



Notice of meeting of

West & City Centre Area Planning Sub-Committee

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

Date: Thursday, 22 June 2006

Time: 3.00 pm

Venue: The Guildhall, York

AGENDA

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 1 - 6)

To approve and sign the minutes of the meeting of the Planning and Transport (City Centre Area) Sub-Committee held on held on 4 May 2006, and the meeting of the Planning and Transport (West Area) Sub-Committee held on 18 May 2006.

3. **Public Participation**

At this point in the meeting members of the public who have registered their wish to speak regarding specific planning applications, other agenda items or matters within the remit of the Sub-Committee can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is 21 June 2006 at 5.00pm.

4. Plans List

To determine the following planning applications relating to the West and City Centre Areas.

- a) **10 Wattlers Close, Copmanthorpe** (Pages 7 - 12)
(06/00671/FUL)
- b) **Nexus, 25 George Hudson Street** (Pages 13 - 30)
(06/00174/FUL)
- c) **49A East Mount Road** (Pages 31 - 42)
(06/00793/FUL)
- d) **9 Slingsby Grove** (Pages 43 - 50)
(06/00623/FUL)
- e) **York Marine Services Ltd, Ferry Lane, Bishopthorpe** (Pages 51 - 60)
(06/00590/FUL)
- f) **32A Copmanthorpe Lane, Bishopthorpe** (Pages 61 - 66)
(06/00565/FUL)
- g) **First Farm, Main Street, Askham Richard** (Pages 67 - 72)
(06/00626/FUL)
- h) **48 Wetherby Road** (Pages 73 - 82)
(06/00222/FUL)
- i) **28 Garnet Terrace** (Pages 83 - 90)
(05/02754/FUL)
- j) **Cafe Nero, 16 Davygate** (Pages 91 - 96)
(06/01099/FUL)
- k) **Car Park Adjacent Woolpack House, The Stonebow** (Pages 97 - 112)
(05/02677/FUL)

- I) Land Lying To The Rear Of 14 to 18 Agar Street (Pages 113 - 124)
(06/00795/FUL)**
- 5. Any other business which the Chair considers urgent under the Local Government Act 1972**

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting Rebecca Jarvis 01904 551027 or rebecca.jarvis@york.gov.uk

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

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WEST AND CITY CENTRE PLANNING SUB COMMITTEE**Thursday 22 June 2006****Index to items**

SITE	ITEM	VISIT
10 Wattlers Close, Copmanthorpe	1	
Nexus, 25 George Hudson Street	2	
49 East Mount Road	3	V
9 Slingsby Grove	4	V
York Marine Services, Ferry Lane, Bishopthorpe	5	V
32a Copmanthorpe Lane, Bishopthorpe	6	V
First Farm, Main Street, Askham Richard	7	V
48 Wetherby Road, Acomb	8	V
28 Garnet Terrace	9	
16 Davygate	10	
Car Park adj Woolpack House, The Stonebow	11	V
14-18 Agar Street	12	V

**WEST AND CITY CENTRE PLANNING SUB COMMITTEE
SITE VISITS**

Wednesday 21 June 2006

Coach departs Memorial Gardens at 12:00hrs

TIME (Approx.)	SITE	ITEM NO.
12:10	49 East Mount Road	3
12:35	9 Slingsby Grove	4
13:00	York Marine Services, Ferry Lane, Bishopthorpe	5
13:25	32a Copmanthorpe Lane, Bishopthorpe	6
13:55	First Farm, Main Street, Askham Richard	7
14:25	48 Wetherby Road, Acomb	8
14:55	14-18 Agar Street	11
15:20	Car Park adj Woolpack House, The Stonebow	12

City of York Council

Committee Minutes

MEETING PLANNING AND TRANSPORT (CITY CENTRE AREA)
SUB-COMMITTEE

DATE 4 MAY 2006

PRESENT COUNCILLORS B WATSON* (in the Chair), BARTLETT*,
EVANS, HALL*, HOGG, JAMIESON-BALL*, LOOKER,
MOORE, and SMALLWOOD

* *attended site meeting*

79. INSPECTION OF SITES

Site	Reason for visit
22 Bewlay Street, York	To assess the impact of the proposal on neighbouring properties.

80. DECLARATIONS OF INTEREST

The Chair invited Members to declare at this point any personal or prejudicial interests which they had in any of the business on the agenda. No interests were declared.

†81. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED: That the press and public be excluded from the meeting prior to consideration of the Annex to Agenda Item 6 (Enforcement Cases - Update) on the grounds that it contained information classed as exempt under Paragraph 6 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by the Local Government (Access to Information) (Variation) Order 2006).

REASON: As this information, if disclosed to the public would reveal that the Authority proposes to give, under any enactment a notice under or by virtue of which requirements are imposed on a person, or to make an order or direction under any enactment which is classed as exempt.

82. MINUTES

RESOLVED: That the Minutes of the Sub-Committee held on 6 April 2006 be approved and signed by the Chair as a correct record.

83. PUBLIC PARTICIPATION

It was reported that nobody had registered to speak, under the Council's Public Participation Scheme, on general issues within the remit of the Sub-Committee.

84. 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.

84a. 13 BISHOPHILL SENIOR, YORK

This was a full major application, submitted by C Stuart Esq for the renewal of previously approved planning permission 01/00144/FUL for the conversion of 13 and 15 Bishophill Senior to form 14 flats at 13 Bishophill Senior, York (ref: 06/00261/FULM).

Officers reported that since the granting of permission in 2001, the Council had adopted a policy that required developers, in certain circumstances, to make financial contributions towards the cost of meeting the educational facilities necessary to support their developments. If the application was approved the developer would be required to pay a commuted payment of £19,152 towards this provision.

Members questioned whether any provision had been made for recycling storage on the site.

RESOLVED: That the application be approved subject to the conditions listed in the report and the addition of the following informative

The design of the bin store should take into account the need to provide separate storage of waste and recyclable material.

84b. 13 BISHOPHILL SENIOR, YORK

Members considered a listed building application, submitted by C Stuart Esq for the conversion of 13 and 15 Bishophill Senior to form 14 flats (renewal of previously approved Listed Building Consent 01/00146/LBC), at 13 Bishophill Senior, York (ref: 06/00262/LBC).

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

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the visual amenity and character of the listed building. As such, the proposal complies with Policy E4 of the North Yorkshire County Structure Plan; Policies HE4 and GP1 of the City of York Draft Local Plan- Incorporating the Proposed 4th Set of Changes Deposit Draft; and national planning guidance contained in Planning Policy Statement 1 "Delivering Sustainable Development" and Planning Policy Guidance Note No. 15 "Planning and the Historic Environment. "

84c. PITCHER AND PIANO BAR, CONEY STREET, YORK

Members considered a full application, submitted by Wolverhampton and Dudley Breweries PLC, for the variation of Condition 12 of planning permission 97/01825/FUL to extend opening hours to Mon-Sat 11.00-03.00 and Sun 12.00-02.00, at the Pitcher and Piano Bar, Coney Street, York (ref: 06/00447/FUL).

Officers updated that Councillor Merrett, as Ward Member, had raised concerns that any extension of hours should not relate to the outside area.

Members questioned the need for a one hour 'drinking up' period in the extension of opening hours.

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

1 The external area shall be closed to patrons of the premises at 24.00 hours (midnight) and not used between 24.00 (midnight) and closing time on any day.

2 The use shall be confined to the following hours:

Monday - Saturday: 11.00 hours to 03.00 hours the following day

Sundays: 12.00 hours to 02.00 hours the following day

REASON: In the opinion of the Local Planning Authority the proposal would not cause undue harm to interests of acknowledged importance, with particular reference to the special historic interest of the listed building, residential amenity, crime and disorder and the vitality and viability of the city centre. As such the proposal complies with national planning policy guidance note PPS:6, policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and policies HE3, HE4, S6 and S7 of the City of York Local Plan Deposit Draft.

84d. 49 BLOSSOM STREET, YORK

This was a full application, submitted by Deniz Dogan for the variation of condition 2 of planning permission 98/01664/FUL to extend opening hours from 11.00-23.00 to 11.30-03.00 the following day, Monday - Sunday, at 49 Blossom Street, York (ref: 06/00184/FUL).

Officers updated that there had been an administrative error on the site notice and letters in that they stated that the premises would be open until 07.00 on any day and not 03.00 each day of the week as stated on the application.

There had been a request from Cllr Fraser, Ward Member, that the application be determined at committee. It was reported that Cllr Merrett, Ward Member, supported the Officers recommendation for refusal on the grounds that the proposal would have a significant adverse effect on the amenity of nearby residents in South Parade and Moss Street.

Officers also updated that a further 16 letters and emails had been received in objection to the application, which had been made on the basis of the incorrect hours. The main reasons for objection related to noise, litter, anti-social behaviour, vandalism, crime, parking, smells from the premises and that if approved the proposal would create a precedent in the area. Details in relation to the Officer update were circulated at the meeting.

Verbal representations in support of the application were received from the applicants Solicitor. She stated that the applicant wished to extend the opening hours in line with those granted by Licensing to enable him to

generate additional custom to create a viable business. She confirmed that if the Sub-Committee did not support the full extension she requested consideration be given to late opening to 03.00 on Friday and Saturday only.

Members commented that they understood that the Special Protection Zone extended to Holgate Road to try and alleviate any anti-social behaviour problems in the area and that they felt residents had the right to some protection from nuisance.

RESOLVED: That the application be refused for the following reason

- 1 The Local Planning Authority considers that the proposed extension of opening times until 03.00 hours, seven days a week would harm the residential amenity of those living around the site as a result of increased noise and disturbance. There are a significant number of residential properties above ground floor level along Blossom Street nearby that, although subjected to some nuisance from existing premises, are not generally disturbed late at night due to the controlled opening hours in the nearby area. The loss of amenity which would result from this proposal would be significant and unacceptable.

As such the proposal would be contrary to Policy S6 of the City of York Draft Local Plan and PPS6 paragraph 2.24 which seek to protect the amenities of nearby residents when determining planning applications for uses associated with the night time economy.

REASON: In the opinion of the Local Planning Authority the undue impact on residential amenity that would occur. The proposal would introduce premises that would open until 03.00 hours, seven days a week where commercial uses in this particular cluster of developments (Nos. 45 to 55 Blossom Street) cease by midnight. The proposal would have a significant detrimental impact upon the amenity of residents located above ground floor level at Nos. 45 to 53 Blossom Street.

84e. 22 BEWLAY STREET, YORK

This was a full application, submitted by Wills and Co Developments Ltd, for a flat roof dormer to the rear of 22 Bewlay Street, York (ref: 06/00434/FUL).

Officers updated that building work had commenced on site and that the applicant had been advised to stop work pending determination of the application. At the site visit it had been noted that the flat roof dormer had now been substantially completed so there was a need to insert the words 'retrospective' in brackets on the application. It had also been noted that from measurements taken on site the dormer was 8cm larger than on the

approved plans. Photographs of the dormer taken from Rowntrees Park, Richardson Street etc were displayed at the meeting. Officers gave details of the type and size of dormers situated on properties in the vicinity of the site.

Members referred to the 'Guide to extensions and alterations to private dwelling houses' which stated that as a general rule dormers should not extend across more than one third of the roof span. It was also recommended that any development should not dominate the existing roof and should be of a similar scale and proportion to the original house.

Verbal representations in objection to the application were received from a neighbour who indicated that she lived diagonally opposite the site and that the proposal was not sympathetic to the Victorian property as it would alter the roofline. She felt that the dormer was obtrusive with a flat roof and that it would intrude on neighbours privacy.

RESOLVED: That the application be refused for the following reason

REASON: 1 The rear dormer by reason of its design, size, appearance and prominence would harm the appearance of the host dwelling and the visual amenities of the area contrary to policies H7 and GP1 of the Development Control Local Plan Incorporating the 4th Set of Changes, the City Council's Supplementary Planning Guidance "Guide to Extensions and Alterations to Private Dwellinghouses" and national planning policy contained in Planning Policy Statement 1 "Delivering Sustainable Development".

2 Because of its height, size and design the rear dormer would result in nearby residential properties being overlooked and dominated by an overbearing structure thereby harming their living conditions contrary to policies H7 and GP1 of the Development Control Local Plan Incorporating the 4th Set of Changes.

Councillors Hall and Hogg left the meeting at this point.

85. ENFORCEMENT CASES - UPDATE

Members considered a report, which provided them with a quarterly update on the number of enforcement cases currently outstanding for the City Centre area. Consideration had been deferred at the last meeting to enable Officers to provide updates.

Officers updated in relation to a number of the enforcement cases and agreed to consult legal in respect of action that could be taken on one case. Officers also confirmed that in future they would include additional information in relation to Section 106 cases.

- RESOLVED:**
- i) That the report be noted.
 - ii) That Members concerns regarding delays experienced by Enforcement with Conservation support be raised with the Director of City Strategy as this was having an adverse affect on progress with enforcement cases.

86. CHAIRS REMARKS

Councillor B Watson thanked Members and Officers for their support during his time as Chair of the City Centre Area Sub-Committee.

B WATSON, Chair

The meeting started at 5.00 pm and finished at 7.10pm.

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MEETING PLANNING AND TRANSPORT (WEST AREA) SUB-COMMITTEE

DATE 18 MAY 2006

PRESENT COUNCILLORS *HOPTON (in the Chair), *BARTLETT, LIVESLEY, †MACDONALD, *REID, SIMPSON-LAING and *SUNDERLAND.

APOLOGIES COUNCILLORS S GALLOWAY and †HORTON

* Attended all site visits

† Attended all site visits *except* 10 Wattlers Close

77. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Reason for Visit
Tockwith Training Services, Shirbutt Lane, Hessay	To assess impact on neighbouring property (visit requested by Chair).
3 Fox Garth, Nether Poppleton	For Members to familiarise themselves with the site (visit requested by Chair)
32 Skiddaw	For Members to familiarise themselves with the site.
10 Wattlers Close, Copmanthorpe	To assess impact on neighbours and the street scene (visit requested by Chair).

78. VOTE OF THANKS TO CHAIR

Members noted that this would be the last meeting of the Sub-Committee to be chaired by Cllr Hopton. They joined in thanking Cllr Hopton for the fair, honest and considerate way in which she had conducted the meetings over the past two years.

79. DECLARATIONS OF INTEREST

The Chair invited Members to declare at this point any personal or prejudicial interests they might have in any of the business on the agenda. No interests were declared.

80. MINUTES

RESOLVED: That the minutes of the meeting held on 20 April 2006 be approved and signed by the Chair as a correct record.

81. PUBLIC PARTICIPATION

It was reported that nobody had registered to speak, under the Council's Public Participation Scheme, on general issues within the remit of the Sub-Committee.

82. 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.

82a. TOCKWITH TRAINING SERVICES, SHIRBUTT LANE, HESSAY, YORK, YO26 8JT

Members considered a full application, submitted by Tockwith Training Services, for the demolition of an existing storage building and erection of a new storage building at an HGV driver training depot, Shirbutt Lane, Hessay (05/02072/FUL).

There was no update from Officers on this item.

Representations were made in objection to the application by a nearby resident, who expressed concern about the height and proximity of the proposed building and its potential adverse effects on the drainage of surface water. The applicant's representative was present at the meeting and answered questions from Members.

Members discussed the location of the proposed building, suggesting that if it were moved forward from the boundary wall this would address the issue of loss of amenity of the neighbouring property whilst maintaining the vehicle turning space required by the applicant.

RESOLVED: That the application be refused.

REASON: The proposed building would have an over-dominating impact when viewed from the rear of the adjacent property at Rose Lodge, by reason of height, size and proximity to the boundary. The application therefore fails to accord with Policy GP1 of the City of York Council Draft Deposit Local Plan which states, inter alia, development proposals will be expected to: ensure that residents living nearby are not unduly affected by noise,

disturbance, overlooking, overshadowing or dominated by overbearing structures.

82b. 32 SKIDDAW, YORK, YO24 2SZ

Members considered an application submitted by Mr R Unwin to fell a mature oak tree, protected by Tree Preservation Order no. 29, located in the rear garden of 32 Skiddaw, Acomb (06/00571/TPO).

Officers provided an update, reporting that additional information had been submitted on behalf of the applicant. This comprised a schedule of previous works on the house and a soil moisture content table. Copies of these documents were circulated to Members.

Representations were made in objection to the application by a local resident, who expressed concern about its effect on wildlife. Representations were made in support by the applicant's agent.

Members discussed the subsidence problems affecting the applicant's property. They questioned whether these were attributable, wholly or in part, to the oak tree and, if so, whether installing a root barrier might be an alternative solution to felling the tree.

RESOLVED: That the application be refused.

REASON:

82c. 10 WATTLERS CLOSE, COPMANTHORPE, YORK, YO23 3XR

Members considered a full application, submitted by P and H Scurry, for a one and two storey pitched roof side extension to 10 Wattlers Close, Copmanthorpe, a detached dwelling (06/00671164/FUL).

Officers provided an update, reporting the receipt of two letters from a resident of a neighbouring property who objected to the height of the proposed extension.

The applicant (Mrs Scurry) was present at the meeting and answered questions from Members.

Members discussed the issues raised by the objector and the potential for the applicant to address these by modifying the roof design of the proposed extension.

RESOLVED: That authority be delegated to Officers to approve the application, subject to the conditions set out in the report and subject to modification of the design to provide a hipped roof.

REASON: The proposal, subject to these conditions and to the modification of the roof design, would not cause undue harm to interests of acknowledged importance, with particular reference to the

residential amenity of the neighbours, the visual amenity of the dwelling and the locality. As such, the proposal complies with Policies H7 and GP1 of the City of York Development Control Local Plan (2005), national planning guidance contained in Planning Policy Statement 1 "Delivering Sustainable Development", and supplementary design guidance contained in City of York's "A Guide to Extensions and Alterations to Private Dwelling Houses" and Copmanthorpe Village Design Statement, 2003.

82d. 3 FOX GARTH, NETHER POPPLETON, YORK, YO26 6LP

Members considered a full application, submitted by Mr and Mrs Aubrey, for a single storey pitched roof side extension to 3 Fox Garth, Nether Poppleton (06/00505/FUL).

There was no update from Officers on this item and no representations were made at the meeting.

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

REASON: The proposal, subject to these conditions, would not cause undue harm to interests of acknowledged importance, with particular reference to the residential amenity of the neighbours, the visual amenity of the dwelling and the conservation area. As such, the proposal complies with Policies GP1, H7 HE2 and HE3 of the City of York Development Control Local Plan (2005) and supplementary design guidance contained in the City of York's "A Guide to Extensions and Alterations to Private Dwelling Houses" and Poppleton Village Design Statement (2003).

82e. NATIONAL RAILWAY MUSEUM, LEEMAN ROAD, YORK, YO26 4XD

Members considered a full application, submitted by the National Railway Museum, for the erection of a 50 metre diameter observation wheel (until 20 January 2009) without compliance with condition 7 of planning permission ref: 05/02203/FUL (provision of aircraft warning lights) (06/00599/FUL).

Officers provided an update, reporting that Arc Light had now been consulted on the application and had responded, saying they had no comments to make.

The applicant's representative was present at the meeting and answered questions from Members.

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

REASON: The proposal would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on aircraft safety and to the advice set out in the Department of the Environment Circular 11/95 "The Use of Conditions in Planning Permissions".

82f. SPRINGBANK WORKSHOP, YORK ROAD, HESSAY, YORK, YO26 8HZ

Members considered an application submitted by C Cook Esq, for the re-cladding of existing buildings and conversion into 5 storage / distribution and workshop units and alterations to access, at Springbank Workshop, York Road, Hessay (06/00320/FUL).

Officers provided an update, reporting that they wished to vary the recommendations in the report so as to amend condition 18 (retention of the landscaping scheme) and to add a further condition (no external storage).

The applicant's representative was present at the meeting and answered questions from Members.

Members discussed and queried issues of access to and egress from the site, seeking advice from the Highways Officer on the objections raised by the Police. They also questioned the advice from the Environmental Protection Unit regarding the site's proximity to an old sand pit and agreed that the conditions recommended to address problems of ground contamination (nos. 9 to 16 in the report) should not be imposed and that this issue should instead be addressed by way of an informative. In respect of condition 17, they suggested that the colour of the approved exterior materials should be appropriate for the rural location of the building.

RESOLVED: That the application be approved, subject to conditions 1-8, 17 and 19-20 as set out in the report, and subject to the following amended condition and additional Informative:

1. 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 commenced within 12 months of the commencement of the development and implemented within a period of 6 months of the completion of the development. Any trees or plants which within a period of 5 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.

INFORMATIVE:

The Environmental Protection Unit have confirmed that the site is in close proximity to an old sand pit that may have been used as a landfill site. This may produce migratory gases which may be detrimental to the health of occupants if the gas were to become concentrated in a confined space.

REASON:

82g. SHIRBUTTS, YORK ROAD, HESSAY, YORK, YO26 8JX

Members considered a full application, submitted by Richard Dixon, for a change of use of land, enabling the storage of vehicles, at Shirbutts, York Road, Hessay (06/00533/FUL).

