: Grade 2; 30 Lord Mayors Walk York YO3 7HA 0568

Schools GMS Constraints: St. Wilfrid's RC Primary 0230

### 2.2 Policies:

CYH8-Conversion to flats/HMO/student accom

CYT4-Cycle parking standards

CYL1C-Provision of New Open Space in Development

CYE3B-Existing and Proposed Employment Sites

CYGP1-Design  
CYH12-Conversion of redundant offices  
CYHE3-Conservation Areas  
CYHE4-Listed Buildings  
CYGP4A-Sustainability  
CYGP4B-Air Quality

### **3.0 CONSULTATIONS**

#### INTERNAL

##### Design, Conservation, and Sustainable Development

3.1 No objections subject to conditions

##### Environmental Protection Unit

3.2 Raise issues of noise and air quality, and recommend conditions.

##### Lifelong Leisure and Learning

3.3 A commuted payment would be required that would be targeted the amenity open space contribution to the Bar Walls or Clarence Gardens, and, sports pitch contribution to Clarence Gardens.

#### EXTERNAL

##### Guildhall Planning Panel

3.4 No objections subject to a management plan for maintenance, and safeguarding the privacy of occupants of Bedroom 1 with curtains or other means.

##### Safer York Partnership

3.5 Advises applicant to consider the security advice contained in the York Code of Best Practice for Student Accommodation 2011/2012. Advises the LPA to ensure that mixed and balanced communities are maintained, thus avoiding the problems of anti-social behaviour, noise, and nuisance and increased crime that can result from a high concentration of houses in multiple occupation.

##### Local Representations

3.6 The application was publicised by neighbour notification letters, site notice and press notice with an expiry date of 29.2.2012. One representation has been

received from the owner of a neighbouring HMO property supporting the proposal for the following reasons:

- derelict property has been beautifully renovated
- current tenants are good neighbours and should be supported

## 4.0 APPRAISAL

### KEY ISSUES

- loss of employment use and increase in residential use/ HMO
- visual impact on the conservation area and the listed building
- residential amenity, including noise and air quality
- cycle parking and waste management
- public open space

### POLICY CONTEXT

4.1 The relevant development plan is the City of York Council Development Control Local Plan, approved by Full Council on 12th April 2005 for the purpose of making Development Control Decisions, on the advice of the GOYH. The relevant policies are-

4.2 Policy HE3 of the City of York Development Control Local Plan ( 2005 ) states that within conservation area, proposals will only be permitted where there is no adverse effect on the character and appearance of the conservation area.

4.3 Policy HE4 relates specifically to listed buildings and states that consent for development in the immediate vicinity of listed buildings, demolition, internal and external alteration, and changes of use will only be granted where there is no adverse effect on the character, appearance or setting of the listed building.

4.4 Policy H12 of the local plan seeks to allow the conversion of redundant office space to residential use provided there is sufficient supply to meet immediate and long term needs; there would be no impact on the vitality and viability of the city; and there would be no adverse impact on residential amenity.

4.5 Policy E3b seeks to retain supply of employment sites within the city. To this end, applicants will have to demonstrate that there is a sufficient supply in qualitative and quantitative terms to meet the needs over the plan period; ensure that there is no unacceptable environmental problem; and permission may be given if the development would lead to significant benefit to the local economy or the use is ancillary to an employment use.

4.6 Policy GP4a seeks to ensure that all development should have regard to the principles of sustainable development.

4.7 Policy GP4b requires proposals for development in an AQMA ( Air Quality Management Area ) to assess their impact on air quality.

4.8 Policy H8 states that permission will only be granted for the conversion of a dwelling to flats or multiple occupation where: the dwelling is of sufficient size (min 4 bedrooms) and the internal layout is suitable for the proposed number of households or occupants; external alterations would not harm the appearance of the area; adequate on and off road parking and cycle parking is incorporated; it would not create an adverse impact on neighbouring amenity through noise disturbance or residential character by virtue of the conversion alone or cumulatively with a concentration of such uses; adequate provision is made for the storage and collection of refuse and recycling.

4.9 Criteria h) and i) of policy GP1 states that proposals will be expected to ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures and provide individual or communal storage space for waste recycling and litter collection.

4.10 Policy T4 - Seeks to promote cycling and states that all new development should provide storage for cycles in accordance with the standards in appendix E of the Local Plan.

4.11 Policy L1c - Requires that all housing sites make provision for the open space needs of future occupiers. For sites of less than 10 dwellings a commuted payment will be required towards off site provision.

4.12 National planning guidance on which the above policies are based is contained in Planning Policy Statement 1 " Delivering Sustainable Development " (2005), "Planning Policy Statement 5 " Planning for the Historic Environment " (2010), Planning Policy Guidance Note No. 24 "Planning and Noise" and Planning Policy Statement 3 " Housing ( 2006). "

## ASSESSMENT

### LAND USE ISSUES: LOSS OF EMPLOYMENT USE AND INCREASE IN RESIDENTIAL USE/ HMO

4.13 The building obtained planning permission and listed building consent for conversion from vacant offices and a vacant flat into a single dwellinghouse under permissions LPA Refs. 08/02312/FUL and 10/00253/LBC. Members are advised that although the listed building alterations have taken place, the planning permission was not implemented and it recently expired on 23 December 2011. This

previous planning permission took account of the submitted evidence from local estate agents that the building had limited appeal as offices. The Council's Economic Development Officer at that time advised that the loss of the building would not be significant as it had no strategic importance in terms of employment land supply, and the use of the building would be returning to its original use. Circumstances have not significantly altered since the determination of the previous planning application, and it is considered that current economic and local market conditions have not increased demand for this form of office accommodation. It is therefore concluded that there is no conflict with Policy E3b of the Local Plan.

4.14 The proposed use would increase residential use within a terrace of largely residential properties where there are residential properties to the rear. Policy H12 would only support the conversion of redundant office space to residential use where there is evidence that there is a sufficient supply of offices to meet both immediate and long term requirements, the proposal would not harm the vitality and viability of the city centre, and would have no impact on residential amenity. It is considered that the proposed residential use would comply with Policy H12 as the premises are not ideal for re-use as office, the vitality and viability of the town centre would not be harmed, and the residential use would be compatible with the neighbouring residential uses.

4.15 . The change of use should be assessed in the light of emerging policy guidance ie the draft supplementary planning document currently out to consultation " Controlling the Concentration of Houses in Multiple Occupation " ( January 2012 ) This document and the article 4(1) direction which will come into force on 20th April 2012 are designed to control the concentration of HMOs in York. With respect to issues raised in the document, it is noted that the house is within a short residential street of 10 houses where there is potential to upset the long term residential community if the number of HMO's within the street or area is high. The planning consultant has provided information that indicates that the two neighbouring properties have been divided into three flats, and the smaller terraced houses appear to be in single occupancy. There is no apparent over-concentration of HMOs in this area due to the generally smaller scale of buildings within the terrace and to the rear. The proposal would therefore not conflict with the aims of Policy H8 of the Local Plan and emerging guidance.

4.16 The building itself is large with accommodation over five floors and a rear yard. There is communal living space in the basement, the bedrooms are of an acceptable size, and there are sufficient levels of shared bathroom facilities to provide a satisfactory standard of amenity for 10 residents. The property is located on a busy main arterial route in a largely residential/ small commercial area in a sustainable location. The agent has advised that although planning permission and listed building consent was obtained for a single dwelling, the size, location , restricted amenity space and absence of off-street parking make it unattractive for family accommodation. The proposed type of accommodation would meet a

perceived need for student accommodation for the post-first year student. As such, the principle of the reversion to residential use is considered to be acceptable and would not be contrary to the aims of PPS3 and Local Plan Policies GP4a and H8.

## VISUAL IMPACT ON CONSERVATION AREA AND LISTED BUILDING

4.17 When determining planning applications within Conservation Areas, the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character and appearance of the area. The building forms part of a terrace of properties of similar design and, because of its location at back of footpath, is characteristic of properties along this historic route around the City. The property makes a positive contribution to the character and appearance of the conservation area. The recently approved York Central Historic Core Conservation Area Appraisal regarded this building as a “building at risk” as it appeared empty and in poor condition when the appraisal was carried out. The proposal would help ensure a longer term use for the building with one that is compatible with its original purpose. The character of the area would not be adversely affected by the change of use to an HMO and there are few external alterations to the listed building itself that would conflict with Policies HE3 and HE4 of the Local Plan, and related guidance in PPS5. Further details of cycle parking and bin storage which would be sited at the rear of the listed building and not publicly visible in the conservation area have still to be submitted, but it is expected that the details could be effectively conditioned if planning permission is granted by Members.

## RESIDENTIAL AMENITY ISSUES

### Air Quality

4.18 The proposed development is within the City of York Council's AQMA. Recent monitoring in the vicinity of the application site would suggest that nitrogen dioxide concentrations are above the Government's health based air quality objective levels. The key air quality issue in this case is to minimise exposure of any future residents to poor air quality. The application presents habitable rooms at all levels to the Lord Mayor's Walk facade.- a habitable basement and bedrooms above. The proposal to incorporate non-opening windows to the Lord Mayors Walk facade at basement, ground floor and first floor level with sealed glazing, coupled with mechanical ventilation from the rear of the property could satisfy the Environmental Protection Unit's concerns regarding exposure of future residents of the residential property to poor air quality as previously approved. The proposal would comply with Policy GP4b of the Local Plan subject to these measures and approval of the details. Any mechanical system that is installed to overcome air quality issues must not disturb the neighbouring property.

### Neighbouring Amenity/Sound Transference

4.19 The increase in the number of likely occupants in the property may only marginally increase the likelihood for sound transference between properties that could potentially affect the amenity of the occupiers of the neighbouring houses. The planning system cannot account for the activities of individuals and it is not considered reasonable to assume that the residents of a HMO would be more noisy or disruptive than if the property was occupied as a large family house. The agent has submitted an acoustic report indicating that the change of use would not require extra acoustic insulation on internal and adjoining walls. As the change of use to an HMO would have to meet the requirements of Building Regulations, it is considered that sound transmission would be controlled by legislation other than planning legislation. There would be no conflict with Policy GP1 of the Local Plan or guidance contained in PPG 24 " Noise. "