Officers provided an update, reporting that they wished to amend the third sub-paragraph of the recommendation at paragraph 6 of the report.

No representations were made at the meeting.

RESOLVED: That the application be refused.

REASONS:

1. The existing access, by which vehicles associated with this proposal would leave and rejoin the public highway, is unsatisfactory since the required visibility of 2.4m x 215m cannot be achieved at the junction with the public highway in an easterly direction and therefore the intensification of use which would result from the proposed development is considered unacceptable in terms of highway safety.

2. It is considered that the proposed development would give rise to additional vehicles waiting in the carriageway and leaving and rejoining the traffic stream on an open stretch of road where vehicle speeds are high and would thus cause interference with the free flow of traffic and would consequently be dangerous to highway users.

3. The proposed "change of use" and the parking of motor vehicles is considered to be an inappropriate use in the Green Belt and, by virtue of the site's open and isolated location, would represent a considerable threat to the open character of the designated Green Belt, contrary to the policy GB1 of the City of York Draft Local Plan.

Cllr J Hopton, Chair

The meeting started at 3.00 pm and finished at 5:10 pm.

8 WEEK TARGET DATE 24/05/2006

3.2 INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT - No objections

3.3 EXTERNAL CONSULTATIONS/REPRESENTATIONS

COPMANTHORPE PARISH COUNCIL - No objections, but appears to create a terraced development together with 8 and 12 Wattlers Close.

3 LETTER OF OBJECTION

- Will exacerbate street parking problems
- Street parking problems caused by previous e tension
- Create a terraced effect
- Would cause a loss of light to neighbouring property

4.0 APPRAISAL

4.1 RELEVANT SITE HISTORY

None

4.2 ADDITIONAL PLANNING POLICY

CYC Supplementary Design Guidance - A guide to extensions and alterations to private dwelling houses, 2001
Copmanthorpe Village Design Statement, 2003

4.3 KEY ISSUES

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

4.4 ASSESSMENT

PLANNING POLICY

Policy GP1 'Design' of the City of York Local Plan Deposit Draft includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

Policy H7 'Residential Extensions' of the City of York Local Plan Deposit Draft sets out a list of design criteria against which proposals for house extensions are considered. The list includes the need to ensure that the design and scale are appropriate in relation to the main building; that proposals respect the character of area and spaces between dwellings; and

that there should be no adverse effect on the amenity that neighbouring residents could reasonably expect to enjoy.

VISUAL IMPACT ON THE DWELLING AND THE AREA

10 Wattlers Close is slightly elevated above 12 Wattlers Close and the proposed extension would be higher than the neighbouring dwelling. The proposed extension would be the same height as the existing dwelling and built to the side boundary. However the proposed extension is set back by 1.9 metres from the building line and therefore reduces some of the impact the height of the proposal would have on the street.

Any terracing effect is reduced by the proposed extension being set back 1.9 metres. The other side extensions within the street are of differing designs that reduce any terracing effect. The alleyway between 10 and 12 Wattlers Close also reduces any terracing impact by retaining a gap between the buildings. The dwellings within the street have a uniform appearance and the existing and proposed side extensions do not impact negatively as they are set back from the building line. The closure of the gaps between the dwellings is not deemed harmful enough to the visual amenity of the dwelling and character of the street to warrant refusal. It can be argued that a precedent has been set with the side extensions to the neighbouring dwellings and many other examples in the surrounding streets.

IMPACT ON NEIGHBOURING PROPERTY

The proposed side extension would not cause any further loss of privacy to occupants of surrounding dwellings. Neither would the proposed side extension cause any loss of light to the surrounding dwellings. Any possible sense of enclosure caused by the loss of gaps between dwellings would on balance not be harmful enough to the amenities to the occupants of the neighbouring dwellings or impact on the private amenity space of the dwellings to the rear of 10 Wattlers Close to warrant refusal.

The proposed side extension allows two off road parking spaces one in the garage and one on the driveway and therefore fulfils the parking requirements of Highways Network Management.

5.0 CONCLUSION

5.1 The proposed one and two storey pitched roof side extension would comply with planning policy, and the amenity requirements of the area, and would not harm highway safety. Approval is recommended.

6.0 RECOMMENDATION: Approve

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

Plans received 29 March 2006;

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

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

- 2 The development shall be begun not later than the expiration of the three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990.

- 3 The materials to be used externally shall match those of the existing buildings in colour, size, shape and texture.

Reason: To achieve a visually acceptable form of development.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference the residential amenity of the neighbours, the visual amenity of the dwelling and the locality. As such, the proposal complies with Policies H7 and GP1 of the City of York Development Control Local Plan (2005); national planning guidance contained in Planning Policy Statement 1 "Delivering Sustainable Development"; and supplementary design guidance contained in the City of York's "A guide to extensions and alterations to private dwelling houses" and Copmanthorpe Village Design Statement, 2003.

Contact details:

Author: Victoria Bell Development Control Officer

Tel No: 01904 551347

10 Wattlers Close

06/00671/FUL



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	Development Control
Comments	
Date	07 June 2006
SLA Number	

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City Boundary York City Boundary 0001

Conservation Area Central Historic Core 0038

Areas of Archaeological Interest City Centre Area 0006

DC Area Teams Central Area 0002

2.2 Policies:

CYS1

Land allocated for shopping sites

CYS7

Evening entertainment including A3/D2

CYGP3

Planning against crime

CYHE3

Conservation Areas

CYHE4

Listed Buildings

3.0 CONSULTATIONS

3.1 INTERNAL

HIGHWAYS - No objections

ENVIRONMENTAL PROTECTION - No objections in principle. However, there are concerns in relation to possible noise nuisance to local residents from a number of sources, including loud amplified music, air conditioning equipment, cooking extraction equipment, patrons leaving the premises late at night and noise from vehicles leaving the adjacent car park. The Environmental Protection Unit have no enforcement powers regarding noise from people in the street and endorse proposals to instigate a late night bus/private hire service in connection with the proposal, as well as the provision of street marshals to ensure the quiet dispersal of customers from the premises. Conditions are recommended relating to the following matters:

- details of plant or machinery for the treatment and extraction of fumes to be submitted for approval.
- details of all machinery, plant and equipment to be submitted for approval.
- the submission of a noise management scheme to control the level of noise emanating from the site, in particular noise from customers queuing to enter the premises and customers exiting the premises.
- the submission of a scheme of sound insulation to ensure that music is not audible at the nearest residential properties.
- a restriction on the hours of opening of the premises of 2.30 am Thursdays to Sundays and 3.30 am on Fridays and Saturdays.

URBAN DESIGN AND CONSERVATION - Proposals would have an unacceptable effect on the Central Historic Core conservation area and also on the listed building at number 25 Tanner Row.

The building is opposite the Grade II "star" former railway headquarters building with its separately listed railings and fine gateways. This is a popular "cut-through" route for pedestrians using the station and it is around the corner from a major bus drop off point. English Heritage guidance notes on the character and management of conservation areas clearly states that the use of an area/buildings contributes to the creation of character. It would change the character of the area unacceptably to extend the proposed use further up Tanner Row.

The existing fascia onto Rougier Street contains unauthorised advertising which is difficult to control due to its ad hoc nature. We would not wish to offer any further opportunity for extension of such advertising.

Proposals show that the listed building at number 25, the former Burns Hotel, would be opened up unacceptably to integrate it with the spaces on either side. The loss of its cellular compartmentation and elements such as chimney breasts, which are integral to its architectural and historic interest as a listed building would be unacceptable. At the moment it links through to the corner buildings but if the proposals went ahead it would merely become a cut-through and there would always be pressure to open the sides up.

The former supermarket site has been empty for a number of years. This area was the service and storage part of the supermarket and we are concerned that its loss might increase the difficulty of finding a viable use for the whole of the building.

We note that the elevations are superimposed on the proposed new cladding scheme which is not yet in existence.

ARCHAEOLOGIST - Any operations that penetrate below formation levels for the existing structure will have an impact on archaeological deposits. Therefore, there must be an archaeological watching brief (ARCH2) on all groundworks for this development.

CITY DEVELOPMENT - The proposed development site is identified as a preferred retail site (comparison/convenience goods) in the Draft local Plan (Policy S1 refers). However, it is recognised that the site has been marketed without success for several years, and that the future demand for retail development in the city may well be satisfied on other sites such as Castle Piccadilly, Hungate and York Central. In addition, the new Planning Policy Statement 6: "Planning for Town Centres" advocates a more flexible approach to development in town centres, stressing the importance of the evening economy, and indeed discusses retail and leisure development under the same broad heading. The proposal would not affect the George Hudson Street frontage of the shopping allocation, which would remain for future retail use should the demand arise. Thus it is considered that a leisure use within this part of the building is acceptable in principle. The requirements of Policy S7 (Evening Entertainment) would still need to be satisfied.

3.2 EXTERNAL

MICKLEGATE PLANNING PANEL - We support the application

POLICE LICENSING OFFICER - The proposal would increase the capacity of the club from 600 to 1,750, an increase of 1,150. The capacity of similar premises within the vicinity of the site is 3,410, and thus the proposal would increase this figure to 4,560, an increase of 33.7%.

The application suggests that the proposal is offering something new in this area with its mixed structure of a members bar, dancing and other entertainment but the simple fact is that there could be up to a further 1,100 people coming into the area and drinking alcohol until 4am in the morning.

The premises are located in the city centre in an area which already experiences high levels of violent crime and public order offences, and this is recognised in the Council's Licensing Policy which identifies the area as being under stress.

A crime analysis of the "Cumulative Impact Zone" (within which the site is located) indicates that in 2005 there were a total of 1,703 recorded crimes including 951 assaults and criminal damage. Of these, 837 (88%) occurred between 2100 hours and 0559 hours.

These crime statistics could well be increased by the additional numbers of people attracted to the area by the proposed development and therefore the police would suggest that this application represents a significant crime and disorder risk. The police suggest that this proposal would create a potential "honeypot" which would exacerbate opportunities for conflict, against the advice contained in the ODPM document "Safer Places: The Planning System and Crime Prevention".

The sheer number of people concentrated in George Hudson Street into the very early hours of the morning will create additional flashpoints for disorder, particularly at weekends. The adjacent car park could also be a potential flashpoint, with people returning to their vehicles under the influence of alcohol.

The dispersal of large groups of people is also an area of concern. The suggestions for a private hire taxi contact, taxi marshals and a late night bus service can only be viewed as theoretical solutions and this is further compounded by the correspondence from First York Ltd which only indicates a bus service on Friday and Saturday nights.

Care needs to be taken to ensure that this area does not develop into an even greater collection of high capacity drinking establishments which promotes rowdy behaviour by large groups of people. Although this building has been vacant for some time, the Council need to carefully consider how it wants this part of the city to develop for the benefit of the larger city centre community and local residents who will also be affected.

The application goes to great lengths to suggest that it is a new concept offering something different in the city centre. However, the fact remains that it will operate on a much larger scale than anywhere else and at a location where there are already several similar established venues. It is also sited in an area identified as having the most incidents of violent crime in the city centre.

The police believe that there are good crime and disorder grounds for objecting to this planning application as it represents a significant risk of increasing incidents of crime and anti-social behaviour in an area already suffering high levels of disorder.

LOCAL RESIDENTS/THIRD PARTY REPRESENTATIONS

Seven letters have been received, including one from the owner of Ziggy's night club in Micklegate, which make the following points:

- there are more than enough licensed premises at this time.
- the area is already a hot spot for trouble and with more than 1000 extra customers will create an additional burden for the police and ambulance services.

- the premises already has police vans stationed outside with a mobile police unit across the road at McMillans.
- the "superclub" idea was tried at Clifton Moor and subsequently failed.
- pubs and bars in the city are already offering discounted drinks - what will happen if the new club does the same.
- documents and proposals for the dispersal of customers might work for a short period but the control of drunken revellers at 4am is not an easy job.
- perhaps McMillans should be turned into a police office and renamed McMagistrates.
- a trebling of capacity will increase the occurrence of noise, public nuisance, litter and anti-social behaviour and will place an intolerable burden on local residents and businesses.
- this is not an extension of the existing business but a new large scale venture.
- the site is located within the designated saturation zone of Micklegate where it is recognised that further enlargement would be detrimental to the area.
- the extension could result in as many as 4000 people being attracted to the area.
- Nexus already offer a large number of free entry tickets suggesting that the existing occupancy figure is not often reached.- this being the case, where will the new customers come from? Will they be bussed in from outside York? How will the type of clientele be controlled?
- If people are turned away, what frame of mind will they then be in?
- More competition between bars and nightclubs would encourage cheap drinks with venues undercutting each other, resulting in more drunkenness.
- there is a possibility of 1700 customers all vacating the premises at the same time, a recipe for disaster.
- there is evidence of overcapacity in the industry, and this proposal may result in the closure of small bars and clubs resulting in a loss of character within the city.
- York has a reputation of being a "jewel" of a city with character and charm, not a stag and hen night destination.
- it is ironic that attempts are being made to make the centre of York more attractive to residents, whilst on the other hand nightclubs are increasing in number and expanding their facilities.
- on clubbing nights walking home alone is a frightening experience.
- noise from screams, rows and fights can still be heard in the early hours even with doors and windows closed.
- cans, bottles and other detritus are frequently left on window sills.
- the area is already subject to anti-social behaviour - the additional facilities should be provided for the present clientele without attracting even more clubbers to the area.
- there has been a reduction in violent crime in the area since the new licensing regulations came into force due to late licences being spread across the city and the concentration of people in the area being diluted. This application will bring that concentration of people back into the area, where police resources are already overstretched.
- the superclub will attract people who are already drunk coming from venues which close at more reasonable times.
- the management of Nexus and McMillans claim to care about the effect of their businesses on the surrounding area when their only aim is to make as much profit as possible.
- little has been done to alleviate the concerns of residents and the impact on their lives.
- neither premises adheres to the conditions imposed on their late licences particularly with regard to noise breakout.
- it is doubtful that the "niceties" proposed by the applicant to gain permission will come to fruition or will be sustained in the long term.
- clubs such as this should be located in non-residential areas not in the city centre where there are large numbers of residential properties.

A letter has also been received on behalf of the owners of the former railway headquarters and adjacent old station premises. The letter does not object to the application but wishes

the following safeguards to be put in place to address issues of residential amenity, crime and anti-social behaviour:

- CCTV camera coverage to be provided externally and adequately monitored.
- the waiting/dispersal area should be used solely for this purpose and not for dancing or drinking.
- adequate noise control measures should be carried out.
- a pilot scheme for a late night bus service should be undertaken - this should be every 20 minutes not 30 minutes as suggested by the applicant.
- a contract with a private hire company should be established.
- regular litter patrols should be enforced.
- the Council's Licensing Committee should be made fully aware of the above matters when any subsequent licensing application is considered.

4.0 APPRAISAL

4.1 Key Issues

- principle of the proposal
- policy issues, loss of potential retail floor space
- impact on the character and appearance of the conservation area
- impact on the special architectural and historic importance of the listed building
- crime and disorder
- amenity of local residents

4.2 The application relates to the conversion of part of the former Presto supermarket to form an extension of an existing nightclub, together with internal and external alterations. The supermarket closed circa 1995 and the premises has been vacant since that time. The site is shown as part of a larger shopping allocation, which includes the whole of the former supermarket, on the Proposals Map (City Centre Inset) forming part of the City of York Draft Local Plan. Policy S1 of the Local Plan (as amended by the Fourth Set of Changes - April 2005) refers to George Hudson Street as an edge-of-centre site appropriate for retail development most suited to the convenience sector or to small scale comparison retail operators. The application relates to a leisure/evening entertainment use and there would, therefore, appear to be a fundamental conflict with Policy S1, a matter which is discussed in more detail in the main body of the report.

4.3 The amendment to the Town and Country Planning (Use Classes) Order 1987 (UCO), which came into force on 21 April 2005, confirms that nightclubs do not fall specifically into any use class and are thus considered to be "sui generis". Policy S6 of the Draft Local Plan relates specifically to the control of food and drink uses, i.e. public houses, restaurants and takeaway food shops (formerly Class A3 of the UCO), and is not considered to be relevant in this case. However, the proposal is considered to fall within the category of a leisure use, where Policy S7 of the Draft Local Plan may apply.

4.4 Policy S7 states that new leisure uses that complement York City Centre will be permitted provided that there is no adverse cumulative effect on the vitality and viability of the city centre, there is no unacceptable effect on residential amenity, the public order and safety aspects have been addressed, and there is no net increase in the number of pubs, clubs and hot food takeaways on Micklegate, Bridge Street, George Hudson Street and Low Ousegate. Although the site address of the application is referred to as "25 George Hudson Street", the premises to which the application relates is located wholly within Tanner Row, and thus it is not considered that the proposed change of use is specifically excluded by virtue of Policy S7. In addition, the proposal relates to an extension to an existing leisure use, as distinct from the establishment of a completely new premises, and thus there is

some doubt as to whether Policy S7 applies at all in this case. However, the issues referred to in Policy S7 relate to established planning principles and are still considered to be relevant to the determination of the application.

4.5 Policy GP3 expects new development, where required, to incorporate crime prevention measures to achieve natural surveillance of public spaces and paths from existing or proposed development, secure locations for any associated car and cycle parking, satisfactory lighting, and the provision of CCTV, where the proposal would include the consumption of alcohol or the congregation of large crowds or would contribute to a significant increase in traffic, pedestrian activity, or the parking of significant numbers of vehicles.

4.6 The site is within a designated conservation area (Central Historic Core) wherein the City Council, when determining planning applications, is under a specific duty to consider the desirability of preserving or enhancing the character and appearance of the area. This duty is reflected in Policy HE3 of the Draft Local Plan which states that within conservation areas, changes of use (which are likely to generate environmental or traffic problems) will only be permitted where there is no adverse effect on the character and appearance of the area, and in Policy E4 of the Approved North Yorkshire Structure Plan, which states that buildings and areas of special townscape, architectural or historic interest will be afforded the strictest protection.

4.7 The proposal would involve internal alterations to break through an existing dividing wall at both ground and first floor level, providing access to the new floor space from the existing night club at 25 Tanner Row (the former Burns Hotel), a Grade II listed building. Policy HE4 of the Draft Local Plan states that with regard to listed buildings, consent will only be given for developments involving internal or external alterations, and changes of use, where there is no adverse effect on the character, appearance or setting of the building.

4.8 Central Government guidance in Planning Policy Statement 6: Planning for Town Centres (2005) (PPS6) contains advice on a range of development in town centres. Paragraph 2.2 states that a diversity of uses in centres makes an important contribution to their vitality and viability. It states that different but complementary uses, during the day and in the evening, can reinforce each other, making town centres more attractive to local residents, shoppers and visitors. Local Planning Authorities should encourage diversification of uses in the town centre as a whole, and ensure that tourism, leisure and cultural activities, which appeal to a wide range of social groups, are dispersed throughout the centre. Paragraphs 2.23 - 2.25 relate to the management of the evening and night-time economy, and state that policies should encourage a range of complimentary evening and night-time economy uses which appeal to a wide range of social groups, ensuring that provision is made where appropriate for a range of leisure, cultural and tourist facilities such as cinemas, theatres, restaurants, public houses, bars, night clubs and cafes.

4.9 PPS6 states that in drawing up policies and proposals, Local Planning Authorities should consider the scale of leisure developments they wish to encourage and their likely impact, including the cumulative impact on the character and function of the centre, anti-social behaviour, crime and disorder and the amenities of nearby residents. Local Planning Authorities should also ensure that there is an integrated approach to the evening and night-time economy, so that their planning policies and proposals take account of and complement their Statement of Licensing Policy and the promotion of licensing objectives under the Licensing Act 2003.

4.10 Although the site is identified as a preferred retail site (comparison/convenience goods) in the Draft Local Plan (Policy S1 refers), it has to be acknowledged that the site has been marketed without success for several years and has been vacant throughout that time,

contributing little to the city centre economy. It is also likely that the future demand for retail development in the city will be satisfied in other locations such as Castle Piccadilly, Hungate, and in the longer term, York Central. In addition, the new Planning Policy Statement 6, published in 2005, emphasises a more flexible approach to development in town centres, stressing the importance of the evening economy and indeed discusses retail and leisure development under the same broad heading (para 2.33). The opening of the "Budgens" store on the corner of George Hudson Street and Micklegate has satisfied some of the demand for convenience shopping in the area. It should also be noted that the proposal is restricted to the Tanner Row frontage of the allocated shopping area and would still leave the more prominent George Hudson Street frontage available for retail development should the demand arise. It could not be argued that the proposal would adversely affect the vitality or viability of the city centre as a whole, and it is not considered, therefore, that an objection to the proposal on policy grounds could be sustained in this case.

4.11 In terms of the impact of the proposal on the character and appearance of the conservation area, the site is within an area where there are a significant number of evening entertainment uses, and where the footfall is already considerable, particularly in the evenings and early hours of the morning. It is not considered, therefore, that the proposal would detract from the character of the area to such an extent that the refusal of planning permission could be justified, particularly bearing in mind that the nature of the proposed operation which would be likely to result in a reduced turnover of customers and activity in the street. The proposal would include the installation of glazed "shop fronts" in the Tanner Row frontage. However, this would be carried out in conjunction with the re-cladding of the entire multi-storey car park approved in April 2005, and would take place on an otherwise "dead" frontage and thus could improve the appearance of the streetscene.

4.12 The proposal would involve internal alterations to break through an existing dividing wall at both ground and first floor level, providing access to the new floor space from the existing night club at 25 Tanner Row (the former Burns Hotel), a Grade II listed building. A separate report on this issue has been submitted on behalf of the applicant by Roger Wools and Associates, Heritage Consultants. The report points out that previously approved proposals to open up the interior of the building have already resulted in the loss of its original cellular nature, and the proposed work would take place in areas of the building where there are no surviving historic features. The report concludes that a considerable degree of change has already taken place by virtue of previous consents, and that on the ground and first floor levels there is nothing of any interest in the areas being proposed for the new access doorways. At second floor, where the cellular arrangement survives better, there are few features of interest and the proposed changes are considered acceptable given the context as found today. If it were not for the frontage on the three upper levels of the building, there would in the view of the author of the report be grounds for an application to de-list the building. Even though a separate application for listed building consent would be required for the proposed internal alterations, it is not considered that a case could be made for withholding such consent, given the content of the submitted report.

4.13 Any application of this nature will inevitably raise concerns in relation to noise, anti-social behaviour, crime and disorder, and harm to the amenity of local residents. A key issue in this case is that although the proposal would result in a considerable increase in the capacity of the existing venue, the applicant is also proposing a change in the mode of operation of the new premises. Thus the new facility would offer a range of entertainments in a single location with a premium admission charge, creating a "destination venue" in its own right and a lower turnover of customers, in contrast to the "short stay" nature of the existing operation, resulting in a high turnover of customers often associated with increased consumption of alcohol over a shorter period and greater activity levels on the streets outside the premises.

4.14 The applicants agent has submitted a lengthy statement in support of the application but has also produced a summary of the proposal, as follows:

" The requirement to enlarge the floor space of the existing night-club is driven by the intention to create a new style of venue providing food, drink, entertainment and dancing with a variety of rooms providing a range of 'atmospheres', so as to deliver a high quality facility appealing to a broad age range. That is to say the proposal is to create a new style of venue not an expansion of the current provision.

A key issue in respect of the assessment of the impact of the proposals is that with a wide range of offerings and a premium admission charge the venue will provide a one stop location for the customer's evening entertainment. This is to be contrasted with the present operation with limited dancing facilities and late night drinks provision which makes the venue a stop on a customer's circuit of locations during an evening. In terms of numbers this will mean that whereas on an average Saturday the current club has some 2300 customers against a 600 maximum occupancy, it is projected the new style club will receive a maximum of 2000 customers against a maximum floor capacity of 1750.

Not only do the proposals result in an overall reduction in customers, the churn and therefore the scale of street movement is dramatically reduced. The customers in the churn currently represent customers who are also short stay customers at other venues. The new venue providing a comprehensive range of offerings will provide a single location for a significant element of the existing customers, provision for a customer base which will expand with York's economic expansion and a provision for the market not yet provided in the City for the higher spending over-night visitor.

Other key features which will reduce street movement and improve safety are :

A departure lounge, designed to provide a calming transition for those leaving and off- street waiting area for those who order taxis.

Additional pay desks to eliminate on-street queuing.

The in-venue provision of food which should reduce the take-away visits by departing customers.

The site will include 32 CCTV cameras to serve the in-house security team.

The site will be 100% accessible for wheelchairs - the first such night-club venue in the City.

The proposal represents significant economic benefits including :

£1m+ fitting out and refurbishment work.

The creation of 11 full time and 29 part time jobs.

Providing a new dimension to the evening/night-time economy serving the higher spending overnight visitor.

Bringing life to a frontage that has remained unused and unattractive for a number of years.

It is anticipated that the application will result in a contribution to the proposed improved public CCTV coverage of the area and the applicants have made great efforts to provide a

platform to achieve a night-time public transport service through the offer to underwrite a trial bus service. At the very least this would establish whether such a service is commercially viable or the extent to which it may require to be subsidised. The applicants have suggested that if a subsidy for a service is necessary this trial will quantify it and then such a subsidy could be raised through a levy under Licensing Policy."

4.15 Although an objection to the proposal has been raised by the North Yorkshire Police, this is based on crime statistics for the whole of the city centre "Cumulative Impact Area", where it is recognised that there are high levels of violent crime and public order related offences. However, as the Planning Inspector concluded in the successful appeal against the refusal of permission for an extension of opening hours at the nearby "Salt and Peppers" takeaway, it is not sufficient to rely solely on crime statistics for an entire area when refusing an application on crime and disorder grounds. It is also necessary to demonstrate that the individual premises would significantly increase crime and disorder over and above existing levels in the area. Although individual crime statistics associated with Salt and Peppers were produced at the public inquiry, the Inspector concluded that they represented only a very small percentage of the total crime attributable to the area, and given the high levels of noise and activity which already occurs in the area, objections to the proposal on the grounds of crime and disorder and loss of amenity to local residents were not considered to be sustainable. A further argument which was advanced at the public inquiry is that the availability of food, as would be the case with the new premises, has been associated with a reduced risk of aggression in research conducted by the Home Office.

4.16 In this particular case, it cannot be automatically inferred that the increase in the capacity of the premises would result in an increase in crime, disorder and public nuisance in the area, particularly bearing in mind the proposed change in the nature of the operation. Indeed, the proposal could result in a reduction in queuing and general activity levels on the streets outside the premises. Recent statistics suggest that there has been an overall reduction in the level of crime and disorder in the city centre since the introduction of the new licensing regime. Within the Cumulative Impact Area, the Council's Licensing Policy states that there is a presumption to refuse applications for a premises licence resulting in an extension or increased capacity where relevant representations are received, and where the increase in capacity would undermine the licensing objectives, unless the applicant can rebut the presumption that the granting of such a variation would undermine the licensing objectives. Clearly, the applicant is likely to submit the change in the mode of operation of the premises in mitigation when applying for a premises licence. A condition could be attached requiring the departure lounge/"chill out" area to be maintained as such at all times and not used for dancing or the sale of alcohol. The applicant would not wish the consumption of alcohol to be restricted in this area as it is also intended to be a "quiet" area where customers may on occasions wish to sit.

4.17 Whilst the planning system can address the fundamental planning considerations, recent experience has demonstrated that detailed operational matters relating to licensed premises are more appropriately addressed through the licensing system. Indeed, the new licensing regime provides a more robust framework for dealing with crime, disorder and anti-social behaviour than the planning system. The Council's Licensing policy specifically states that 'The Licensing Authority may review premises licenses when representations are received from a responsible authority (such as the police or fire authority), or interested party (such as local residents), to indicate that problems associated with crime and disorder, public safety, public nuisance or protection of children from harm are occurring'. Therefore, should any future problems arise in this area, either from a crime or amenity perspective, it can be dealt with under the licensing review process. The application specifies opening times of 1600 hours to 0400 hours on Mondays to Saturdays, and 1600 hours to 0300 hours on Sundays. However, whilst it would be possible to attach a condition on the planning

permission relating to hours of operation, it is considered that this would be more appropriately addressed as part of the licensing process.

4.18 On the basis of the foregoing, it is concluded that there are no fundamental land use objections to the proposal, nor any compelling evidence to resist the proposal on the grounds of crime and disorder or loss of amenity to local residents. The Environmental Protection Unit have raised no objections to the principle of the proposal and have recommended a number of conditions to mitigate against noise and smell nuisance, whilst pointing out that they have no enforcement powers in relation to noise and disturbance on the streets outside the premises. It is likely, however, that any noise associated with the premises would be subsumed within the ambient noise levels already occurring in the area, and in these circumstances it is difficult to isolate the noise emanating from, or associated with, an individual premises. This was again a matter referred to in the Salt and Peppers takeaway appeal decision.

4.19 Policy GP3 expects new development, where required, to incorporate crime prevention measures including the provision of CCTV, where the proposal would include the consumption of alcohol or the congregation of large crowds or would contribute to a significant increase in traffic, pedestrian activity, or the parking of significant numbers of vehicles. The applicant fully anticipates that the proposal will result in a requirement for a financial contribution to be made towards improved CCTV coverage of the area, and this could be secured by means of an Agreement under Section 106 of the Town and Country Planning Act 1990. Officers are negotiating with the applicant in relation to this matter and it is anticipated that further information will be available at today's meeting. In addition, the applicant intends to install a network of 32 internal CCTV cameras together with monitoring points in order to monitor the interior of the premises. A condition could be attached requiring the details of any such scheme to be submitted and agreed with the local planning authority.

4.20 The applicant has also indicated a willingness for this development to be used as a catalyst to achieve a night-time bus service through an offer to underwrite such a service on a trial basis. If successful, this would assist with the dispersal of customers not only from the proposed venue but also from other establishments in the area. At the very least the trial would establish whether the service is commercially viable or the extent to which it may require to be subsidised. The applicant suggests that if a subsidy is necessary, it could be raised through a levy under the Council's Licensing Policy. The principle of a night-time bus service is supported by First York Limited, who are working on a detailed plan based on a network of five routes operating to Acomb, Clifton Moor, Haxby, Osbaldwick and the University. It is anticipated that the services would operate at 30 minute intervals between midnight and 0330 hours on Fridays and Saturdays, would start and terminate in Rougier Street, observe all recognised bus stops along the routes and be monitored by night club staff at the departure points on Rougier Street. Officers are negotiating with the applicant with a view to securing a financial commitment for the establishment of a night-time bus service on a trial basis through a Section 106 Agreement, and a further update on this matter will be given at the meeting.

4.21 The applicant has also indicated an intention to enter into a contract with a private hire company to secure guaranteed access to an appropriate number of vehicles for customers. The bookings would be made from within the premises and customers would wait inside prior to collection. Streamline Taxis have indicated a willingness to offer such a service to the applicant. A condition could be attached requiring the applicant to enter into such a contract prior to the development being brought into use. The applicant has also agreed to undertake regular litter patrols within a suitably defined area, and this could also be controlled through an appropriate condition.

5.0 CONCLUSION

5.1 It is considered that there are no fundamental land use objections to the proposal. Although the proposal would result in a significant increase in the capacity of the premises, it is considered that the impact on amenity and the character of the area would be at least partially offset by the proposed change in the mode of operation of the premises. Detailed operational matters, such as the hours of operation, could be addressed through the licensing process. A financial contribution towards the provision and improvement of CCTV camera coverage in the area could be secured through a Section 106 Agreement. The applicant has expressed a willingness for the proposal to be used as a catalyst to secure a night-time bus service in the city centre through agreeing to underwrite such a service on a trial basis, and is also proposing to operate a private hire booking service for customers. It is considered that the proposal could be supported subject to the imposition of appropriate conditions.

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 The development hereby permitted shall be carried out only in accordance with the following plans:-

Drawing number N/01D - proposed floor plans received 26 January 2006
Drawing number N/04 Rev A - proposed elevations received 26 January 2006

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.
Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.
- 3 VISQ8 Samples of exterior materials to be app
- 4 Prior to the commencement of the development, details of the positions and numbers of CCTV cameras to be installed within the premises, together with details of monitoring points, shall be submitted to and agreed in writing by the local planning authority. Once installed, the CCTV cameras and monitoring points shall be maintained in perpetuity and shall be operational at all times that the premises are open to the general public, unless any variations are first agreed in writing with the local planning authority.

Reason: In the interests of reducing and controlling incidents of crime and disorder that may occur within the premises.
- 5 No development shall commence unless and until details for the provision of external CCTV coverage or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The external CCTV coverage 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 the development being brought into use.

Reason: In the interests of reducing and controlling incidents of crime and disorder that may occur outside the premises, and in order to comply with the provisions of Policy GP3 of the City of York Draft Local Plan.

INFORMATIVE:

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

No development can take place on this site until the external CCTV coverage 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.

- 6 The proposed departure/"chill out" area indicated on the submitted drawings shall be maintained for this purpose at all times the premises is open to the general public and shall not be used for dancing, live entertainment or for the sale of alcohol.

Reason: In order to encourage the quiet and orderly departure and dispersal of customers from the premises, in the interests of the amenity of local residents.

- 7 The use hereby permitted shall not commence unless and until a contract has been made with a private hire operator to secure guaranteed access to vehicles for customers wishing to depart the premises. Provision shall be made for bookings to be made within the premises and adequate waiting areas shall be provided within the premises for the use of customers awaiting collection. These arrangements shall be maintained in perpetuity unless any variation is first agreed in writing with the local planning authority.

Reason: In order to encourage the quiet and orderly departure and dispersal of customers from the premises, in the interests of the amenity of local residents.

- 8 No development shall commence unless and until details for the provision of a trial bus service or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The trial bus service shall thereafter be provided in accordance with the approved scheme or the alternative arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: In order to encourage the quiet, orderly and rapid departure and dispersal of customers from the premises, in the interests of the amenity of local residents.

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 a late night bus service. The obligation should provide for a financial contribution calculated at £XXXXX.

No development can take place on this site until the trial bus service 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.

- 9 Prior to the development hereby approved being brought into use, a scheme for the regular collection of litter outside the premises shall be agreed in writing with the local planning authority. The scheme shall agree the frequency of the collections and the area within which they are to take place. Once approved, the scheme shall be undertaken in its entirety, unless any variation is first agreed in writing with the local planning authority.

Reason: In the interests of visual amenity.

- 10 Before the development commences a noise management scheme shall be agreed with the local planning authority which shall specify the provisions to be made for the control of noise emanating from the site. The scheme should, in particular, address noise from the customers queuing to enter the premises and customers exiting from the premises. The scheme shall be approved by the local planning authority prior to the opening of the use hereby permitted.

Reason: To protect the health, safety and welfare of nearby residents.

- 11 Before the use hereby permitted commences the proposed development site shall be insulated in accordance with a scheme to be approved in writing by the local planning authority, to ensure that music is not audible at the nearest residential properties.

Reason: To protect the health, safety and welfare of nearby residents.

- 12 ARCH2 Watching brief required

- 13 There shall be adequate facilities for the treatment and extraction of fumes so there is no adverse impact on the amenity of local residents by reason of fumes, odour or noise. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for approval; once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the health, safety and welfare of nearby residents.

- 14 Details of all machinery, plant and equipment to be installed in the proposed premises, which is audible outside the premises, shall be submitted to the local planning authority for approval. These details shall include maximum ($L_{Amax(f)}$) and average (L_{Aeq}) sound levels (A weighted), octave band noise levels they produce and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the health, safety and welfare of nearby residents.

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 the proposal
- policy issues, loss of potential retail floor space
- impact on the character and appearance of the conservation area
- impact on the special architectural and historic importance of the listed building
- crime and disorder
- amenity of local residents

As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies S1, S7, GP3, HE3 and HE4 of the City of York Local Plan Deposit Draft.

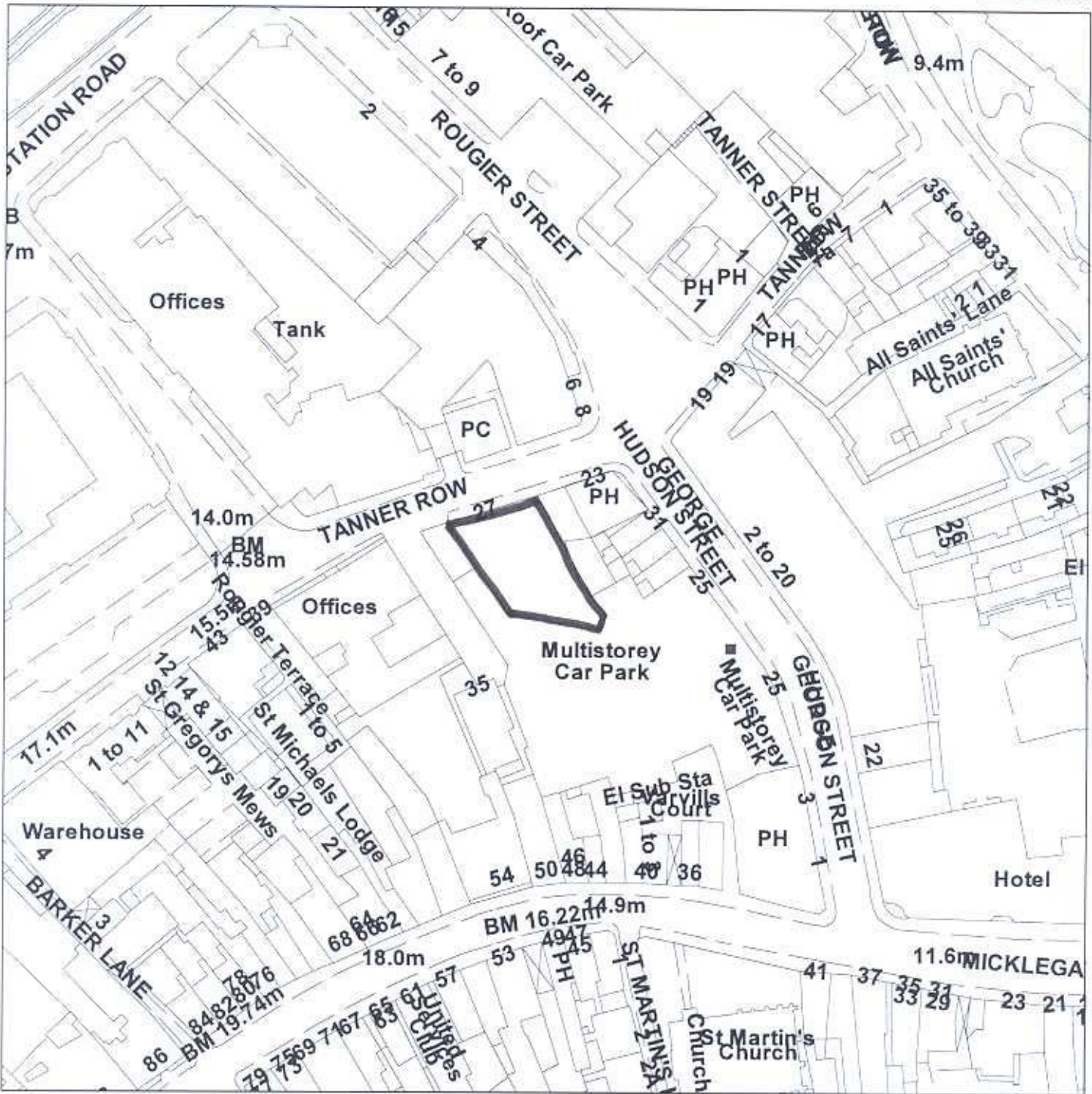
Contact details:

Author: Simon Glazier Development Control Officer
Tel No: 01904 551351

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25 George Hudson Street

York



Scale : 1:1250

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Organisation	City of York Council
Department	DEDS
Comments	Location Plan
Date	02 June 2006
SLA Number	

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2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

Conservation Area Central Historic Core 0038

Areas of Archaeological Interest City Centre Area 0006

2.2 Policies:

CYH4

Housing devp in existing settlements

CYHE2

Development in historic locations

CYHE3

Conservation Areas

CYGP1

Design

CYL1

Open spaces in new residential devts

3.0 CONSULTATIONS

3.1 INTERNAL

HIGHWAYS - Comments awaited

URBAN DESIGN AND CONSERVATION - The revised scheme has addressed our main concerns by removing the uncharacteristic balconies onto East Mount Road and by introducing a double pitched roof over this more modest building. We feel that the overall massing is not uncharacteristic of the conservation area. We also welcome the reinstatement of the higher boundary wall enclosing the yard.

The round headed window appears pretentious on such a modest property and the doorway is rather informal and lacking in privacy for this edge of street location. Please request amendments to simplify the design detail in line with the rest of the house.

ENVIRONMENTAL PROTECTION UNIT - No objections in principle. A standard working hours condition is recommended together with conditions to deal with any possible contamination as a result of previous uses of the site.

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

a) amenity open space - which would be used to improve a local site such as Scarcroft Green, Rowntree Park and The Knavesmire.

b) play space - which would be used to improve a local site such as Scarcroft Green or Rowntree Park

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

EDUCATIONAL PLANNING OFFICER - No commuted sum is required as only one of the properties has two bedrooms.