### Amenity of Occupants

4.20 The other aspects of noise relate to the potential for noise from the inner ring road adversely affecting the amenity of the residential property. As the noise assessment was submitted as part of the previous planning application for the site was limited in its detail, and no further data has been received in relation to the current application, it is difficult to determine what level of sound attenuation would be required to ensure that the internal noise criteria as detailed in the World Health Community Guidelines on Noise are achieved. These are 30 dB LAeq,1hour and 45 dB LAMax (23:00 - 07:00) in bedrooms and 35 dB LAeq1hour (07:00 - 23:00) in all other habitable rooms. The Environmental Protection Unit recommends that a condition is placed on any approval to ensure that the proposed accommodation would meet the WHO guideline figures. To achieve the WHO guideline noise levels it is highly likely that the windows to the property will have to be closed and alternative ventilation will be required to the habitable room on the front elevation facing Lord Mayor's Walk as indicated in the measures above to meet air quality concerns. Further details of the noise levels of the air handling unit to be installed would require to be submitted for approval by the local planning authority as it could cause loss of amenity.

### CYCLE PARKING/ WASTE MANAGEMENT

#### Waste

4.21 The applicant has advised that refuse/recycling facilities would be located in the rear yard, which is enclosed, with direct access onto Lord Mayors Walk. The current method of waste collection involves black bin bags placed on the highway and the provision of 2 No. wheelie bins for the storage of such bags would appear to be acceptable. These facilities are unlikely to cause a health hazard for neighbouring residents as long as the bins are adequately managed. This could be



achieved through a planning condition if planning permission is granted and should include details of recycling facilities.

### Cycle Parking

4.22 The applicant proposes to use the covered passageway to the side of the building as the main storage area for cycle parking and is reluctant to provide formal covered cycle parking in the rear yard given the small space available. It is considered

However that because of its width the passageway would not be acceptable for cycle parking and it could only be accommodated in the rear yard. The property is situated close to good transport links and it is unlikely that the demand for cycle parking would require 10 spaces. It is likely that 4 cycles on 2 Sheffield stands in a secure store could be accommodated and that this would be more sympathetic to amenity requirements and the listed building.

### PUBLIC OPEN SPACE

4.23 A financial contribution would be required for the provision of public open space in accordance with Policy L1c of the Development Control Local Plan. This would amount to £1800 and would be targeted to amenity open space at the Bar Walls or Clarence Gardens, and a sports contribution targeted at Clarence Gardens. Members will be advised at the meeting if the applicant agrees to this payment which can be secured by condition.

## **5.0 CONCLUSION**

5.1 The loss of the pre-existing office accommodation is considered to be acceptable in terms of policy E3b and planning permission has been previously granted for this loss. Residential use as an HMO would be compatible with the original use and would safeguard the future of this prominent listed building. It would appear that works have been carried out internally to provide a good standard of accommodation for the occupants without adversely affecting the special interests of the listed building, though listed building consent has yet to be obtained. It is anticipated that cycle parking and waste provision can be achieved within the site, that noise and air quality issues can be effectively addressed, and the level and the nature of the accommodation complies with national and local standards for HMOs.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Approve

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

Drawing No. 12739-1, Received 16.1.2012

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

2 Within a month of the date of the decision, the final details of cycle storage shall have been submitted to and approved in writing by the local planning authority. These facilities shall be provided in accordance with the approved details within two months of the agreement of cycle parking details, and shall thereafter be retained and used for no other purpose except with the written consent of the Local Planning Authority.

Reason: In the interests of sustainability and compliance with Policy T4 of the City of York Development Control Local Plan.

3 Within one month of the date of this decision, a management plan shall be submitted to and approved in writing by the Local Planning Authority to detail arrangements for the storage of bins and recycling boxes within the site. The approved management plan shall be implemented immediately and shall be adhered to at all times.

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

4 S106OS IN Section 106 Open Space - £1800.00

5 Within two months of the date of this decision all windows to habitable rooms at basement and ground floor level facing Lord Mayors Walk shall be made non-opening, with ventilation provided through continuous mechanical supply and extract (with heat recovery) from the rear of the property. The developer shall provide a maintenance schedule for the ventilation system, and shall clarify responsibility for its running costs and maintenance works, and it shall be retained for the approved use.

Reason: To protect future residents from poor air quality.

INFORMATIVE: All ventilation must comply with the requirements of building regulations. This type of system does not rely on openable windows. Other ventilation systems, including basic mechanical extract, still rely on windows for background ventilation (i.e. trickle vents) and thus would not be suitable in this location. The developer may wish to seek further advice from CYC Building Control on this matter.

6 Details of external grilles shall be submitted for the written approval of the Local Planning Authority, and thereafter the works shall be implemented and retained in accordance with the approved details:

Application Reference Number: 12/00100/FUL

Item No: 4b

Reason: To ensure that the details would be acceptable in the interests of the visual amenity and historical and architectural interest of the Listed Building and the amenity of the wider conservation area.

7 Within one month of the date of this decision a detailed scheme shall be submitted to the local planning authority that achieves internal noise levels in residential accommodation facing onto Lord Mayors Walk of 30 dB LAeq,1hour and 45 dB LAMax (23:00 - 07:00) in bedrooms and 35 dB LAeq1hour (07:00 - 23:00) in all other habitable rooms. These noise levels are with windows shut and other means of acoustic ventilation provided. The scheme shall be approved in writing by the local planning authority and fully implemented within two months of the date of approval.

Reason: To ensure the amenity of the occupiers of the dwelling are not affected by noise from traffic and any required details would not harm the special character of the Listed Building.

8 Details of all machinery plant and equipment to be installed in or located for the use hereby permitted, which is audible outside of the site boundary when in use, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include maximum sound levels (LAm<sub>ax</sub>(f)) and average sound levels (LAeq), octave band noise levels and any proposed mitigation measures. All such approved machinery, plant and equipment shall subsequently be used on the site in accordance with the agreed details. Any approved noise mitigation measures shall be fully implemented and operational before the associated machinery, plant or equipment to which it relates is first used and shall be appropriately maintained and retained thereafter.

REASON: To safeguard the amenity of occupants of neighbouring premises in accordance with the aims of PPG24.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### **1. REASON FOR APPROVAL**

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

- The supply of residential and employment accommodation in the City
- Impact of proposed changes on the visual amenity and the historic character of the listed building/ conservation area

- The residential amenity of the neighbours and occupiers
- Cycle and bin storage
- The provision of open space facilities

As such, the proposal complies with Policies HE3, HE4, H12, E4b, H8, GP4a), GP4b), GP1, T4 and L1c of the City of York Development Control Local Plan ( 2005); and national planning guidance contained in Planning Policy Statement 1 " Delivering Sustainable Development, " Planning Policy Statement 3 " Housing " and Planning Policy Statement 5 " Planning for the Historic Environment " and Planning Policy Guidance Note No 24 " Planning and Noise. "

## 2. LISTED BUILDING CONSENT

You are advised that works detailed on the submitted drawings require listed building consent under separate legislation. You must obtain this consent from the Local Planning Authority, and the development must be carried out strictly in accordance with the approved plans and the terms and conditions of the Listed Building consent. Please include any alterations required for fire-safety and acoustic control.

## 3. RENDERED FINISH TO PASSAGEWAY

You are advised that the render in the passageway of the listed building should be removed as it is a modern hard render and it could exacerbate damp problems in the ground floor rooms. This alteration to the finish in the passageway would have required listed building consent and would not be supported by officers for the foregoing reasons.

### **Contact details:**

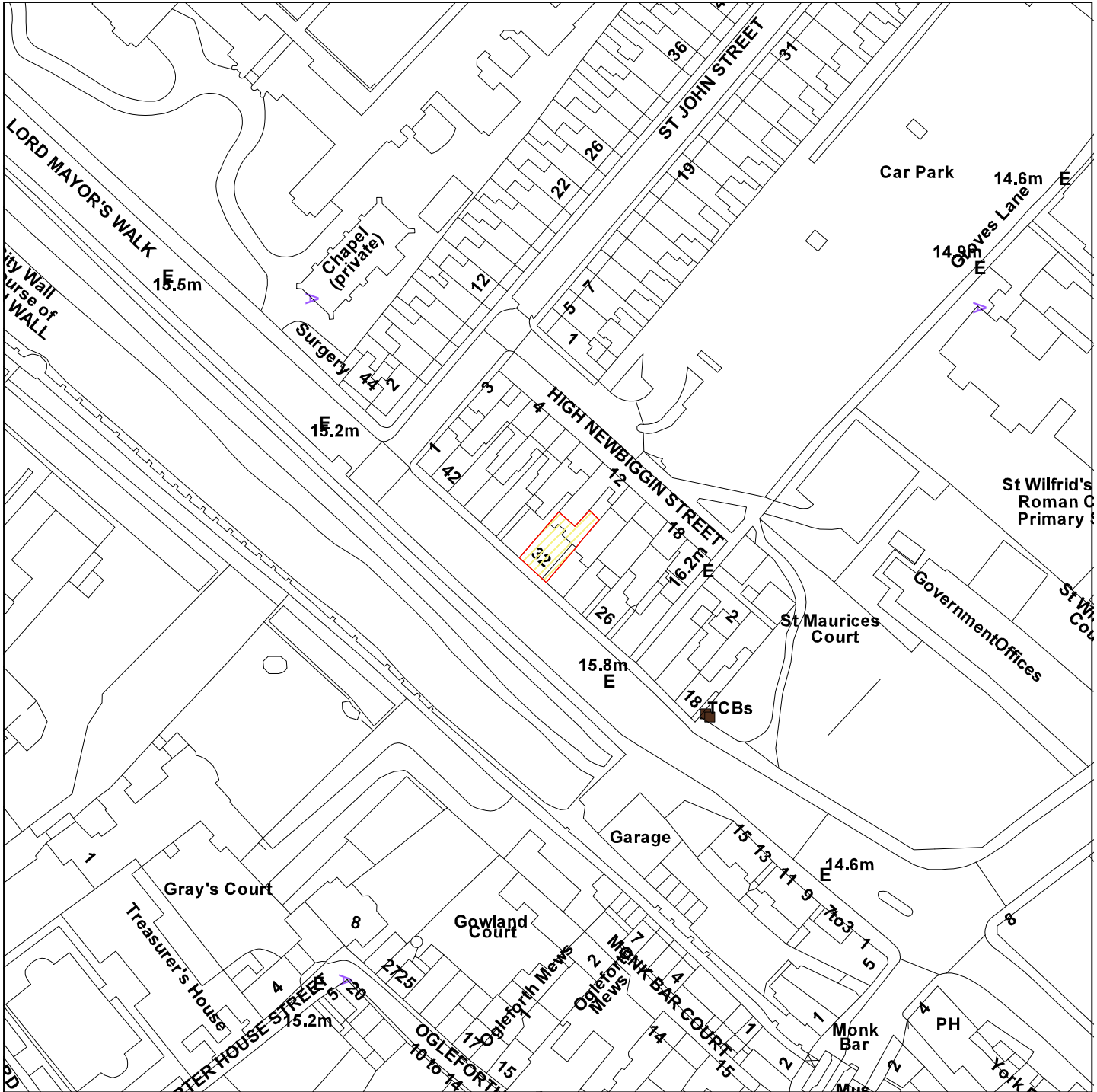
**Author:** Fiona Mackay Development Management Officer (Wed - Fri)  
**Tel No:** 01904 552407