STRUCTURES AND DRAINAGE - Insufficient information has been provided to determine the potential impact the proposal may have on existing drainage systems

3.2 EXTERNAL

MICKLEGATE PLANNING PANEL - Comments awaited

SAFER YORK PARTNERSHIP - No comments

LOCAL RESIDENTS - eleven letters have been received which make the following points:

- the scale of the development is too large and provides too many dwellings
- the development of the site requires more imagination and is more suited to two individual properties
- not enough provision has been made for off-street parking
- the existing parking permit scheme is already at or beyond its capacity
- strict conditions should be attached regarding the duration of the development in order to minimise disruption
- the existing group of buildings is an important part of the streetscape
- the new two storey house is intrusive and out of character with the forecourted Victorian street and would not preserve or enhance the conservation area
- the visual punctuation provided by the existing single storey monopitch building would be lost
- the monopitch building could be retained and used to enhance whatever accommodation is created within the larger building at the rear
- the front door of the new dwelling opens onto the footpath with cars directly in front which is aesthetically unacceptable. It will obstruct the use of the pavement
- the development is out of character and will create a tunnel effect at the end of the street
 - the position of one of the existing windows is incorrectly shown
- the development seeks to make a quick profit at the expense of this Victorian Street
- the proposed increase in height of the monopitch building to create a dwelling would take away natural light from an adjacent garden
- the new dwelling would be too close to the building on the opposite side of the street
- it is likely that the flats will be sold as low income housing resulting in additional noise pollution, rubbish in the street and indiscriminate parking of cars
- the proposal will result in loss of privacy
- the proposal will add to the existing problems of takeaway food and bottles being discarded in people's gardens
- the street is under an Article 4 Direction preventing alterations to the properties
- most of the houses in the street have been returned as family houses after previously being converted to flats and the proposed development will thus be detrimental to the area.

4.0 APPRAISAL

4.1 Key Issues

- principle of the proposal
- design issues, impact on character of conservation area

- impact on amenity of neighbours
- highway and parking issues

4.2 The application relates to a residential development on a site occupied by a range of redundant buildings. The proposal consists of the conversion of the existing two storey building at the rear of the site to form 5 one bedroom apartments, and the replacement of the single storey monopitch building on East Mount Road with a single new dwelling. The site is within the urban area and occupies a sustainable location within walking distance of the city centre. The principle of the proposal is supported by Policy H9 of the Approved North Yorkshire Structure Plan which states that provision will be made for the maintenance and, where appropriate, the extension of residential use of property in and around town centres and particularly around the historic core of the City of York, through permitting suitable new development and through the conversion of suitable existing property and vacant upper floorspace.

4.3 Policy H4a of the City of York Draft Local Plan relates to housing windfalls, and states that proposals for residential development on land not already allocated on the Proposals Map will be granted planning permission where the site is within the urban area and is vacant, derelict or underused, or it involves infilling, redevelopment or conversion of existing buildings, and where the site has good accessibility to jobs, shops and services by non-car modes. Policy H4a also requires development to be of an appropriate scale and density to surrounding development, and not to have a detrimental impact on existing landscape features.

4.4 The site is also within a designated conservation area (Central Historic Core), wherein the City Council, when determining planning applications, has a statutory duty to consider the desirability of preserving or enhancing the character and appearance of the area. Policy E4 of the Approved North Yorkshire Structure Plan states that buildings and areas of special townscape, architectural or historic interest will be afforded the strictest protection. Policy HE2 of the Draft Local Plan states that within conservation areas, development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials. Proposals will be required to maintain or enhance existing urban spaces, views, landmarks and other townscape elements which contribute to the character or appearance of the area. Policy HE3 states that within conservation areas, proposals involving the demolition of a building (whether listed or not), or external alterations, will only be permitted where there is no adverse effect on the character and appearance of the area.

4.5 Policy GP1 is a general policy which states that development proposals will be expected to respect or enhance the local environment, be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, using appropriate building materials, and avoid the loss of open spaces, important gaps within development and other features that contribute to the quality of the local environment. Policy GP1 also seeks to ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures. Policy T4 requires all new developments to provide cycle parking to a standard set out in Appendix "E" of the Local Plan (one covered and secure space per residential unit).

4.6 The relevant Central Government advice is contained within Planning Policy Guidance Note 3: "Housing" (PPG3). This states that local planning authorities should give priority to re-using previously developed land within urban areas, bringing empty homes back into use, and converting existing buildings, in preference to the development of greenfield sites. PPG3 states that conversions of housing and buildings formerly in other uses can provide an important source of additional housing, particularly in town centres. It encourages local planning authorities to promote such conversions by taking a more flexible approach to

development plan standards with regard to densities, car parking, amenity space and overlooking. It also advocates that local planning authorities seek greater intensity of development at places with good transport accessibility such as city, town, district and local centres or around major nodes along good quality transport corridors.

4.7 The application seeks to address the previous reasons for refusing the previous application for the development of the site, which essentially related to design issues and inadequate amenity standards for the future occupiers of the dwellings, whilst at the same time not unduly harming the amenity of the occupants of the adjacent dwelling at 50 East Mount Road, which was a key issue when planning permission was refused for the original application. In terms of design, the proposed two storey dwelling would occupy a back of footpath location along approximately half the width of the existing single storey monopitch building. The remainder of the site would consist of an open patio area enclosed by a brick wall and a single storey building providing cycle and refuse storage for the whole development. The Conservation Architect has commented that the revised scheme has addressed the previous objections by removing the uncharacteristic balconies onto East Mount Road and by introducing a double pitched roof over this more modest building. It is considered that the overall massing is not uncharacteristic of the conservation area. The reinstatement of the higher boundary wall enclosing the patio area is welcomed. Some criticism has been made in relation to the appearance of a first floor round headed window in the design, and also the design of the entrance doorway. Appropriate amendments have been sought from the applicants agent in respect of these two items and an update will be given at the meeting. The conversion of the existing two storey building would make use of existing openings within the building. It is not considered that the proposed additional openings required to facilitate the conversion works would adversely affect the appearance of the building, and indeed would help to dilute its generally austere and industrial character. An archaeological watching brief would be required in association with the development.

4.8 The previous application related to the conversion of the existing two storey building to 2 three bedroom dwellings with no associated amenity space, and it was considered that this would have resulted in unacceptable living conditions for future occupiers by virtue of the fact that they were capable of occupation by families. Although the number of units to be accommodated within the building has now increased to five, these relate to the formation of small one bedroom apartments and in those circumstances, in line with other similar schemes within the city centre, it is not considered that the provision of outdoor amenity areas could be insisted upon. One of the ground floor units would have access to a small patio and/or parking area (6.3m x 2.4m approx) The proposed two bedroom dwelling would be provided with a paved patio area (5.3m x 5 m approx), screened from East Mount Road and the adjacent side-street by a brick boundary wall and the proposed cycle and refuse storage building. It is considered, therefore, that the future occupiers of the dwellings would be provided with a satisfactory standard of amenity bearing in mind the urban location, and that the revised scheme has addressed the previous concerns in this respect, albeit through an increase in the number of units to be accommodated on the site. Policy L1c of the Draft Local Plan would require a commuted sum calculated at £1454 to be paid towards the upgrading of public open space in the locality, which could be secured through an Agreement under Section 106 of the Town and Country Planning Act 1990. Lifelong Learning and Culture have indicated that improvements could be carried out to a number of local sites such as Scarcroft Green, Rowntree Park and The Knavesmire.

4.9 So far as the impact of the proposal on 50 East Mount Road is concerned, the proposal would involve an increase in the height of the existing monopitch building to create a two storey gable wall. There would be no windows located within this wall, so it is not considered that overlooking or loss of privacy would be an issue in this case. The previous application would have incorporated an increase in the height of the monopitch building of approximately 1.1 metres, and although planning permission was ultimately refused for other

reasons, the officers report considered that this increase in height would not be significantly harmful to the amenity of the property. Although the proposed gable wall would introduce an additional area of brickwork over and above that which was previously deemed to be acceptable, it is not considered that the impact would be so significant that the refusal of planning permission could be justified. The principle rear elevation of 50 East Mount Road would be located approximately 18 metres from the blank gable wall of the new dwelling, with a conservatory in the rear garden having a separation distance of 10 metres. Furthermore, the new dwelling would be located to the southeast of 50 East Mount Road, and thus any overshadowing effect would be likely to be restricted solely to the early part of the day. Having regard to the separation distances involved and orientation of the new development, it is not considered that the impact of the proposal on the amenity of the adjacent dwelling would be unacceptable.

4.10 The adjacent dwelling to the southeast (49 East Mount Road) has a blank gable wall and is separated from the site by a single track road. There would be a separation distance of 14 metres between the new build element of the proposal and the blank gable wall, and as such it is not considered that any loss of amenity would occur. The dwelling also has a two storey projection to the rear, which is stepped back and contains both ground and first floor windows. However, these windows aspect beyond the rear of the application site towards The Mount and thus would not be directly affected. There would be a separation distance of 10 metres between the front elevation of the proposed new dwelling and the flats immediately opposite the site. Whilst this distance is significantly below that which would normally be sought on new developments, and would result in some loss of privacy, such relationships are not uncommon within the urban area due to the age and established nature of the built environment. For example, within nearby Moss Street, there is a separation distance of only 9 metres between front elevations along the entire length of the terraced street. Whilst there would undoubtedly be some impact, this is already a densely developed area where a degree of overlooking between properties is common. It is not considered that the proposal would significantly worsen that situation.

4.11 The comments of Highways (Network Management) are awaited. Although no specific car parking provision has been made within the development (other than a small area which could accommodate a single vehicle adjacent to one of the proposed flats at the rear of the site), this is not considered to be an essential requirement bearing in mind the proximity of the site to the city centre and its associated amenities and public transport routes. Provision has been made within the site for secure, covered cycle storage. Central Government advice in Planning Policy Guidance Note 13 : "Transport" promotes walking, cycling and the public transport in preference to car use and advises that developers should not be required to provide more parking spaces than they themselves wish, which has effectively removed the need to impose minimum parking standards on developers. This also reflects the advice in Planning Policy Guidance Note 3, which states that in the case of the re-use of buildings, Local Planning Authorities should adopt a flexible approach with regard to densities, car parking standards, amenity space and overlooking. It is recommended, however, that the development be excluded from the heavily subscribed R1 (Moss Street) Respark Zone, within which the site is located, in order to prevent future occupiers from applying for parking permits, a course of action which has been supported in a recent appeal decision.

4.12 The York Consultancy (Drainage) have commented that insufficient information has been provided by the developer to determine the potential impact the proposals may have on existing drainage systems. However, in commenting on the previous application, Yorkshire Water recommended that conditions be attached requiring details of the foul and surface water drainage systems to be submitted and approved prior to the commencement of the development, and it is considered that this matter could be adequately addressed through the imposition of the recommended conditions. The Police Architectural Liaison Officer has no comments to make in relation to "Designing Out Crime".

5.0 CONCLUSION

5.1 It is considered that the principle of the proposal is acceptable within this established residential area, in a sustainable location close to the city centre. The nature of the accommodation proposed (i.e. small apartments together with a two bedroom dwelling) is not uncharacteristic of such locations. The previous objections on design grounds have been eliminated to a significant degree, subject to two small amendments being made to the submitted drawings. Although the proposal would have some impact on the amenity of adjacent residential properties, this is considered to be within acceptable limits bearing in mind the orientation of the site and the layout and urban character of the surrounding area. The removal of the development from the Moss Street Respark scheme would minimise any adverse impact which could otherwise result from additional traffic movement and on-street parking. As such, it is considered that planning permission could be granted for the proposal.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- | | | |
|---|---------------------------------|---|
| 1 | TIME2 | Development start within three years |
| 2 | PLANS1
<i>to be inserted</i> | Approved plans |
| 3 | VISQ8 | Samples of exterior materials to be app |
| 4 | ARCH2 | Watching brief required |
| 5 | HWAY29 | IN No gate etc to open in highway
<i>gate, door or window</i> |
| 6 | | All construction and demolition or refurbishment works and ancillary operations, including deliveries to the site and despatch from the site shall only be carried out between the hours of 08.00 and 18.00 Mondays to Fridays and 09.00 to 13.00 on Saturdays and not at all on Sundays and Bank Holidays. |

Reason: To protect the amenity of local residents

- 7 A desk study shall be undertaken in order to identify any potentially contaminative uses which have or are currently occurring on the site. This shall include a site description and a site walkover and shall be submitted to and approved by the local planning authority prior to development of the site.

INFORMATIVE: The study should, where possible, date back to 1800.

Reason: In order to ensure that any potentially contaminative uses are identified and appropriate remedial action is taken.

- 8 A site investigation shall be undertaken based upon the findings of the desk study. The investigation shall be carried out in accordance with BS10175: Investigation of potentially contaminated land: code of practice. The results of the investigation shall be submitted to and approved by the local planning authority in writing prior to any development commencing on the site.

Reason: In order to ensure that any potentially contaminative uses are identified and appropriate remedial action is taken.

- 9 A risk-based remedial strategy shall be developed based on the findings of the site investigation. The remedial strategy shall be submitted to and approved by the local planning authority in writing. The approved strategy shall be fully implemented prior to any development commencing on site. The remedial strategy shall have due regard for United Kingdom adopted policy on risk assessment and shall be developed in full consultation with the appropriate regulator(s).

Reason: In order to ensure that potentially contaminative uses are identified and appropriate remedial action is taken.

- 10 A validation report shall be submitted to and approved by the local planning authority, detailing sample locations and contaminant concentrations prior to any development commencing on site.

Reason: In order to ensure that potentially contaminative uses are identified and appropriate remedial action is taken.

- 11 Any contamination detected during site works that has not been considered within the remedial strategy shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development of the site.

Reason: In order to ensure that potentially contaminative uses are identified and appropriate remedial action is taken.

- 12 A timetable of proposed remedial works shall be submitted to the local planning authority prior to any works being undertaken on the site.

Reason: In order to ensure that any potentially contaminative uses are identified and appropriate remedial action is taken.

- 13 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interests of satisfactory and sustainable drainage.

- 14 No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority.

Reason: To ensure that the development can be properly drained.

- 15 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal.

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

in accordance with the approved scheme or the alternative arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: In order to comply with the provisions of Policy L1c of the City of York Draft Local Plan.

INFORMATIVE: The alternative arrangements referred to in 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 the provision of open space. The obligation should provide for a financial contribution calculated at £1454

No development can take place on this site until the public open space has been provided or the planning obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

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

- principle of the proposal
- design issues, impact on character of conservation area
- impact on amenity of neighbours
- highway and parking issues

As such the proposal complies with Policies H9 and E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies H4, HE2, HE3, GP1 and L1c of the City of York Local Plan Deposit Draft.

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

1. The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

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

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

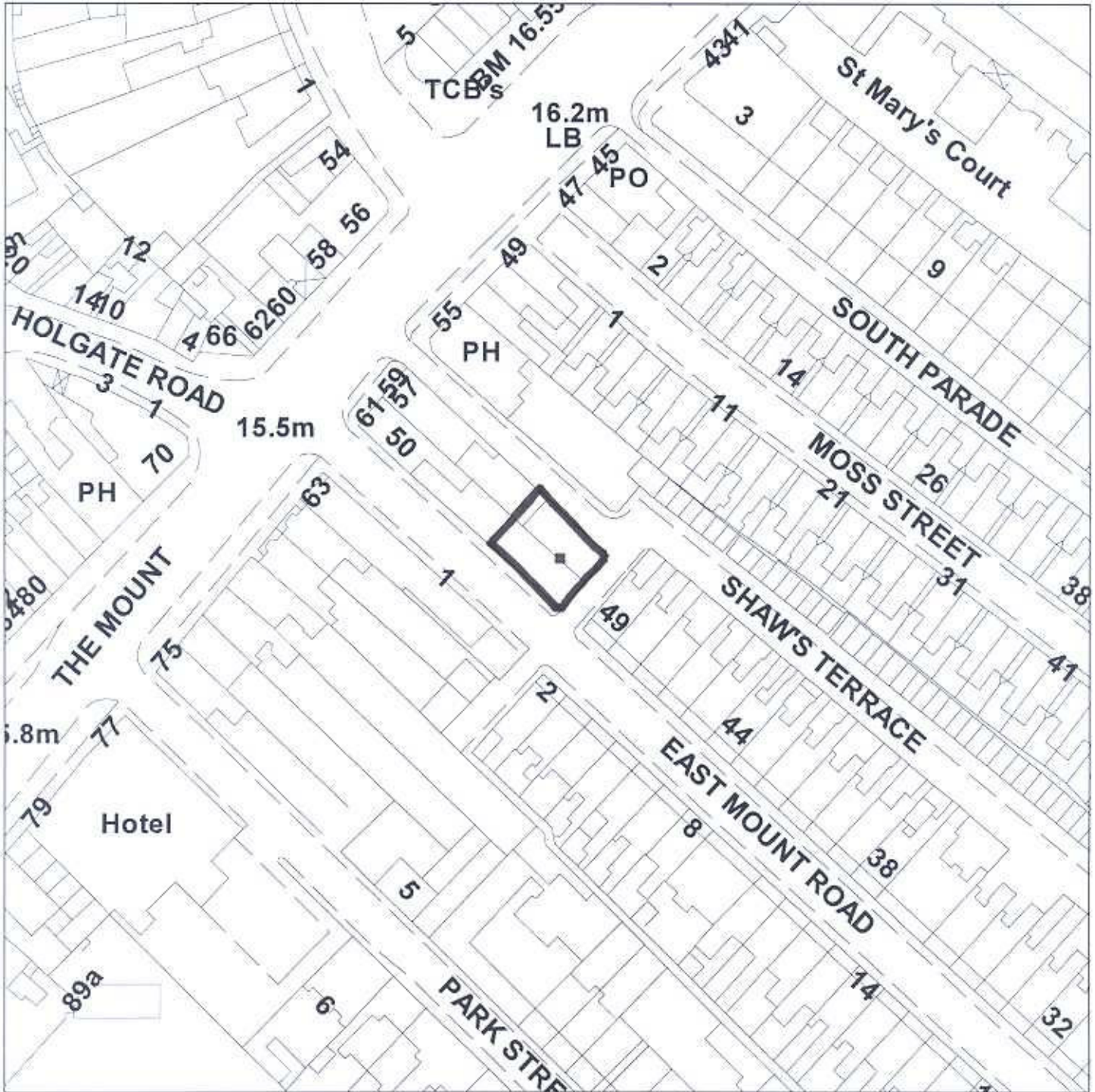
4. All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.
5. There shall be no bonfires on the site.
6. The developer should be aware that the Council will seek to exclude the development from the Moss Street R1 residential parking zone, which is under considerable pressure. Future occupiers of the properties will not be eligible to apply for a parking permit and the development will be excluded from the zone, with the associated costs being met by the developer.

Contact details:

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49a East Mount Road

York



Scale : 1:1000

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Organisation	City of York Council
Department	DEDS
Comments	Location Plan
Date	08 June 2006
SLA Number	

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3.3 Lifelong Leisure and Learning - No Objections

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

- a) amenity open space - which would be used to improve a local site such as the Knavesmire, Hob Moor, Mayfield or Chapmans Ponds
- b) play space - which would be used to improve a local site such as Nelsons Lane or Leaside
- c) sports pitches - would be used to improve a facility within the West Zone of the Sport and Active Leisure Strategy.

External

3.4 Dringhouses/Woodthorpe Planning Panel - Comments

- * General appearance acceptable
- * Consider the inclusion of a chimney to be appropriate

3.5 Nine letters of objection have been received from the residents of a neighbouring property. The letters raises the following concerns:

- * Increased congestion
- * Sewage and Servicing problems
- * Devaluation of Property and Subsequent Compensation
- * Overlooking/Privacy
- * Loss of Light
- * Affordable Housing Provision
- * Pollution

3.6 Amended plans showing a 1.0 metre (approx) reduction in the proposed roof height have been submitted by the applicant. All objectors have been re-consulted and invited to submit any additional comments by the 27th June 2006.

4.0 APPRAISAL

PLANNING POLICY

4.1 Policy GP1 'Design' of the City of York Local Plan Deposit Draft includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

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

4.3 GP10 -Subdivision of Gardens and Infill Development: encourages the protection of wildlife and setting, suggesting that existing landscape features are incorporated into the scheme or compensated for elsewhere should their removal be required.

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

ASSESSMENT

4.5 The applicant has clearly stated that all materials used will match the existing where appropriate, ensuring continuity, whilst also setting a desirable precedent for all future development. In terms of design the external features of the dwelling replicates the frontages of neighbouring properties and incorporates many of the features which characterise this diverse street scene. The side and rear garden areas are also compatible to those associated with neighbouring properties, in particular the properties located to the side and rear.

4.6 Concerns have been raised regarding the first floor rear windows impact upon neighbouring amenity; in particular the potential loss of privacy. Although the first floor windows will be located in close proximity to the rear boundary wall and the bungalow beyond, the impact in terms of amenity loss is considered to be minimal. The rear boundary wall measures approx. 2.7 metres in height with the No.94a, Tadcaster Road, located approx 3.0 metres beyond; the close proximity of the bungalow to this high wall, in conjunction with existing planting and the angles of vision afforded from the proposed first floor windows mitigates direct overlooking into the rear/side garden and kitchen window of the aforementioned dwelling. Views into No.94 are mitigated by the height of an existing garage and the distances involved.

4.7 The proposed dwelling by virtue of its location and orientation (north of the adjoining bungalow) will represent little threat to amenity in terms of overshadowing. Furthermore the original drawings have been amended to reduce the proposed ridgeline by 1 metre. Although some loss of light may occur during the late evening to the side of No.7, Slingsby Grove, the overall impact is considered negligible in this instance.