# 12/00100/FUL

## 32 Lord Mayors Walk



GIS by ESRI (UK)



Scale : 1:1250

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	
<b>Date</b>	05 March 2012
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT****THIS ITEM HAS BEEN WITHDRAWN**

**Date:** 15 March 2012      **Ward:** Rural West York  
**Team:** Major and      **Parish:** Upper Poppleton Parish  
Commercial Team      Council

**Reference:** 11/03230/FUL  
**Application at:** Lime Tree House Main Street Upper Poppleton York YO26 6DL  
**For:** Extensions to ground floor to provide extension to lounge, and en-suite facilities to existing bedrooms. Alterations to roof to provide 7 additional bedrooms at first floor level (revised scheme)  
**By:** Roseville Carehomes LTD  
**Application Type:** Full Application  
**Target Date:** 1 February 2012  
**Recommendation:** Refuse

**1.0 PROPOSAL**

1.1 The application is for a number of extensions to the Lime Tree House Residential Care Home. The proposed development includes raising the height of the roof of the rear extension to provide first floor accommodation the full length of the existing rear extension. The hipped roof would be altered to a gable roof. The first floor accommodation would create 8 further bedrooms. The proposed extension would increase in height from 5 metres to 6.5 metres. The roof accommodation would have 8 pairs of rooflights in the south elevation and 6 rooflights in the north elevation. There would be 5 no. ground floor extensions to the south elevation to provide toilet facilities to the bedrooms. There would be a single storey rear extension and a single storey side extension to the main building to create a larger lounge area.

1.2 The building was originally used as a dwelling but has been used as a residential care home for some time. The building has had a number of previous extensions. The property is sited within the Upper Poppleton Conservation Area opposite the village green. The surrounding uses are predominantly residential.

1.3 The application has been called into committee by Cllr Gillies on the grounds of the objections from the occupants of neighbouring dwellings, and the potential traffic and parking issues in the immediate vicinity.

**2.0 POLICY CONTEXT**

## 2.1 Development Plan Allocation:

Common Land and Village Greens GMS Constraints: VG 15 Upper Poppleton  
Village Green And Assoc Waste Lands

Conservation Area GMS Constraints: Upper Poppleton CONF

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

## 2.2 Policies:

CYGP1 Design

CYHE2 Development in historic locations

CYHE3 Conservation Areas

CYC1 Criteria for community facilities

CYGP4A Sustainability

## 3.0 CONSULTATIONS

### INTERNAL CONSULTATIONS

#### Highway Network Management

3.1 No comments received at the time of writing the report

#### Design, Conservation And Sustainable Development

3.2 Object. The increased mass and roof height of the rear extension together with the combined scale and mass of the proposed side and rear single storey extensions will appear visually dominant within the context of existing buildings in Main Street and have a negative visual impact that will harm the existing character and appearance of the conservation area.

### EXTERNAL CONSULTATIONS/REPRESENTATIONS

#### Upper Poppleton Parish Council

#### 3.3 Object

- The proposed extension is disproportionate development of the site
- It is overbearing to neighbouring properties
- The proposed extension is too close to the boundaries of neighbouring properties
- Concerned that the additional residential facilities will not have sufficient parking leading to on street parking on Main Street which is a narrow bus route



- The fire escape is inadequate, the exit is too narrow, the regulations state that residents should have to travel no more than 9 metres to a fire exit. The plans show the fire exit to be 30 metres away
- The plans do not take into account the 0.8 metre difference in the ground level between Lime Tree House and 11 Lime Garth
- There is no additional provision for extra staff
- There is a reduction in the size of the garden available to residents

### Letters Of Objection

3.4 Nine letters have been received raising the following objections to the proposals:

- Development out of character and scale not in keeping with the surrounding the low rise development and the character of the conservation area
- Cause increase traffic congestion
- Cause further off street parking
- Loss of privacy, light and outlook to surrounding properties
- Intensification of use and the existing noise issues
- The increase in the height of the roof and poorly designed en suite accommodation would create an ugly and overbearing structure to the neighbouring properties, marked contrast to the low key design of the existing building
- Incremental additions have reached huge proportions in the context of the residential area
- The surrounding properties have lost much of the skyline by virtue of previous extension the proposed would further impact negatively
- Reduction in the quality of outside amenity space to the occupants of Lime Tree House
- The increased hardstanding and the resulting surface water has not been addressed in the application
- Concerned that the means of escape are not sufficient and that the new stairwell/fire exit would be unusable
- Increase in refuse, impacting on the residential amenity of Toft Garth
- Foundations will impact on the retaining wall of 11 Lime Garth

## **4.0 APPRAISAL**

### RELEVANT SITE HISTORY

4.1 Two storey gable extension, two storey and first floor rear extensions to form additional residential bedrooms and ancillary accommodation – Refused because of impact on the visual amenity of the host building, the street scene, and the character

and appearance of the conservation area and harm to residential amenity (10/02297/FUL).

4.2 Erection of first floor pitched roof rear extension – Withdrawn (00/02423/FUL).

4.3 Erection of single storey extension to form four additional bedrooms. Approved (6/127/18G/FUL).

4.4 Extension to provide three en-suite bedrooms. - Refused due to overdevelopment of the site, which would erode the general amenity space around the building, to the detriment of the residential amenity of the occupiers of the property and the proposed increase in hardstanding area and associated vehicular parking to the front of this property would be detrimental to the visual amenity of the area, which lies within a conservation area and would as a consequence, be harmful to both the character of the streetscene and setting of the building ( 6/127/18E/PA).

An appeal on this decision was dismissed (APP/C2741/A/95/258751)

4.5 Outline application for extension to residential home to provide four single bedrooms. – Approved (6/127/18D/PA)

4.6 Alterations and extension to form residential home for the elderly. – Approved (6/127/18C/PA).

4.7 Change of use of existing dwelling and outbuildings and land to private registered home for the elderly. – Approved (6/127/18B/PA).

## KEY ISSUES

- Impact on the building and the conservation area
- Impact on neighbouring property
- Impact on highway safety

## PLANNING POLICY

4.8 National planning policy contained within PPS1 'Delivering Sustainable Development', states that good design is indivisible from planning. Design which is inappropriate within its context, or which fails to take opportunities for improving the character and quality of an area or the way it functions should not be accepted. 'The Planning System: General Principles', the companion document to PPS1, advises of the importance of amenity as an issue.

4.9 PPS3 supports PPS1 with regards high quality new housing and encourages sustainable and environmentally friendly new housing development. It states that

careful attention to design is particularly important where the chosen local strategy involves intensification of the existing urban fabric. More intensive development is not always appropriate. However, it also states that the density of an existing development should not dictate that of new housing by stifling change or requiring replication of existing styles and form. When well designed and built in the right location, new housing development can enhance the character and quality of an area.

4.10 Policy HE7 of PPS5 'Planning for the Historic Environment' states that in considering the impact of a proposal on any heritage asset, local planning authorities should take into account the particular nature of the significance of the heritage asset and the value that it holds for this and future generations. In addition Local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use.

4.11 The relevant development plan is The City of York Council Draft Deposit Local Plan, which was placed on Deposit in 1998. Reflecting points made, two later sets of pre inquiry changes (PICs) were published in 1999. The Public Local Inquiry started in 1999 but was suspended by the Inspector for further work to be done on the Green Belt. A Third Set of Changes addressing this further work was placed on deposit in 2003. Subsequently a fourth set of changes have been drafted and approved by Full Council on 12th April 2005 for the purpose of making Development Control Decisions, on the advice of the GOYH.

4.12 Policy GP1 'Design' 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.

4.13 Policy C1 'Community Facilities' states that a planning applications for social, health, community and religious facilities will be granted permission providing 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.

4.14 Policy HE2 'Development in Historic Locations' states that within or adjoining conservation areas, and in locations which affect the setting of listed buildings, scheduled monuments or nationally important archaeological remains (whether scheduled or not), 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.

4.15 Supplementary Planning Guidance – Poppleton Village Design Statement (2003) sets design guidelines for development within the Poppleton Settlement. The guidelines pertinent to this application include: the importance and relevance of the Conservation Areas should be maintained and development should reflect and respect existing character in size, scale, materials, layout and landscape (8); scale, design and materials etc must all be considered and be sympatric (10); the existing character and traditions must be appreciated when contemplating new development (11); to conserve the special character of the traditional communities, the size, scale, and massing of new buildings and extensions should harmonise within neighbouring properties and space (12); new development should be mixed, with a variety of design type, size, scale, and materials to uphold the present juxtaposition of differing periods of development within the village (13); contemporary design should complement and be in sympathy with existing building character (14); adequate parking spaces should be provided within the cartilage of the property to avoid on-street parking (16); space should be maintained around dwellings to avoid the loss of soft landscaping (17); large areas of unbroken roof elevations should be avoided (23).

#### IMPACT ON THE BUILDING AND THE CONSERVATION AREA

4.16 Lime Tree House is a detached two storey villa that has been the subject of significant alteration and extension in the twentieth century. A two storey side extension has been added to the original house together with a single storey rear offshoot extending some 37.5 metres from the original rear elevation of Lime Tree House. It is proposed to raise the height of the roof of the rear extension to provide seven additional en-suite bedrooms, a staff room and laundrette at first floor level. The height would be increased by 1.5 metres to 6.5 metres and the existing hipped end would be replaced by a gable. The north and south roof planes to the rear extension will be punctuated by a series of rooflights serving the bedrooms and access corridor. The existing single storey rear offshoot is partially visible from Main Street and the village green to the west, and from Lime Garth and Chantry Gap. The existing extension appears out of proportion with the original building and the increase in the height of the roof is considered to compound the effect and would appear at odds with the density and pattern of development of the surrounding streets, in addition by virtue of the scale would lack any subservience to the main building. The increased scale, height and mass of the rear extension will appear visually intrusive and overwhelm the scale and character of the original building.