4.8 The loss of existing garaging has been replaced by the inclusion of parking provision for at least two vehicles to the side of the proposed and existing properties. The parking provision will enable the future occupiers of the properties to park off the main highway at all times and will not compound any perceived congestion. Cycle storage has also been provided to the rear, potentially reducing the need for vehicle usage and promoting sustainable living.

4.9 The applicant is only proposing to build one property, therefore the "affordable housing" policy is not relevant in this instance.

4.10 The "devaluation of property" is not a material planning consideration and can not be considered as part of this application.

5.0 CONCLUSION

The proposed detached dwelling by virtue of its overall design and locality, represents little threat to the visual and residential amenity of neighbouring property or the surrounding street

scene in general, meeting policies GP1 and GP10 of the City of York Development Control Draft Local Plan.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Delegated Authority to Approve

- 1 TIME2 Development start within three years
- 2 The development hereby permitted shall be carried out only in accordance with the following plans:-

Proposed New Dwelling SG01 Rev B
Proposed New Dwelling SG02 Rev B

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.
Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.
- 3 Any suspect contaminated materials detected during site works shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development of the site.

Reason: To protect the health of the occupants.
- 4 All construction and demolition or refurbishment works and ancillary operations, including deliveries to the site and despatch from the site shall only be carried out between the hours of 08.00 and 18.00 Mondays to Fridays and 09.00 to 13.00 on Saturdays and not at all on Sundays and Bank Holidays.

Reason: To protect the amenity of local residents during the construction of the development.
- 5 VISQ7 Sample panel ext materials to be approved
- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no doors, windows or other opening additional (including dormer windows and rooflights) to those shown on the approved plans shall at any time be inserted into the external elevations of the detached dwelling hereby approved.

Reason: In the interests of the amenities of occupants of adjacent residential properties.
- 7 HWAY19 Car and cycle parking laid out
- 8 No gate shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

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

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

- 10 The boundary walls enclosing the rear (southern) boundary of the site shall not be lowered or breached without the prior written consent of the Local Planning Authority.

Reason: In the interests of the visual amenities of the area.

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

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

Informative

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring financial contribution towards the off site provision of open space. The obligation should provide for a financial contribution calculated at £1,809.

No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard.

7.0 INFORMATIVES:

Notes to Applicant

1. Demolition and Construction - Informative

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

1. The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

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

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

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

5. There shall be no bonfires on the site.

2. REASON FOR APPROVAL

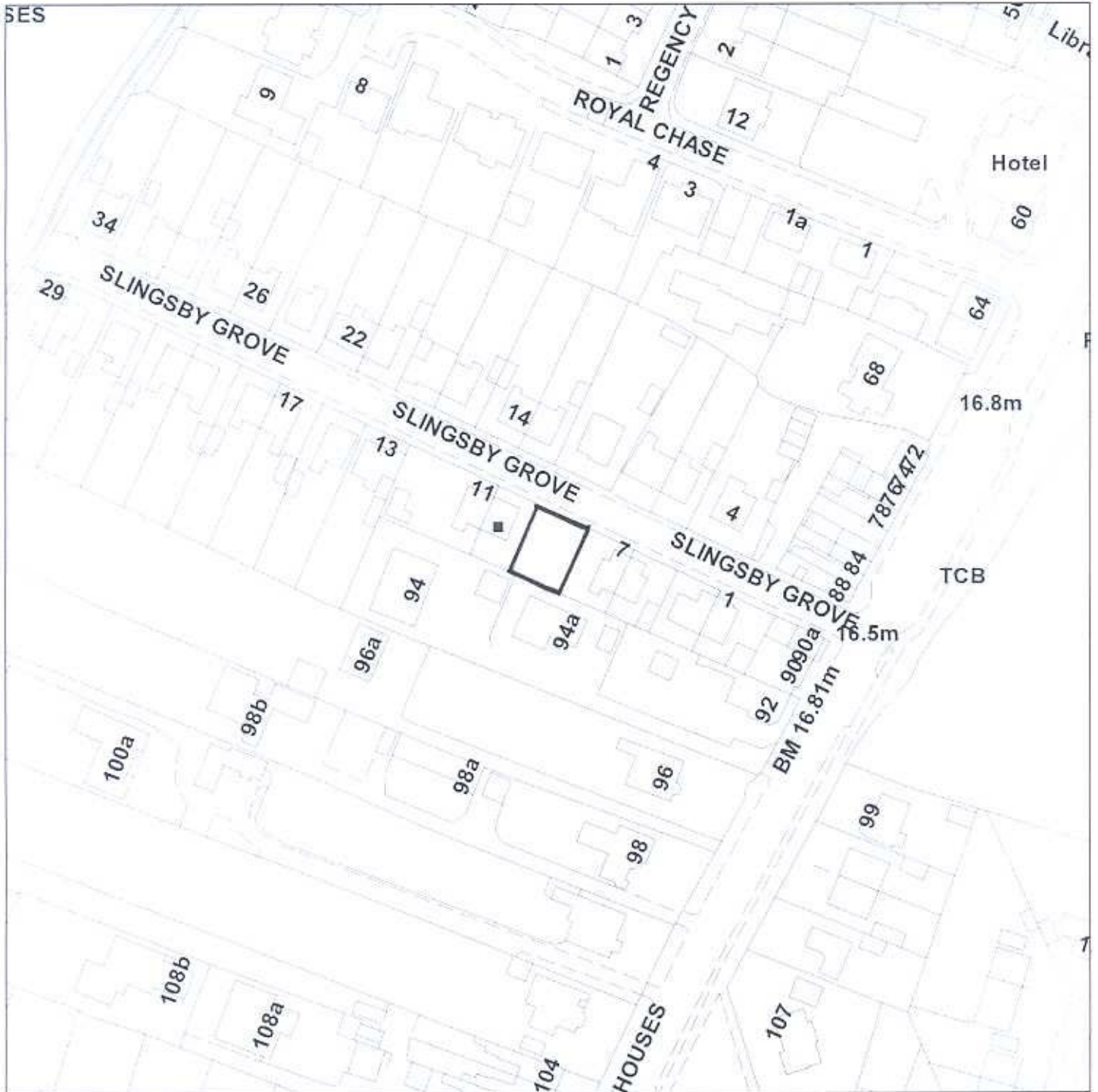
In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to visual and residential amenity. As such the proposal complies with Policy GP1 of the City of York Local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

Contact details:

Author: Richard Mowat Development Control Officer
Tel No: 01904 551416

9 Slingsby Grove

06/00623/FUL



Scale : 1:1250

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Organisation	City of York Council
Department	Development Control
Comments	
Date	09 June 2006
SLA Number	

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2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Floodzone 3 Flood Zone 3

Floodzone 2 Flood Zone 2 CONF

City Boundary York City Boundary 0001

Conservation Area Bishopthorpe 0015

2.2 Policies:

CYNE2

Rivers and Stream Corridors, Ponds and Wetland Habitats

CYGP1

Design

CYHE3

Conservation Areas

CYGB1

Development within the Green Belt

CYNE1

Trees, woodlands, hedgerows

CYV5

Caravan and camping sites

CYL4

Development adjacent to rivers

CYNE3

Water protection

3.0 CONSULTATIONS

Internal

Urban Design and Conservation Section

3.1 Countryside Officer - No Objections

Banks and surrounding grassland are of limited interest. Any tree removal should have replacement planting. The tree in the middle of the site should be retained if possible.

3.2 Archaeology - Request a "Watching Brief" on all groundwork's

Due to the site proximity to Archbishops Palace and the former site of St Andrews Church.

3.3 Landscape Architect - Comments relating to the principle of the marina and formalisation of the caravan site.

To summarise, from an amenity perspective I am against the development. However if the principal receives overwhelming support, there is significant scope for improvement to the current proposals, namely a reduced plateau area and a consequent reduction in chalet numbers and increased width for the footpath. Construction details for the marina need to be submitted. A path should be retained along the river's edge resulting in the need for a bridge as it would add to the riverside/boating activity that creates interest in this area. Thus the footpath would retain views of the palace, retain the association with the river, keep an open aspect to the footpath and take the footpath away from the less attractive repetitive cabins. Instead, the public footpath ought to reflect the attractive landscape character of the stretch adjacent to St Andrews church ruin, esp. with regard to policy L4 d.

3.4 Conservation Officer - Comments

Not convinced that this proposal will preserve or enhance the character of the conservation area. The lack of conviction is not helped by the paucity of the submitted information. Better information would be useful to explain the scheme. The underlying principles (marina, bank and chalets) seem to be at odds with the character of the conservation area and the green belt. This harm is not offset by the cohesion to the site that this scheme will bring.

3.5 Acaster Internal Drainage Board - Request the inclusion of conditions.

3.6 City Development - Comments

The proposal constitutes development in the green belt. The impact of the development on the green belt should therefore be appraised against the economic benefit to the City from high-end tourism.

If the application is to be approved, conditions to control the occupation of lodges, shall be included. If this is not established we would request an affordable housing contribution, amounting to 50% of the development on site, in line with H2A.

The applicant should submit a sustainability statement in line with GP4a, in particular considering how refuse and waste would be dealt with and how the development would minimise its impact on the environment through construction methods and renewable energy regeneration.

3.7 Environmental Protection Unit - No Objections, however recommend conditions.

3.8 York Consultancy (Drainage) - No Objections.

3.9 Highway Network Management - No Objections, however recommend conditions.

3.10 York Natural Environment Panel - Comments

The excavated area should be smaller to retain existing trees. The diversion of the riverside path is inconvenient to regular users. The claimed environmental benefits are not clear.

External

3.11 English Heritage - the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

3.12 Environment Agency -

3.13 British Waterways - Support the application.

3.14 Yorkshire Water - Comments and Conditions.

3.15 16 letters of comment and 6 letter objection regarding the applicants' proposals have been received from local residents and interested parties. The letters raise the following issues.

- * Increased Flooding.
- * Access of Existing Paths/Tracks.
- * Highway Safety.
- * Noise and Light.
- * Visual Impact upon Conservation Area and Green Belt.
- * Conditions of Occupancy/Site Management.
- * Impact of Soil Movement

4.0 APPRAISAL

PLANNING POLICY

4.1 Policy GP1 'Design' of the City of York Local Plan Deposit Draft includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

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

4.3 Policy GB1 'Development in the Green Belt' states that planning permission for development will only be granted where:

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

and it is for one of the following purposes:

- * limited infilling or redevelopment of existing major developed sites
- * reuse of existing buildings.
- * essential facilities for outdoor sport and outdoor recreation
- * limited affordable housing for proven local needs

4.4 Policy HE3 'Conservation Areas' states that within Conservation Areas proposals for the following types of development will only be permitted where there is no adverse effect on the character and appearance of the area.

- * demolition of a building (whether listed or not);
- * external alterations
- * changes of use which are likely to generate environmental or traffic problems.

4.5 Policy NE1 'Trees, Woodlands and Hedgerows' the aforementioned, which are of landscape, amenity, nature conservation or historical value, will be protected by:

- * Refusing development proposals, which result in their loss or damage; and
- * Requiring trees or hedgerows which are retained on development sites to be adequately protected during any site works; and
- * Making tree preservation orders for individual trees and groups of trees which contribute to the landscape or local amenity; and
- * Making hedgerow retention notices where appropriate to protect important hedgerows and; ensuring the continuation of green/wildlife corridors.

4.6 NE2 'Rivers and Streams Corridors, Pond and Wetland Habitats' states that development which is likely to have a detrimental impact upon the natural features of the river and stream corridors, ponds or wetland habitats will not be permitted. Their environmental and amenity value will be conserved and enhanced by:

- * Protecting existing natural features and marginal vegetation and encouraging their reinstatement when lost;
- * Resisting development that would have adverse impact on their landscape character
- * Promoting the maintenance, enhancement and , where appropriate, the restoration of their character;
- * Ensuring the design of structures and engineering works are appropriate in form and scale to their setting.

4.7 NE3 'Water Protection' states that when determining applications, account will be taken of any impact the development will have on watercourses, open water or underground water supplies. Development proposals will be expected to minimise any adverse effects on these sources.

4.8 V5 'Caravan/Camping Sites' states that planning permission for new (or extensions to existing)caravan/camping sites outside defined settlement limits will be granted providing

- b) there will be no pitches for static caravans on the site; and
- f) there is no adverse effect on the openness of the Green Belt.

4.9 L4 'Development Adjacent to Rivers' states that planning permission will only be granted for development adjacent to rivers where:

- * there would be no loss to established and thriving recreational interests and uses; and
- * the proposed development would complement existing recreational uses and the existing character of the area; and
- * the navigational capacity of the rivers would not be decreased; and

* existing walkways and cycleways along the river banks are retained and where possible enhanced, as part of the proposed development.

4.10 North Yorkshire County Structure Plan Policy R10, states that holiday caravan, chalet and camping development will be permitted only where the local environment can absorb such development. Sites should be well screened, particularly from roads and elevated viewpoints, preference being given to well wooded areas.

4.11 North Yorkshire County Structure Plan Policy R11, there is a presumption in favour of touring caravans and tents rather than static caravans. Proposals for the development of touring caravan and tent sites will normally be permitted where they are in accordance with policy R10, except where they are located on grade 1, 2, or 3(a) agricultural land or on the valley bottom land in upland areas.

Preference will be given to the development of holiday chalet sites rather than static caravan sites. The conversion of static caravan sites to chalet sites will normally be permitted.

IMPACT ON THE GREEN BELT

4.12 Key components of this particular submission are considered to be unacceptable in this instance. As they fail to meet the strict parameters set by Planning Policy Guidance Note 2 and Policy GB1 of the City of York "Development Control" Draft Local Plan (CYDCDLP), which specify categories of development deemed appropriate within areas designated as Green Belt.

4.13 The proposed chalets by virtue of their permanency within the Green Belt and failure to embrace the development criteria considered acceptable by the aforementioned policies, represent a threat to the open character of the Green Belt. This is particularly pertinent when the open nature of the surrounding countryside (especially to the east) and the proposed increase in the height of existing land levels is taken into consideration.

4.14 The North Yorkshire Structure Plan Policy R10, bolsters the refusal decision further; stating that holiday, caravan, chalet and camping development will be permitted only where the local environment can absorb such development.

4.15 It must be noted that the proposed marina as an individual entity is considered to be an "essential facility for outdoor sport or recreation", unifying a number of the sites existing usages and would be considered as appropriate development within the Green Belt.

IMPACT UPON CHARACTER AND APPEARANCE OF THE CONSERVATION AREA.

4.16 Although the applicants' proposals will undoubtedly bring some cohesion to the site by removing the clutter and random character associated with the existing buildings, the overall benefit to the designated Conservation Area is debated. The Conservation Officer is of the opinion that the formalisation of the site layout and introduction of "Swiss style" chalets would be at odds with the underlying principles of a Conservation Area designation; appearing out of place with the character and appearance of its surroundings.

4.17 However, it could also be argued that the removal of the aforementioned buildings, in conjunction with the introduction of a low density alternative would be amore appropriate option. This is particular pertinent when you consider the apparent lack of development opportunities available to the applicants' within the confines of this particular site and their willingness to ensure the site compliments the principals of the Conservation Area designation and the village of Bishopthorpe.

APPLICATION ASSESSMENT

4.18 Although this particular submission is clearly contrary to a number of Green Belt and related policies, a number of potentially mitigating factors and issues should be addressed. The application site while predominantly green in character has been heavily developed over the years. Restaurant buildings and other units associated with the camping and boat usage (most of which are redundant) along with large areas of hard landscaping contribute negatively to this particular site and the Bishopthorpe Conservation Area.

4.19 A similar proposal at Naburn Marina (Application Ref. No. 03/00196/FUL) was granted permission as it was considered that special circumstances applied in this case to overcome the presumption against development in the Green Belt as described in PPG2, Structure Plan and CYDCDLP Policy GB1. These were;

- * existing prominent, visually intrusive, and inappropriate workshop buildings will be removed and replaced by chalets with a smaller overall footprint, with good landscape screen planting areas and with less visual impact.

- * this will be a recreational use which complements existing recreational uses nearby (marina, national cycle routes) and gives good access to open countryside on the edge of the urban area.

- * the development will improve damaged land and will secure nature conservation interests.

4.20 These were recognised in PPG2, Structure Plan and draft Local Plan policy GB1 as being objectives for development in green belts and consequently the benefits which the development will bring to the appearance and use of the site were considered to outweigh concerns about the principle of development in an area which has been included in the draft green belt.

4.21 Although no special circumstances have been highlighted in this instance the two schemes do bear some resemblance to each other.

FLOODING

4.22 Considerable concerns and objections have been raised regarding the knock on effect associated with the marina and raising of land levels in respect to the continual flooding problem. In response to these concerns the applicant commissioned a Flood Risk Assessment. The assessment appears to alleviate the concerns of local residents stating "that this additional survey information shows the field area consisting of the lngs on the east bank of the Ouse to be materially lower than the low lying land adjacent to the residential development to the south of the site around Myrtle Avenue and that it would therefore be likely that flood water would inundate the field area first at the time of flood, there is however an existing risk from unexpected events and that risk would be likely to continue purely because of the proximity of the site to the river".

4.23 This particular assessment has alleviated the initial concerns of the Environment Agency. To date the Environment Agency are considering withdrawing their original objections.

ACCESS

4.24 Concerns have also been raised regarding the access road running through the site. The access road is not a definitive "Public Right of Way", however it is currently under investigation for the definitive map. The applicants have confirmed that the access road is within their ownership and the access to moorings owned by the Bishopthorpe Charity

Trustess and neighbouring fields, as well as the usage of some parking facilities is at the applicants discretion.

4.25 The site access road would be rerouted to accommodate the marina, however, it will remain within the application site and made available for further usage. The proposal appears to respect the principals of Policy L4 as it retains an retains a walk and cycleway in close proximity to the river.

4.26 Overall the applicants proposal has a number of positive attributes, with many of the original concerns easily overcome with minor amendments or further consideration. The proposed works would obviously result in considerable disruption and alter the general character and appearance of the area considerably. However as the applicants' have stated, the design principles behind the submission could reinstate many of the vegetative features and ensure through pro-active site management that the proposed usage would benefit the site in a positive manner.

5.0 CONCLUSION

5.1 Although the applicants proposals contain both positive and negative attributes, no special circumstances apply in this case to overcome the presumption against development in the Green Belt as described in PPG2, Structure Plan Policy R10 and Policy GB1 of the City of York Development Control Draft Local Plan.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

- 1 The proposed use of land for the siting of 15 lodge style static caravans is considered to be inappropriate development in the Green Belt and by virtue of its overall design, appearance and prominent location within the designated Green Belt, would harm the open character and appearance of the Green Belt, contrary to PPG2 guidance, Structure Plan Policy R10 and Policy GB1 of the City of York Development Control Local Plan.

7.0 INFORMATIVES:

Contact details:

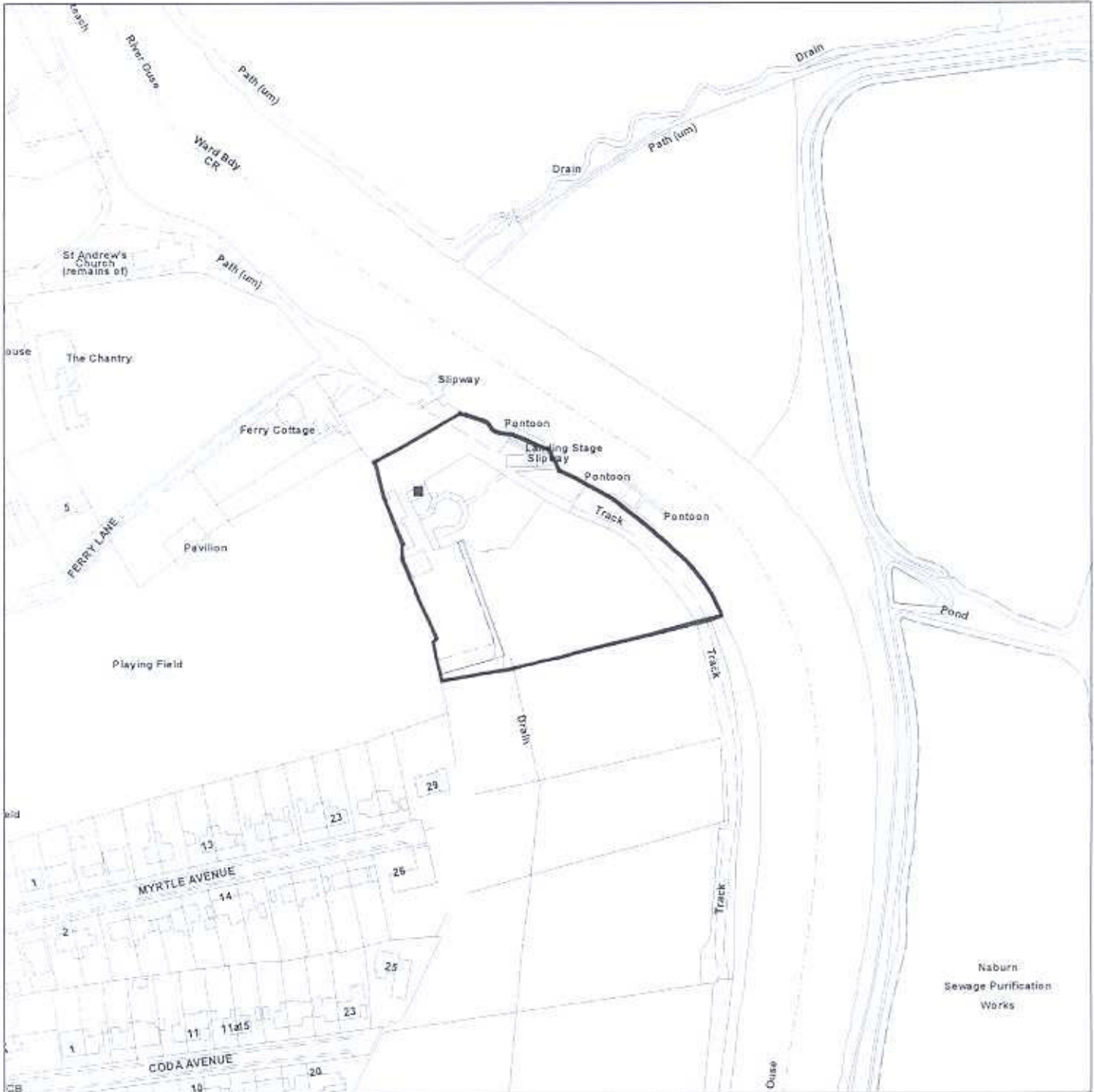
Author: Richard Mowat Development Control Officer
Tel No: 01904 551416

York Marine Services Ltd, Ferry lane, Bishopthorpe

06/00590/FUL



GIS by ESRI (UK)



Scale : 1:2500

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Internal/External Consultations - Expires 11/04/2006

8 WEEK TARGET DATE 12/05/2006

3.2 INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT - No objections

CONSERVATION (Countryside Officer) - Effectively this means building a new house on the site of the old and will affect the whole roof. There are no records for this property although there are some for the village. Would like a conditions to be applied requiring the roof be removed manually so that a bat check can be carried out and also to incorporate suitable bat features into the design.

3.3 EXTERNAL CONSULTATIONS/REPRESENTATIONS

BISHOPTHORPE PARISH COUNCIL - Object

- Resubmission has changed little from the original application
- The change to the appearance is insufficient to over ride the reason in paragraph 2 of the decision
- The building is set back from the street building line and will have a strong shadowing effect to the rear of No. 32
- Supports the representations made by the owners of No. 32

2 LETTERS OF OBJECTION

- Reason for refusal of the last application have not been addressed
- 32A set back at the rear of the adjacent properties by 5.5 metres
- Additional storey would have an overbearing impact on the rear of the adjacent properties and their gardens but all of the four dwellings due to scale, height, high gable ends and painted render finish
- Prominent from Temple Road and Maclagen Road
- Unsuitable and unsympathetic for the site, surrounding properties and general location
- Direct impact on light to Nos 32 and 34
- Unsuitable for the foundation of a four bedroomed house
- Render finish out of character with the locality

4.0 APPRAISAL

4.1 RELEVANT SITE HISTORY

05/02764/ FUL - Single storey side extension and porch, and construction of first floor over entire ground floor to create a two storey house - Refused

1) The proposed additional storey would be harmful to the character of the street and locality due to its design, scale and height, and would have an overbearing impact upon the adjacent property at 34 Copmanthorpe Lane

2) The proposed external render finish of the existing dwelling and additional storey would be out of character within the locality being unsympathetic to external appearance of the surrounding dwellings

4.2 ADDITIONAL PLANNING POLICY

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

4.3 KEY ISSUES

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

4.4 ASSESSMENT

PLANNING POLICY

4.4.1 Policy GP1 'Design' of the City of York Local Plan Deposit Draft includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

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

VISUAL IMPACT ON THE DWELLING AND THE AREA

4.4.3 The previous application proposed the construction of a first floor over entire the ground floor and the garage creating a two storey dwelling to the boundary and was considered not to be in keeping with the character of the street where dwellings are set back from the boundary. The application has removed the first floor extension above the garage and therefore reducing some of the prominent impact on the street scene and the overbearing impact on 34 Copmanthorpe Lane.

4.4.4 The existing dwelling is set back from the well defined building line within Copmanthorpe Lane, so although its one storey design and materials have been out of character with the area the negative impact on the street scene has been lessened by the set back from the building line. The proposed dwelling has a less cramped appearance than the previous application due to the removal of the first floor above the garage. A two storey dwelling on this site would be in keeping with the character of the locality.

4.4.5 The previous application kept the ground floor as white brick and had the first floor as a render finish, it was considered that this would be incongruous to the character of the street making the proposed dwelling very prominent within the street. This application proposes that the whole dwelling would be a render finish of initially a terracotta colour finish although the agent stated that the applicants would prefer magnolia white. The terracotta finish would have less impact on the street than a magnolia finish as the colour has some relation to the colour of the surrounding dwellings. The render finish would not have the variation of colours that the surrounding red brick dwellings have and would.

4.4.6 The existing bungalow looks out of character with the surrounding properties due to its design, height etc but mainly the white bricks used. The addition of another storey of a magnolia colour would further compound the negative impact on the character of the area and increase the prominence of the dwelling in the street scene. Other dwellings in the street have a rendered first storey in a range of colours although the ground storey is red brick;

these dwellings are smaller in size and footprint than the proposed dwelling. This application has not dealt with the reason for refusal of the previous application and the proposed finish is still considered to be out of character within the locality being unsympathetic to external appearance of the surrounding dwellings.

IMPACT ON NEIGHBOURING PROPERTY

4.4.7 There would be no overlooking caused by the proposed extension the window in the side elevation is a bathroom window and could be conditioned to be obscure glazing.

4.4.8 The dwelling is along a northeast southwest axis and set back from the rear building line by around 5 metres which may cause an issue of loss of light and overshadowing. The additional storey may create a loss of light to the extension of 32 Copmanthorpe Lane there may be a loss of light to a lesser extent to 34 Copmanthorpe Lane. The proposed height of the dwelling would be 8.5 metres to the ridge height, and 5.2 metres to the eave height. The height of the existing dwelling at the ridge height is 5.8 metres and 2.4 metres to the eave height.

4.4.9 It is not considered that the proposed side extension would have an overbearing impact on the occupants of specifically 32 Copmanthorpe Lane and to a lesser extent 34 Copmanthorpe Lane that would not be harmful enough to warrant refusal. However two storeys of white render may increase the overbearing impact.

5.0 CONCLUSION

5.1 Whilst it is considered that there is scope for a two storey dwelling on this site the proposed external render finish and proposed colours of the existing dwelling and additional storey would be out of character within the locality being unsympathetic to the external appearance of the surrounding dwellings.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

- 1 The proposed external rendered finish of the existing dwelling and additional storey would be out of character within the locality being unsympathetic to external appearance of the surrounding dwellings. The proposal is therefore contrary to Policy GB1 (sub section b) and Policy H7 (sub section a) of the City of York Development Control Local Plan (April 2005).

7.0 INFORMATIVES:

Contact details:

Author: Victoria Bell Development Control Officer
Tel No: 01904 551347

32a Copmanthorpe Lane

06/00565/FUL



Scale : 1:1250

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Organisation	City of York Council
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COMMITTEE REPORT

Team: West Area
Date: 22 June 2006

Ward: Rural West York
Parish: Askham Richard Parish Council

Reference: 06/00626/FUL
Application at: First Farm Main Street Askham Richard York YO23 3PT
For: Conversion of existing outbuilding to 1 no. dwelling
By: Mr And Mrs Bartram
Application Type: Full Application
Target Date: 22 May 2006

1.0 PROPOSAL

1.1 The applicant seeks planning approval to convert an existing outbuilding into 1 no. dwelling.

1.2 This application is the fourth of a series of applications;

04/11426/FUL - Conversion of outbuilding to dwelling - originally included sash windows overlooking the neighbouring cottage. The agent was advised that it would be recommended for refusal however he proposed rooflights to negate the overlooking problem and permission was granted.

04/03288/FUL - Installation of windows at first floor - this proposal effectively went back to the original proposal for three first floor windows overlooking the neighbour and was refused.

04/04217/FUL - Installation of three bedroom windows to south elevation (re-submission) - Refused 24th Feb 2005.

1.3 The proposed conversion will replicate the approval App. No 04/11426/FUL, in terms of design and layout, however the timber boarding approved at first floor level in the southern elevation will be replaced by two windows. The number of windows have been reduced in an attempt to address the reason for refusal stated in App. No 04/04217.

1.4 Cllr J. Hopton requested that the application comes to committee with a site visit.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

Air safeguarding Air Field safeguarding 0175

Conservation Area Askham Richard 0017

2.2 Policies:

CYGP1
 Design

CYHE3

Conservation Areas

3.0 CONSULTATIONS

3.1 Highway Network Management - No Objections

3.2 Environmental Protection Unit - Concerns - request conditions

Concerned that noise created during construction will effect near by residents. Due to the current use of the buildings for agricultural purposes, there are concerns regarding contamination of the land, potentially being detrimental the health of occupants.

3.3 Urban Design and Conservation Section - No Objections - request conditions

3.4 Askham Richard Parish Council - Supports the application

3.5 6 letters of support have been received and give the view that the development would enhance the area. Two letters of objection have been received regarding the applicants' proposals. The letters raise concerns regarding drainage and overlooking issues.

4.0 APPRAISAL

PLANNING POLICY

4.1 Policy GP1 'Design' of the City of York Local Plan Deposit Draft includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

4.2 Policy HE3 'Conservation Areas' states that within Conservation Areas proposals for the following types of development will only be permitted where there is no adverse effect on the character and appearance of the area.

- * demolition of a building (whether listed or not);
- * external alterations
- * changes of use which are likely to generate environmental or traffic problems.

4.3 Policy GB2 'Development in Settlements Washed Over' by the Green Belt states that within the defined settlement limits of villages in the Green Belt, planning permission for the erection of new buildings or the change of use, redevelopment or extension of existing buildings will be permitted provided:

- * The proposed development would be located within the built-up area of the settlement; and
- * The location, scale and design of the proposed development would be appropriate to the form and character of the settlement and neighbouring property; and
- * The proposed development would constitute limited infilling and would not prejudice the openness or the purposes of the Green Belt.

ASSESSMENT

4.4 Askham Richard is washed over by the Green Belt notation and therefore Policy GB2 applies. The site is within the settlement boundary and the built up area of the village. The proposal does not involve any extension or infilling and would not therefore affect the openness of the Green Belt or conflict with its purposes. The site also lies within the village Conservation Area. The proposals involve only limited alterations to the exterior of the building including the creation of additional rooflights and two new first floor windows. It is considered that the proposal would not harm the character or appearance of the Conservation Area, providing new materials, rooflights and joinery are appropriate.

4.5 The overlooking effect is reduced by removing the third first floor window but not negated entirely. Views would still be possible from the first floor window located above the front door over the rear garden of Metcalfe Cottage, impacting significantly upon the residential amenity currently enjoyed. It is considered that the proposal would still harm the privacy enjoyed by residents of Metcalfe Cottage and as such the proposal is contrary to Policy GP1.

5.0 CONCLUSION

5.1 It is considered that the proposal would harm the residential amenity of neighbouring properties in particular "Metcalfe Cottage" and is therefore contrary to Policy GP1 of the City of York Development Control Draft Local Plan.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

- 1 In the opinion of the Local Planning Authority the proposed windows would allow direct views of the rear garden of Metcalfe Cottage and would severely harm the privacy and amenity enjoyed at that property. As such the proposal is contrary to Policy GP1'Design' of the City of York Development Control Draft Local Plan.

7.0 INFORMATIVES:

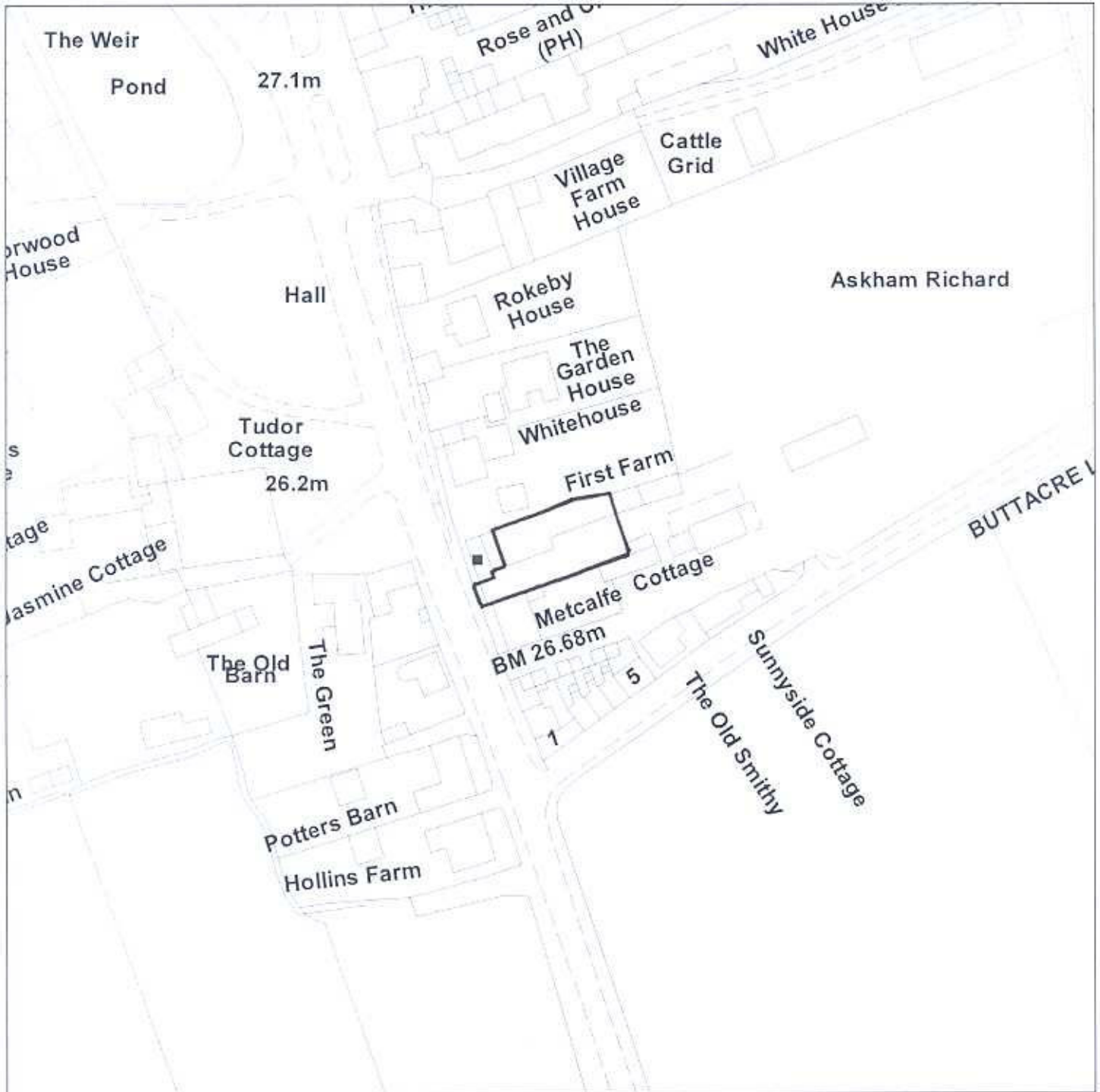
Contact details:

Author: Richard Mowat Development Control Officer
Tel No: 01904 551416

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First Farm, Main Street, Askam Richard

06/00626/FUL



Scale : 1:1250

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Organisation	City of York Council
Department	Development Control
Comments	
Date	09 June 2006
SLA Number	

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COMMITTEE REPORT

Team: West Area
Date: 22 June 2006

Ward: Westfield
Parish: No Parish

Reference: 06/00222/FUL
Application at: 48 Wetherby Road Acomb York YO26 5BY
For: Erection of 1no. detached dwelling and garage to the rear of 48 Wetherby Road
By: Mr And Mrs Jeffrey
Application Type: Full Application
Target Date: 29 March 2006

1.0 PROPOSAL

1.1 The application seeks permission for the erection of a detached dwelling within the rear garden area of 48 Wetherby Road.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

Air safeguarding Air Field safeguarding 0175

2.2 Policies:

CYGP1
 Design

CYGP10
 Subdivision of gardens and infill devt

CYH4A
 Housing Windfalls

CYH5A
 Residential Density

CYNE1
 Trees, woodlands, hedgerows

CYNE8
 Green corridors

3.0 CONSULTATIONS

3.1 External

Neighbours - letters of objection received from 33, 44,50, 52, 54, 94 and 104 Wetherby Road and 18 Ridgeway on the following grounds:

- Would set a precedent
- Loss of trees and hedgerows
- Loss of privacy
- Loss of light
- Very close to the site boundary with number 50 Wetherby Road and access may be required to construct and maintain the dwelling
- Would be an eyesore
- Inadequate access for fire engines
- Out of character
- Noise disturbance due to access drive
- Would allow easier access to the rear of properties which may result in increased crime
- Proposed 1.8m close boarded fence will prevent intruders being seen
- Recent garage extension at number 44 Wetherby Road abuts the application site extension. When removed it will leave an unsightly side elevation which was built overhand in concrete block.
- Application form states no alterations to the present vehicle access but this is not possible as access can not be gained without alterations
- Possible conflict with pedestrians due to the high boundary fence
- Loss of wildlife

York Natural Environment Panel - Contrary to GP10 because the development would result in the loss of aggregated garden space - a valuable wildlife habitat. In roads must be resisted - this is the reason for setting up GP10

3.2 Internal

Drainage - The development is Flood Risk Zone 1 and should not suffer from river flooding. The development should not be raised above the level of the adjacent land, to prevent new run-off from the site. A topographical survey of the site and the adjacent land should be submitted to prove this. The intention is to dispose to soakaway a test should be carried out in winter to prove that the ground has sufficient capacity to accept surface water discharge

Environmental Protection Unit - No objections but concerns over noise disturbance during the construction phase and the possibility of contamination being found during any construction works. Suggest conditions

Lifelong Learning and Culture- As there is no on site open space provision, commuted sums should be paid to the council for amenity open space, play space and sports pitches

Highway Network Management - There are no highway objections to the principle of the development however it is noted that access to the site will entail the use of the existing drive to house number 48 as the sole means of access to the site, and demolition of the existing garage and an annex to house number 48. Revised plans indicate adequate car parking can be achieved for both properties but alterations will be required to the dropped crossing to provide unobstructed access to the drive for the new dwelling. Condition suggested

Landscape Officer- No implications regarding the character of Wetherby Road as the property and trees to be removed are not visible. However, concerns are raised regarding the precedent that may be set. The value of gardens as wildlife habitat is recognised by English nature. Once one back garden development is permitted along this stretch of Wetherby Road, it opens up the entire rear garden area to piecemeal development and a gradual deterioration of a valuable habitat resource. Thus in my opinion the development principal would be against the general objectives of the local plan policy 'Nature conservancy and amenity' and policies NE1 and NE8. Trees in these rear garden areas are of nature

conservation value by way of the accumulative potential for shelter, nesting and feeding habitat.

Countryside Officer - The long back gardens form an uninterrupted green wedge in form the adjacent countryside. However, the proposal lies at the inner end of this wedge and so will have limited effect in wildlife terms. Similar development elsewhere within the area would have a greater effect.

4.0 APPRAISAL

4.1 Key Issues

- Impact upon character of the area
- Impact upon residential amenity
- Impact upon wildlife

4.2 The relevant City of York Council Draft Deposit Local Plan Policies are GP1, GP10, H4a, H5a, NE1 and NE8. Policy GP1 'Design' of the City of York Local Plan Deposit Draft includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

Policy GP10 'Subdivision of Gardens and Infill Development' states that permission will only be granted for the development or subdivision of gardens areas where it would not be detrimental to the character and amenity of the local environment.

Policy H4a 'Housing Windfalls' of the CYLPDD states that permission will be granted for new housing development on land within the urban area providing: it is vacant/derelict/underused or involves infilling, redevelopment or conversion; has good access to jobs, shops and services by non-car modes; and, is of an appropriate scale and density to surrounding development and would not have a detrimental impact on existing landscape features.

Policy H5a 'Residential Density' states that the scale and design of residential developments should be compatible with the character of the surrounding area and must not harm local amenity. Applications for all new residential developments, dependant on individual site circumstances and public transport accessibility, should aim to achieve net residential densities of greater than: 60dph in the city centre; 40dph in the urban area and 30dph elsewhere in the city of York.