4.17 The proposals include single storey side and rear extensions to the ground floor lounge to Lime Tree House. The proposed side extension would be to the side

of an existing two storey extension. The proposed single storey side extension appears subsidiary to the existing two storey building. However, the mass of the extension would infill the existing gap between Lime Tree House and Rosethorn Cottage. The gaps between the dwellings are considered to be important as they maintain and contribute to the feeling of spaciousness and the character of the conservation area. The proposed side extension will alter the degree of separation between Lime Tree House and Rosethorn Cottage and have a negative visual impact on the existing pattern of the built form that encloses the village green to the west.

4.18 The proposed extensions to provide en suite facilities to some of the ground floor rooms are considered to be of a modest scale, and when viewed on their own are not considered to result in visual harm.

4.19 The increase in the mass and bulk of the frontage together with the increased bulk and mass of the rear off shoot is not considered to be in keeping with the scale of development of the area or the existing properties that surround this part of the village green. The number of different roof pitches appears cluttered, awkward, and lacks visual cohesiveness, and can be viewed from the public realm. The proposed extensions would by virtue of the increased mass be unduly prominent within this context and have a negative visual impact on the existing character and appearance of the conservation area.

#### IMPACT ON NEIGHBOURING PROPERTY

4.20 The proposed side extension is not considered to result in harm to the residential amenity of the occupants of the neighbouring dwellings. Rosethorn Cottage has two windows in the side elevation both to secondary rooms (bathroom and shower room) as such the proposed side extension is not considered to result in an undue loss of light to these rooms.

4.21 The increase in height of the rear extension would increase the presence of the extension to the occupants of the surrounding dwellings. The increase in height together with the resulting increase mass of the roof would result in a prominent addition that would cause a sense of enclosure to the occupants of Rosethorn Cottage, 1 Chantry Gap, 3 Chantry Gap, Toft Green (formally Rose Cottage), and 12 Lime Garth, and the potential dwelling that has recently gained planning permission (11/01996/FUL).

4.22 The rooflights in the southern elevation are to bedrooms and the rooflights in the north elevation are to a corridor. The corridor rooflights are not considered to result in a loss of privacy to the dwellings to the north, in addition the plans indicate that these windows would be obscurely glazed. As the application site is a care home it is considered that the occupants would spend more time in the bedrooms as this would be their only private space. The distance from the proposed rooflights to

the southern boundary varies between 8 to 9 metres together with the height of the windows would allow views into the gardens of Rosethorn Cottage and to a lesser extent 1 to 3 Chantry Gap (by virtue of a tall evergreen hedge). The distance between the rear elevation of 1 and 3 Chantry Gap is 13.5 metres, whilst there is a hedge marking this boundary which would provide an element of screening, much of the hedging is deciduous and as such the proximity and siting of the proposed rooflights is considered to result in a loss of privacy to these street dwellings.

4.23 The proposed alterations to the rear extension include the increase in height but also the alteration of the hipped roof to a gable roof, facing the side elevation of 11 Lime Garth. 11 Lime Garth has 2 secondary living room windows facing the proposed extension; however the main and larger windows to the living room are in the front and rear elevations. The proposed increase in bulk and height so close to the boundary is not considered to result in an undue loss of light to the living room by virtue of the other windows. The proposed rear extension would be more visible from the rear garden however it is not considered to result in a harmful sense of enclosure or cause a significant loss of light to the residential amenity of the occupants.

4.24 It is considered that the increase in height of the rear extension would cause a further loss of light and overshadowing to Toft Green, 12 Lime Garth and the permitted new dwelling at 12a Lime Garth to the north.

#### IMPACT ON HIGHWAY SAFETY

4.25 No comments have been from Highways Network Management at the time of writing the report; Members will be updated at the committee meeting.

#### FIRE SAFETY

4.26 Concerns have been raised that the proposed development does not fulfil fire safety regulations. These regulations are dealt with by Building Control and are not a planning consideration.

### 5.0 CONCLUSION

5.1 For the above reasons the proposed extensions by virtue of the resulting mass and bulk would appear prominent, cramped, cluttered, and out of proportion with the original building and the scale of surrounding development. In addition by virtue of the increase in size and the siting of the windows would result in harm to the residential amenity of the occupants of the surrounding dwellings. Refusal is recommended.

#### COMMITTEE TO VISIT

## **6.0 RECOMMENDATION: Refuse**

1 The proposed extensions by virtue of their design, mass, and their excessive scale, would result in a cumulative impact that would be unduly prominent and create a cluttered appearance that would be harmful to the visual amenity of the host building, the street scene, and the character and appearance of the conservation area. It is considered that this would result in a development that would appear cramped, dominant, and out of character and scale with the local form of development and the conservation area. The proposal fails to make positive contribution to the character and local distinctiveness of the local environment. For these reasons the proposed development is considered to be contrary to Policies GP1, HE2, HE3, and C1 of the City of York Council Development Control Local Plan (2005); design guidelines 8, 10, 11, 12, and 14 set out in the supplementary planning guidance - Poppleton Village Design Guidance (2003); and national policy contained Planning Policy Statement 1 'Delivering Sustainable Development' and Planning Policy Statement 5 'Planning for the Historic Environment'.