Policy NE1 'Trees, Woodlands and Hedgerows' seeks to protect trees that are of landscape, amenity or nature conservation value by, inter alia, refusing development proposals that would result in their loss and by seeking appropriate protection measures when they are proposed for removal. Appropriate replacement planting will be sought where trees are proposed for removal.

Policy NE8 'Green Corridors' states that planning permission will not be granted for development, which would destroy or impair the integrity of green corridors and stepping stones (e.g. river corridors, roads, railway lines, cycleways, pockets of open space and natural or semi-natural vegetation etc). Conversely development that ensures the continuation and enhancement of green corridors for wildlife will be favoured.

4.2 The application site is a semi-detached property located along Wetherby Road, close to the roundabout with Beckfield Lane and Ridgeway. It has a long rear garden measuring in the region of 79m long by, on average, 11m wide. To the east the garden bounds the gardens of three residential properties and to the west, a garden of similar size to the application site. The application seeks permission for the erection of a detached four bedroom dwelling within this rear garden area. The dwelling would be located 37.4m back from the rear elevation of the existing property. This would allow for a garden area of 21m long to be retained for the original dwelling and garaging and turning for the new dwelling. The new dwelling would have an overall length of 17.5m allowing for a rear garden area of 24m in length to be provided.

4.3 The dwelling would be constructed as one and a half storey, with rooms within the roof. It would provide a livingroom, kitchen and sun room to ground floor and four bedrooms and a family bathroom to first floor. The dwelling would have an eaves height to the side boundaries of 3.9m rising to a central ridge height of 7.2m. The majority of the window openings would be to the front and rear elevations, facing up and down the garden, with limited windows to the eastern elevation opening into the kitchen and only velux rooflights to the western elevation. Due to this design there would not be any levels of unacceptable overlooking as window-to-window distances of 38m can be achieved between the existing dwelling and the proposed, well in excess of the guideline of 21m. Patio doors are to be provided to the eastern elevation, which would face onto the boundary with 18 Ridgeway. This would give a distance of in the region of 10m to the neighbours property. However, a 1.8m high close boarded fence is proposed to this elevation and as such no overlooking will arise.

4.4 In order for the development to be accessed a drive would be located along the boundary with the neighbouring property at 44 Wetherby Road. At present the existing dwelling has a single storey garage extension which is proposed to be demolished. This would leave adequate space for the new access to be provided whilst retaining two off road car parking places for the existing property. The application plans indicate the erection of a two storey extension to attach to the existing dwelling, but retaining adequate space for the new access. However, no plans have been received and these will be considered under separate application. It is not considered that the drive to this location would have a serious detrimental impact to neighbours in terms of noise and it would abutt the garage of number 44 Wetherby and vehicle movements for one dwelling would be limited.

4.5 In order for adequate turning to be provided in the site for the new dwelling a number of fruit and conifer trees are proposed to be removed. This will total 10 fruit trees and 3 conifer, a further 3 fruit trees, 2 Hawthorne, 1 lilac and 1 ash tree will be removed within the rear of the site, although no justification has been received. However, these trees are not protected and as such the applicant could remove them without the need for a planning application. Furthermore, they would not be worthy of retention by way of Tree Preservation Orders and as such is acceptable in terms of Policy NE1. Concerns are raised regarding the loss of the number of trees but it is considered, by the countryside officer, that at this location to the end of this green corridor there would be limited effect in wildlife terms. Policy NE8 relates to the retention of green corridors. However, as this site is located at the end of the corridor, adjacent to properties facing Ridgeway it could be considered that the development would not destroy or impair the integrity of this green corridor.

4.6 There would be a limited amount of overshadowing to the rear garden area of number 50 Wetherby Road but this would be at a distance of 37m from the rear elevation of the property and as such would not be the most used part of the garden area. It would also only be during the morning as the gardens are south facing. However, there may be an element of overshadowing during the evening to the occupiers of 18 Ridgeway, which lie to the east of

the development site. This would mainly be the rear/side garden area and would not be into any habitable rooms due to the orientation of the dwelling within the site. The conservatory to the side would be the most affected but it is felt it would be difficult to uphold a reason for refusal based on loss of light.

4.7 Regarding visual intrusion the dwelling would be located within a large plot of land and would be seen in context with neighbouring residential properties along Ridgeway. If the dwelling were proposed to the rear of a property further along Wetherby Road concerns would be raised as the dwelling would be seen in context with a number of large open adjacent gardens and would be much more visually prominent. The issue regarding precedent is similar. The proposed site is unique as it sides onto existing residential properties as opposed to only garden areas. Other properties wishing to develop land to the rear would have to be considered on their own merits but the level of visual intrusion created would be a major factor. Furthermore, the application site has a large area of land to the side which can accommodate the proposed driveway. The majority of other properties along Wetherby Road do not have this land and as such access would be difficult to achieve.

5.0 CONCLUSION

5.1 It is considered that the site is of an acceptable size to accommodate a detached dwelling with access whilst retaining adequate levels of amenity space and privacy. The dwelling will impact upon neighbouring residents but not to a level that could warrant a refusal. The visual intrusion would be reduced by reason of its location adjacent to residential properties and it would not create a precedent as its location within the street is unique. As such Officers recommend approval.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:-

124 - 100B, 124-101, 124-102

or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans.
Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no door, window or other opening additional to those shown on the approved plans shall at any time be inserted in the side elevations of the property.

Reason: In the interests of the amenities of occupants of adjacent residential properties.
- 4 PD1 IN Rem of specific Perm Dev rights
B and C
- 5 VISQ8 Samples of exterior materials to be app

6 VISQ4 Boundary details to be supplied

7 NOISE7 Restricted hours of construction

8 Any suspect contaminated materials detected during site works shall be reported to the Local Planning Authority. Any remediation for this contamination shall be agreed with the Local Planning Authority and fully implemented prior to any further development of the site.

Reason: As our in-house research has shown no obvious potential source of contamination at the site, the watching brief is recommended

9 Prior to works commencing on site details of the surface water drainage shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure acceptable drainage of the site

10 The hereby approved development site shall not be raised above existing ground levels.

Reason: To prevent unacceptable surface water run-off to adjoining sites

11 HWAY5 Access improvements details required

12 HWAY12 Initial 10m surfaced, details reqd

13 HWAY19 Car and cycle parking laid out

14 HWAY31 No mud on highway during construction

15 LAND1 IN New Landscape details

16 HT1 IN Height
7.3 metres

17 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 L1 of the City of York Draft Local Plan.

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £1804

No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard.

**7.0 INFORMATIVES:
Notes to Applicant**

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the character of the area, residential amenity or the loss of significant landscaping. As such the proposal complies with Policies L1c,GP1, GP10, H4a, H5a, NE1 and NE8 of the City of York Local Plan Deposit Draft.

2. INFORMATIVE:

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

Contact details:

Author: Heather Fairy (Mon - Wed) Development Control Officer

Tel No: 01904 551668

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48 Wetherby Road

06/00222/FUL



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COMMITTEE REPORT

Team: West Area
Date: 22 June 2006

Ward: Holgate
Parish: No Parish

Reference: 05/02754/FUL
Application at: 28 Garnet Terrace York YO26 4XX
For: Conversion of existing dwelling into 2 no. self-contained flats, demolition of detached store and the provision of detached cycle store in rear yard.
By: Mr K Webb
Application Type: Full Application
Target Date: 31 March 2006

1.0 PROPOSAL

1.1 This application is for the conversion of the existing end of terrace property at 28 Garnet Terrace to create two self-contained flats. A small detached outbuilding would be demolished and a bike shed for the 2 properties would be built on part of the footprint. It is intended that the vehicular crossover and pedestrian access from Upper Hanover Street to the existing rear yard would be retained. The property has a two storey flat roofed extension at the rear of this property that extends across the neighbouring property. The lower flat would be accessed from the rear yard and the upper flat would be accessed from the front of the property.

1.2 The property is situated in a high risk Flood Zone 3. The applicant is therefore required to submit a Flood Risk Assessment that demonstrates that the development would comply with the requirements of the Environment Agency and the Council's Drainage Section. A further set of amended drawings has been received that raise the floor level in the ground floor flat by 400mm.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Floodzone 3 Flood Zone 3

Floodzone 2 Flood Zone 2 CONF

City Boundary York City Boundary 0001

2.2 Policies:

CYH8
 Conversion to flats/HMO/student accom

CYGP1
 Design

CYGP15
 Protection from flooding

3.0 CONSULTATIONS

3.1 INTERNAL CONSULTATIONS

Highways Network Management- No objections

Environmental Protection Unit- No objections, subject to a condition and informative to protect the amenity of local residents during the construction of the development

Lifelong Leisure and Culture- The applicant would be required to contribute to off-site open space provision if planning permission is to be granted. The sum required would be £152.

Drainage- No objections to the amended drawings

3.3 EXTERNAL CONSULTATIONS/ REPRESENTATIONS

Environment Agency- There were initial objections to the proposal. The agent has advised that the objection has been removed following amended plans that raise the floor level to ensure that the occupants of the lower flat have a dry access/egress during severe flood events. Members will be updated of the Environment Agency's formal response at the meeting.

5 Representations and one petition (12 signatories) have been received from neighbours in the area that raise the following planning issues-

- oversupply of flats and not enough family houses
- increased pressure on street parking
- Inaccurate drawings
- increased noise and disturbance both internally and externally
- loss of privacy from proposed upper lounge, increased use of internal stairway
- unwelcome precedent that would alter the nature of the street and this community
- flooding takes place in the area
- cycle store in proposed location would lead to increased crime

4.0 APPRAISAL

4.1 ADDITIONAL PLANNING POLICY

Policy H9 North Yorkshire County Structure Plan

PPS 1 " Delivering Sustainable Development "

4.2 KEY ISSUES

1. Principle of conversion/ land use
2. Impact on the character of the area/ visual impact
3. Impact on the amenity of the adjacent residents/ future occupiers
4. Highway safety/ cycle parking provision

4.3 The City of York Development Control Local Plan- Incorporating the proposed 4th set of changes) Policy H8 states that permission for the conversion of a dwelling to flats will only be granted where the dwelling has more than four bedrooms when originally built. Policies T4 and T13 require adequate on- site provision for cycle and car parking. North Yorkshire

Structure Plan Policy H9 seeks to maintain and extend residential use in and around town centres.

4.4 The proposal clearly presents a conflict with policy H8 since the existing property had less than four bedrooms when originally built. However in considering an appeal against the refusal of an application for conversion of a house into two flats at 5 Cemetery Road in October 1998, the Inspector concluded that policy H8 was contradictory to policy H9 of the North Yorkshire County Structure Plan, which has a presumption in favour of expansion of residential use in and around town centres. He concluded that as the Structure Plan Policy was adopted and is the Statutory Development plan for the area, and that the Local Plan Policy was an emerging plan, greater weight should be given to Policy H9. Bearing in mind this policy context, a similar application at 1 Berkeley Terrace for the conversion of one dwelling to two flats was judged in terms of its particular impact on adjacent residents and highway safety, and was subsequently approved by this Committee in June 1999. A further appeal was allowed in November 2003 in a similar mid-terraced location at 16 Abbey Street (03/00540/FUL). In this particular case, the Inspector considered that this form of development was in line with government policy as contained in Planning Policy Guidance Note No. 3 " Housing " that supports increased density and would be supported by policy H9 of the Structure Plan. He considered that policy H8 did not carry the weight of policy H9 of the Structure Plan, and that this principle has been accepted in considering similar applications in the inner urban area of York. In this particular case, he did not consider that Policy H8 created an automatic barrier to development, given that the proposed development was in line with PPG3 " Housing." York has experienced a recent trend towards the supply of flats and apartments, but there is no quantitative evidence to support the retention of family sized housing as required in policy H8. It would therefore appear reasonable at this stage to consider the current proposal in terms of its particular impact within the locality rather than purely on the provisions of policy H8. The area is a residential area and the proposed residential use would comply with the general character of the area.

4.5 Many of the objections that have been received relate to the impact that this form of development would have in this area. The initially submitted plans proposed a more visibly intrusive scheme with an extension to the rear and further external alterations. These plans were submitted in error and the correct plans propose no external alterations to the dwelling house apart from the provision of a bike store on the site of a detached outbuilding. There would be an increase in domestic activity as a result of the intensification of residential use, but is considered that this would not be excessive. The scale, siting and design of the proposed bike store would be acceptable.

4.6 The proposal would involve the creation of two self -contained flats with separate entrances in this end- terraced property. The rear yard area would be shared, with a cycle store provided for two cycles. Members are advised that a similar development was approved at the West Planning Sub- Committee on February 2003 at 12 Garnet Street. This conversion into 2 flats, involved rear extensions, and is 4 doors away from the applicant's property in a mid-terrace position. It would be expected that two party walls might allow for greater impact on the occupants of the adjacent properties.

4.7 The occupier of the adjacent property has expressed concerns about the impact that the upstairs kitchen would have on the adjacent bedroom and the proposed noise that would emanate from the increased use of the stairway. No objections have been received from the Council's Environmental Regulation Section in relation to this impact. The internal party wall between this property and that adjoining is likely to be relatively thick given the age of the building. It is unlikely and would be unduly cautious to assume that one person living alone

would regularly make a lot of noise in the living area at a time when the next door neighbour is trying to get to sleep. The proposed internal layout shows that there would be little scope to place furniture/ televisions against this party wall as the proposed staircase would abut the party wall. It is also considered that the use of the building as 2 small one bedroomed flats would not necessarily result in materially more noise nuisance for the neighbours than the original three bedroomed house. In order to provide a reasonable level of amenity for any future occupiers of the proposed development, details of sound attenuation measures could be required as a condition of any approval to ensure adequate insulation between ground and first floor flats. The conversion retains a small area within the rear yard which could be utilised for private amenity space and bin storage. It is felt that an adequate level of residential amenity would be provided for the occupants of the flats.

4.8 The development would meet the required cycle parking standard and there would be no adverse impact on highway safety as the car parking requirement would be similar.

4.9 The proposed development would result in 2 one-bedroomed units being formed from 1 two bedroomed unit, with no net increase in the number of bedrooms being created. As the Council's draft supplementary guidance on the provision of open space associated with new developments is based on the number of bedrooms that would be created and there would be no increase in the number of bedrooms as a result of the development, it is considered that no commuted payment for this provision would be required if Committee are minded to approve the application.

5.0 CONCLUSION

5.1 On balance, it is considered that the proposal would not harm the locality and any permission could be effectively conditioned to ensure that the living conditions of the adjacent and future users would not be materially harmed. Although the proposal conflicts with policy H8 of the Draft Local Plan, there appear to be no other sustainable reasons to resist the application. Further, it has previously been established that the Statutory Development Plan, in the form of Structure Plan Policy H9 which encourages conversion of existing property, carries more weight than the local plan policy. This principle has been accepted in considering similar applications in the area and in similar locations in the inner urban area of York.

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years

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

 Revised plans KW/1 and KW/2, received 21.3.2006

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

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

- 3 NOISE1 Agree sound insulation

**7.0 INFORMATIVES:
Notes to Applicant**

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference the residential amenity of the neighbours, the visual amenity of the dwelling and the locality, and highway safety. As such, the proposal complies with Policy H9 of the North Yorkshire County Structure Plan, Policy GP1 of the City of York Development Control Local Plan- Incorporating the proposed 4th set of changes; national planning guidance contained in Planning Policy Guidance Note No 3 " Housing, " Planning Policy Statement 1 " Delivering Sustainable Development ."

2. PARTY WALL etc ACT

You are advised that the development may involve building work covered by the Party Wall etc Act 1996 that is separate from planning or building regulations control. Do not commence work on the development until you comply with the provisions of this Act. An explanatory booklet may be obtained from the Department for Communities and Local Government, alternatively it is available on the ODPM website:
<http://www.safety.odpm.gov.uk/bregs/walls.htm>.

Contact details:

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

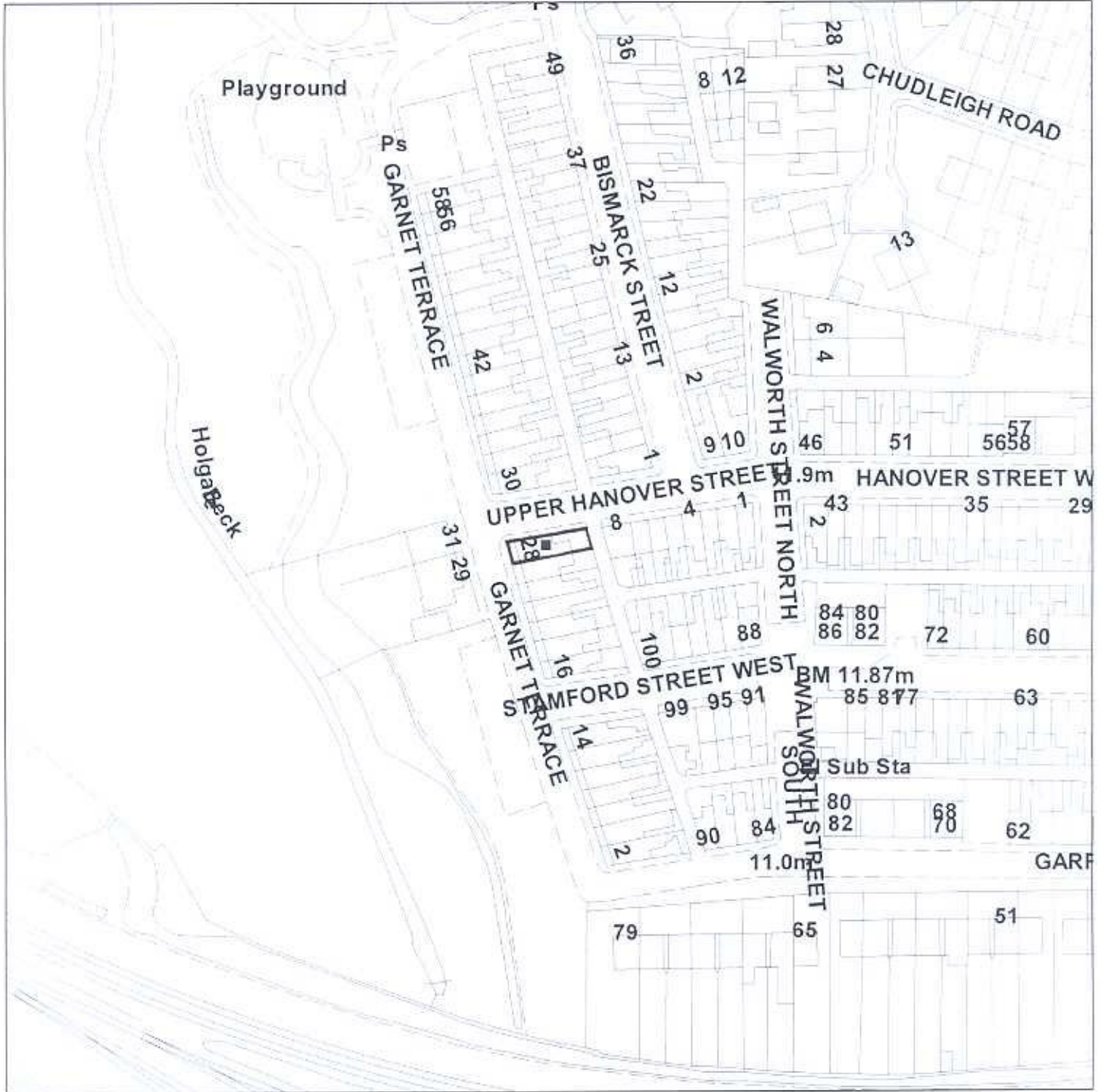
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28 Garnet Terrace

05/02754/FUL



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COMMITTEE REPORT

Team: Central Area
Date: 22 June 2006

Ward: Guildhall
Parish: Guildhall Planning Panel

Reference: 06/01099/FUL
Application at: Cafe Nero 16 Davygate York YO1 8RJ
For: Use of public highway for outside seating area in connection with Cafe use of 16 Davygate
By: Nero Holdings
Application Type: Full Application
Target Date: 13 July 2006

1.0 PROPOSAL

1.1 The application proposes the use of part of the public highway on New Street, between the two entrances to the premises, as an external seating area for patrons of the premises.

1.2 The application relates to Café Nero which occupies this corner building that is not listed, but is located in the Central Historic Core Conservation Area.

1.3 The application is brought before members at the request of Councillor Watson.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

Conservation Area Central Historic Core 0038

Areas of Archaeological Interest City Centre Area 0006

2.2 Policies:

CYHE3
Conservation Areas

CYT1
Pedestrians

CYS6
Control of food and drink (A3) uses

3.0 CONSULTATIONS

3.1 Internal

Urban Design and Conservation - Please condition details of railings, chairs, tables and awnings.

Highway Network Management -

- The practicality of introducing four chairs and a table within the width of 1.5m from the building frontage.
- The stability of the tables and chairs on a footway with the gradients to be found in this location.
- Recommends hours of operation restricted to the foot street hours only.

3.2 External

The application has been publicised by site notice (expiry 21.6), press notice (21.6) and neighbour notification (14.6).