2 The proposed extensions by virtue of their size, height and proximity to adjacent dwellings would have an overbearing and over dominant impact on the occupiers and result in a loss of outlook and unacceptable sense of enclosure that would harm the residential amenity of the occupants of 12 Lime Garth, Toft Garth, Rosethorn Cottage, 1 Chantry Gap and 3 Chantry Gap. In addition the first floor rooflights in the southern roof slope windows of the proposed extensions would result in overlooking and a subsequent loss of privacy to Rosethorn Cottage, 1 and 3 Chantry Gap. The proposed increase in height and mass of the rear extension would result in a loss of light to Toft Green (formally Rose Cottage) and 12 Lime Garth. For these reasons the development is therefore considered contrary to Policies GP1 and C1 of the City of York Council Development Control Local Plan (2005); design guidelines 10 and 12 set out in the supplementary planning guidance - Poppleton Village Design Guidance (2003); and national planning guidance in Planning Policy Statement 1 'Delivering Sustainable Development'.

## **7.0 INFORMATIVES:**

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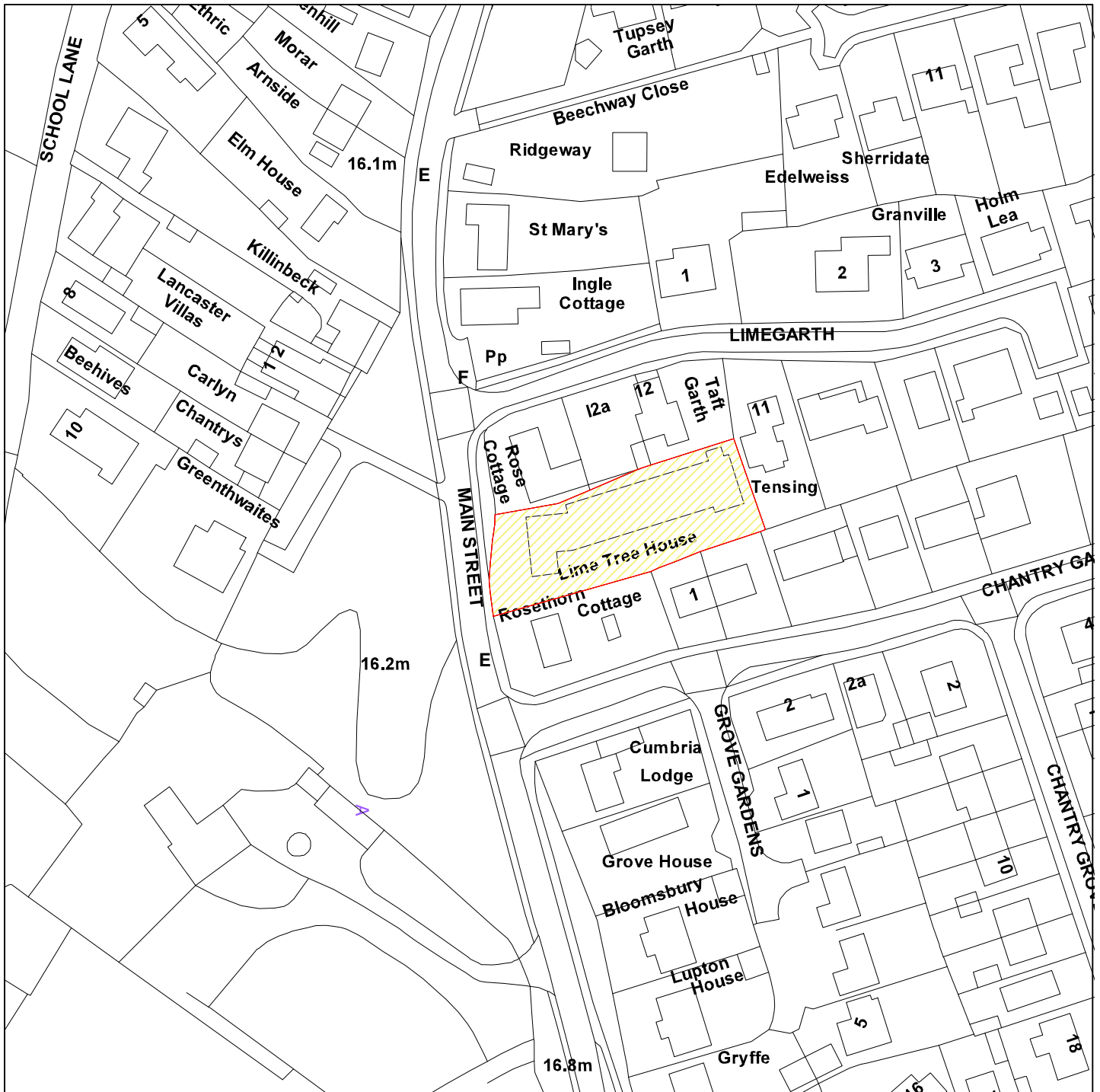


11/03230/FUL



GIS by ESRI (UK)

Lime Tree House, Main Street, Upper Poppleton



Scale : 1:1250

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	
<b>Date</b>	05 March 2012
<b>SLA Number</b>	Not Set

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