No written representations have been made to date.

Planning Panel - Pending

4.0 APPRAISAL

3.1 Main issues

Effect on character and appearance of the conservation area
Amenity
Highway safety

3.2 Relevant policy

The site is within a designated conservation area (Central Historic Core). Within such areas, the Council has a statutory duty to consider the desirability of preserving or enhancing the character or appearance of the area. Policy HE3 states that within Conservation Areas, proposals will only be permitted where there is no adverse effect on the character or appearance of the area.

Both Davygate and New Street which the application site faces are within the city centre pedestrian priority zone. Vehicles are excluded from these streets during the hours of 11.00 to 16.00 Monday to Friday, 10.30 to 16.30 Saturday and 12.00 to 16.00 Sunday.

Policy S6 states that planning permission for the extension, alteration or development of premises for food and drink uses will only be granted in York City Centre provided there is no unacceptable impact on the amenities of surrounding occupiers as a result of traffic, noise, smell or litter and when car and cycle parking meets the standards defined in the Local Plan.

CONSERVATION AREA

The proposed enclosed area of seating would project 1.5 metres from the premises by 6.7 metres. It would accommodate a total of four tables that would be located on the highway.

Subject to appropriate details of the barriers, tables and chairs being agreed, then the external seating area should have an acceptable impact upon the appearance of the Conservation Area. All of the equipment, including the barriers, would have no fixings to the highway, such that there would be no evidence of the pavement café outside its hours of operation (a condition would require the removal of the facility outside hours of operation).

AMENITY

In terms of impact upon amenity, the site is in the heart of the commercial area where there are few residential properties. The proposed hours of operation, between 10.30 and 16.00 would limit the pavement café's operation to the busiest part of the day. As such any additional noise and activity generated would have a minimal effect upon amenity. It is felt that the use would have a beneficial impact, in terms of the atmosphere within the City Centre.

Based upon the present use, in such a location, it would be unnecessary to condition the hours of operation on the grounds of the amenity of nearby occupants.

HIGHWAY SAFETY

This would not be the first outdoor seating area to be introduced onto New Street. The principle of a pavement café is, in officer's opinion, acceptable on this street which forms a link between Coney Street and Davygate / Parliament Street. Starbucks (No.10) and two other café bars (No.10a and No.8) both have external seating areas which encroach upon the highway.

The key issue is to what extent should control be exercised over the times of operation and amount of seating.

The highways advisor has requested that the pavement café operates only when the area is pedestrianised (see 3.2 para. 2). In determining this, members attention is drawn to an appeal that was allowed, relating to 'Dusk' at No.8 New Street (05/00192). The inspector allowed the premises to operate a pavement café between the hours of 09.00 to 04.00 the following day. Subsequently, No.10a has also been permitted to extend its seating area and commence pavement café use at 09.00 hours (06/00339). Although the applicant proposes only to open between 10.30 and 16.00, it may be unnecessary to restrict the applicant to those hours by condition.

Pertaining the number of seating, a total of four tables, each with four chairs are proposed, encroaching 1.5 metres onto the highway. Based on the indicative layout (drawing CNE032/001) it appears that this is a tight fit, with unacceptable leeway for customers to occupy all the seats, without straying out of the proposed area. As such it shall be conditioned that tables and chairs should not be located out of the proposed area, in the interests of highway safety. This shall require a reduction in the number of chairs, likely the omission of one from each table. Thus, there would be around 5.5 metres of the highway left unobstructed for pedestrians during the pavement café's operation. Furthermore, emergency vehicles would have sufficient space to gain access past the proposed area. The proposal should not, therefore, create any additional hazard to highway safety.

5.0 CONCLUSION

5.1 The application is considered to be acceptable in principle. Subject to comment from highways, approval is recommended provided the proposed conditions are adhered to.

6.0 RECOMMENDATION: Approve

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

Location plan date stamped 18 May 2006
Pavement area drawing CNE032/001 dated 18 May 2006
Indicative tables and chairs 18 May 2006
Barrier dated 18 May 2006

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

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

2 TIME2 Development start within three years

3 The pavement cafe shall be restricted to the area of 1.5 metres from the building's elevation by 6.7 metres as shown on drawing CNE032/001.

Reason: In the interests of highway safety and to allow for the flow of pedestrians, in accordance with policy S6 of the City of York Draft Local Plan.

4 The seating shall be protected at all times by barriers throughout the period of the operating hours. Outside these hours, all equipment associated with the use, including the barriers, shall be removed from the public highway and stored in the cafe premises.

Reason: In the interests of users of the public highway and to avoid clutter, in the interests of the character and appearance of the conservation area.

5 Prior to the use hereby permitted commencing, dimensions and materials of the proposed tables, chairs, barriers and any other associated furniture shall be submitted to and agreed by the Local Planning Authority. The agreed furniture shall be used at all times unless agreed otherwise with the Local Planning Authority.

Reason: To ensure the preservation of the character and appearance of the Central Historic Core Conservation Area.

6 INFORMATIVE

You are advised that advert consent would be required for any advertisement placed on the barriers. In submitting the details requested in condition 5, it is recommended that no advertisement is placed on any barrier.

Reason: To preserve the character and appearance of the conservation area.

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 character and appearance of the conservation area, highway safety and amenity. As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies HE3 and S6 of the City of York Local Plan Deposit Draft.

Contact details:

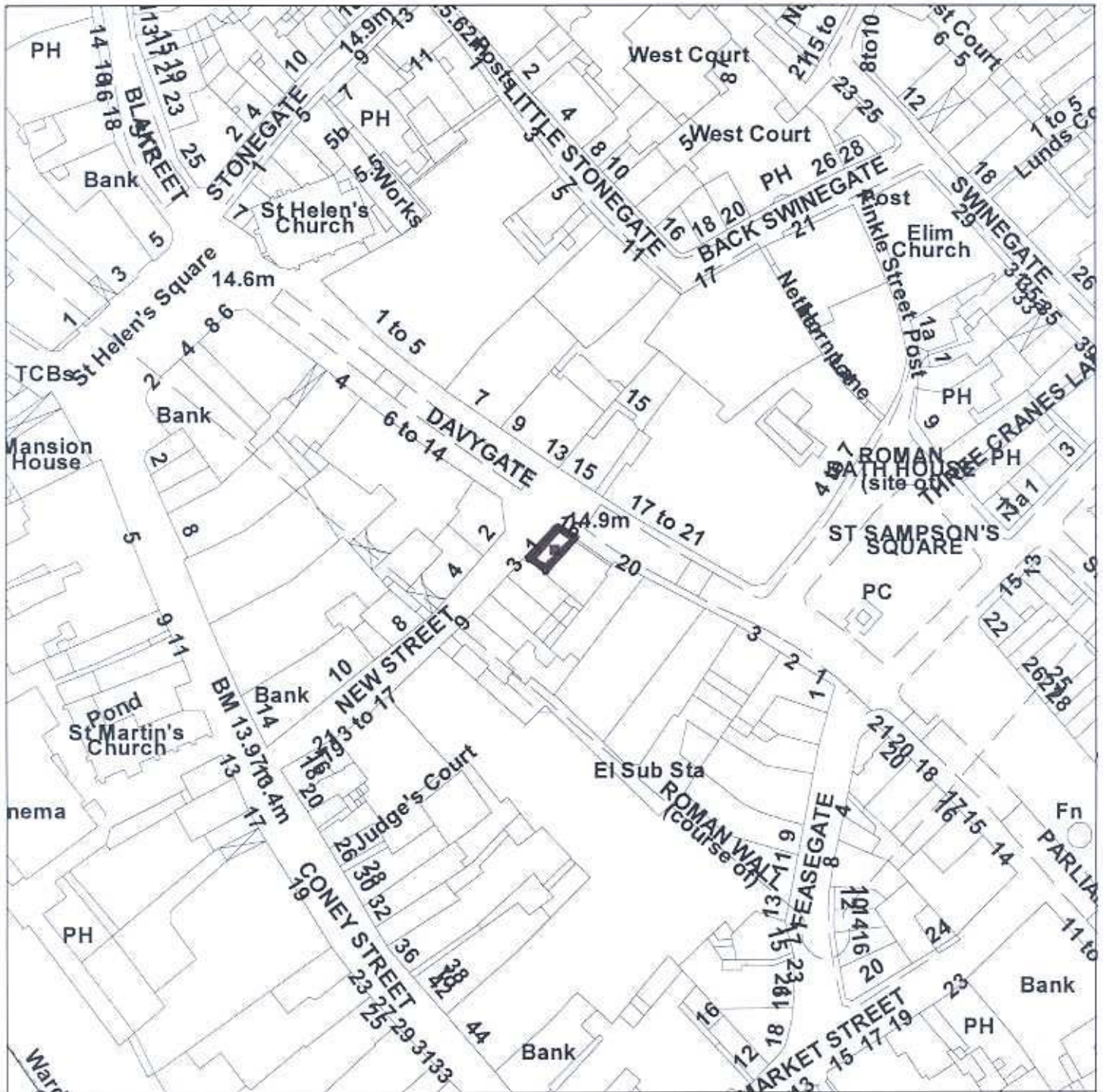
Author: Jonathan Kenyon Development Control Officer
Tel No: 01904 551323

Location Plan

06/01099 Caffe Nero



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	Not Set
Department	Not Set
Comments	
Date	06 June 2006
SLA Number	Not Set

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COMMITTEE REPORT

Team: Central Area
Date: 22 June 2006

Ward: Guildhall
Parish: Guildhall Planning Panel

Reference: 05/02677/FUL
Application at: Car Park Adj Woolpack House The Stonebow York
For: Erection of 4 new residential town houses (resubmission)
By: Tropicwatch Ltd
Application Type: Full Application
Target Date: 9 February 2006

1.0 PROPOSAL

1.1 Permission is sought for the erection of a terrace of 4 no. three-storey town houses with accommodation in the roof space including a roof level terrace. The houses would be set back from the back edge of the footway behind a 1.75m high front boundary wall. Parking would be provided to the rear accessed through a gated 'drive-through' from Stonebow, existing vehicle access to the rear of properties in St Saviourgate would be maintained via this arrangement. The development would provide 3 no. four bed houses and 1 no. three bed house each with their own small front and rear garden area and rear facing terraces.

1.2 As originally submitted the drawings included open terraces at roof level. The drawings have been revised to provide a continuous roof pitch along the front elevation and a revised roof terrace design to the rear with the terrace placed behind a false-pitched roof. The revised drawings also show a turning head to the rear and revised elevation details.

1.3 The site is within the Central Historic Core Conservation Area and is currently laid out as a surface car park. The site sits between the recently refurbished Jorvik Medical Practise at Woolpack House and a flat roofed two-storey carpet warehouse building at 15 The Stonebow. The Hungate Development Site is across the road from the application site. At the rear of the site to the north-west is a terrace of 18th century properties, listed grade 11*. The houses retain their relatively long gardens of approximately 30m, set at higher level than the proposal site. Peaseholme House, listed grade 1, is visible behind Woolpack House.

RELEVANT PLANNING HISTORY

1.4 Application 05/01337/FUL for 4 new town houses was included on the 4 August 2005 Central Area Planning Sub-Committee agenda with a recommendation of refusal but was withdrawn by the applicant before the meeting took place. The refusal recommendation was based on the treatment of the roof and the elevations and their harm to the character and appearance of the conservation area.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

Conservation Area Central Historic Core 0038

Areas of Archaeological Interest City Centre Area 0006

2.2 Policies:

CYGP1
Design

CYGP3
Planning against crime

CYGP4A
Sustainability

CYGP4B
Air Quality

CYGP6
Contaminated land

CYGP9
Landscaping

CYHE2
Development in historic locations

CYHE3
Conservation Areas

CYHE11
Trees and landscape

CYHE10
Archaeology

CYT4
Cycle parking standards

CYH4A
Housing Windfalls

CYED4
Developer contributions towards Educational facilities

CYL1C
Provision of New Open Space in Development

3.0 CONSULTATIONS

INTERNAL

3.1 Conservation Architect

In principle redevelopment of this open site would be welcome as it would help to repair the urban grain and provide further enclosure to the street. Generally the proposals for the four townhouses are considered as being of a massing and height compatible with surrounding development. In addition the principle of the contemporary approach, reinterpreting the use

of natural materials and characteristic forms, would also respond to the character and appearance of its location in terms of expressing continuity and change in this part of the conservation area.

3.2 Landscape Architect

The large Sycamore is actually seven trunks growing very close together (one single stem, one triple stem and one double stemmed trunk), but the large, dense canopy reads as one tree.

The tree offers limited visual merit to The Stonebow from the western approach, because it doesn't overhang the street much. From the opposite side of the road and from the eastern approach its full crown can be seen; thence it offers beneficial public amenity.

Despite the tree, the car park has a negative impact on the street, so appropriate development on this site would be welcomed.

On balance the removal of the tree would be acceptable if the proposed development were of sufficient quality to justify its removal and new tree planting were incorporated into the design. There appears to be scope for the addition of one or two small trees on the street elevation. Additional large shrubs/small trees would be welcomed to the front and rear for further amenity and to give the gardens a setting. These should be planted as large specimens for immediate impact.

Should consent be given please include a condition to ensure that adequate replacement tree planting is specified and planted.

3.3 Archaeologist

This site lies in the Area of Archaeological Importance. It is in an area where very important archaeological deposits have been identified. The site comprises a small area of land on the north side of Stonebow. The site lies in an area which has been the subject of much topographical change over the past 2000 years. Therefore, although much can be conjectured about the development of this area, it is difficult to be precise. The area has been the focus of settlement from at least the Roman period. The area appears to have been peripheral to the main concentrations of Roman, Anglo-Scandinavian and medieval occupation. The nature of much of this occupation in this area is not known. The OS map of 1852 shows an area almost completely developed and covered by housing. Much of this pattern of development was swept away between 1939 and 1945, when the current form of the area began to take shape. Stonebow was created in 1954. On the proposed Hungate development, a desk top study identified the likelihood that archaeological deposits would survive over all of the site and the deposits would include well stratified and well preserved waterlogged organic remains, of high archaeological value dating from Roman times to the post-medieval period. The area is known to have contained a Carmelite Friary, two parish churches, the Guild Hall of the Shoemakers and a Holy Priests House. A watching brief of an extensive borehole survey recorded material which was interpreted as dumps and occupation deposits dating from the Roman and the Anglo-Scandinavian periods together with alluvial silts representing the River Foss and the infilling of the King's Fishpool in the later medieval period. In parts of the site significant medieval and post medieval occupation deposits were also noted. This site will therefore contain a well-preserved archaeological sequence which will include Roman, Anglo-Scandinavian and medieval deposits. The applicant has submitted a Design statement which includes a section on archaeology. The applicant proposes to use a methodology which the architect has used on other sites in the City centre. This comprises mini-piles disturbing less than 5% of the deposits on the site and groundbeams and pilecaps excavated to a depth of 700mm. It is proposed to excavate

the deposits which would be destroyed by the groundbeams and pilecaps. This will involve the excavation of the entire footprint of the proposed new building.

3.4 York Consultancy

The site is in Zone 1 (low risk) with regards to river flooding. No increase in surface water run-off from the site is envisaged.

3.5 Environmental Protection Unit

No objections to this application. However a study should be undertaken to discover if there has ever been any historic contaminative use of the site. The applicant proposes an archaeological study, and it is likely that prior to that, a desk top study will be undertaken. If any potential contaminated areas are identified, a site investigation could take place at the same time as the archaeological study. Previously it was noted that it was proposed to use a piling method of forming foundations, which could cause noise and/or vibration affecting nearby residents and businesses. Stonebow and Peasholme Green carry much commercial traffic as well as cars and taxis accessing the city centre and nearby car parks. It is important therefore, that habitable rooms fronting onto The Stonebow have sufficient sound insulation.

The proposed development site does not lie within City of York Council's Air Quality Management Area (AQMA) since the area does not constitute a relevant location in the context of local air quality management (a 'relevant location' is an outdoor, non-occupational location where members of the public are likely to be exposed to pollutants over the averaging time of the air quality objectives). Unless steps can be taken by the developer to minimise exposure to poor air quality by future occupants, the introduction of residential accommodation in this area could result in the introduction of relevant locations along The Stonebow, and thus could result in the need to extend the boundary of the existing AQMA.

Since the declaration of the AQMA in January 2002, air quality monitoring has been undertaken at a number of sites in the vicinity of the proposed development. Results from nitrogen dioxide diffusion tubes have indicated elevated concentrations of nitrogen dioxide for some months of the year, although recent results from these analysers have suggested that, at present, pollutant concentrations are within current health based limit values. The Environmental Protection Unit would also like to highlight that due to recent planning approvals in the vicinity of this development (i.e. Hungate), traffic flows in this area may increase thus resulting in a further deterioration of air quality.

In a bid to reduce human exposure to potentially poor air quality in this area, the Environmental Protection Unit would ask that consideration is given to the following conditions:

There shall be no balconies or opening windows to rooms with a facade onto The Stonebow. Alternative means of ventilation from the rear of the dwellings should be explored.

Consideration should be made to position of habitable rooms (living rooms, bedrooms) - ideally these should be positioned towards the rear of the dwelling away from the roadside.

The developer should explore setting the properties back from the roadside.

3.6 Lifelong Learning and Leisure

Require a contribution to local play, amenity and sports pitches. The sports contribution to be used within the east zone of the Sports and Active Leisure Strategy.

3.7 Highway network Management

As a result of the submission of amended drawings there are now no highways objections subject to conditions.

3.8 Education and Leisure

Seeking contributions of £7531 to address capacity issues at Fishergate Primary School and Fulford Secondary School.

EXTERNAL

3.7 North Yorkshire Police

Concerns expressed on the earlier application about the design of the recessed vehicle entrance have now been addressed.

3.8 Guildhall Planning Panel

Object - The proposals have been "over-designed" creating a building form which is unnecessarily conspicuous, alien to its site in the conservation area and which would detract from the improving visual amenity of Stonebow/Hungate. A simpler solution is preferred.

Comment on Amended Plans

The amended proposals do not overcome our initial objection.

3.9 Neighbour Comments

Two letters of objection received from the occupiers of nos. 22 and 26 St Saviourgate on the following grounds:

- overlooking of house and garden from roof level balconies,
- the proposed development would be much taller than all the buildings in the vicinity with the exception of Peaseholme House which is a Grade 1 listed building,
- loss of light,
- proposed design is too modern, the architects should be looking at the Borthwick Institute, St Oswald's Church and the Black Swan Public House for their inspiration,
- the development would obscure views of the rear of Peasholme House and St Saviourgate,
- the proposed parking and turning area is unworkable and the access via the drive-through means that vision for pedestrians and drivers is restricted with no room for two cars to pass.

In response to the amended plans a further letter was received from the occupier of no.26 St Saviourgate:

- Maintain objection on above grounds
- the traditional front elevation pitched roof will improve the visual appearance of the development from the street,
- the proposed concealed balconies at roof level are north-facing and would serve no practical purpose and overlooking will still take place, even if it is surreptitiously.

4.0 APPRAISAL

4.1 The key issues are considered to be:

- principle of residential development

- design and impact on conservation area/listed buildings
- loss of mature tree
- air quality
- impact on the living conditions of nearby residents
- archaeology
- access

PRINCIPLE OF RESIDENTIAL DEVELOPMENT

4.2 The site is located within a sustainable location close within the City Centre and constitutes previously developed land in terms of the definition in Annex C of PPG3 (Housing). The general principle of residential development of this site is therefore acceptable in terms of national planning policy and policy H4a of the Draft Local Plan which states that planning permission will be granted for new residential development where the site is within the urban area and it involves infilling or redevelopment, where the site has good accessibility to jobs, shops and services by non-car modes of transport, and subject to the development being of an appropriate scale and density to surrounding development.

LOSS OF MATURE TREE

4.3 There is a mature tree in the southwest corner of the site. The tree makes a contribution to the street scene, but is not classed as a good specimen. On balance, therefore, it is considered that in principle the loss of the tree would be acceptable subject to the proposed development being of a high quality and new tree planting being incorporated into the design.

DESIGN AND IMPACT ON THE CONSERVATION AREA.

4.4 The site lies within the central historic core conservation area, adjacent to the boundary with Hungate (which is outside the conservation area). The Stonebow itself is a relatively new street, introduced in the mid 1950s to connect Pavement with Peaseholme Green. The street marks an approximate dividing line between an area of high historic and architectural value and one which contains poorer quality post-war brick buildings of a more industrial scale and expression. This area to the SE has "in principle" outline planning permission for redevelopment. At the rear of the site to the NW is a terrace of 18th century properties, listed grade 11*. The houses retain their relatively long gardens of approximately 30m, set at higher level than the proposal site. Peaseholme House, also listed grade 11*, is visible behind Woolpack House. Although once a substantial freestanding structure with gardens and stabling, the building is now constrained by tight boundary walls to the rear and sides.

4.5 Section 72 of the Planning (Listed Buildings and Conservation areas) Act 1990 requires that special attention shall be paid in the exercise of planning functions to the desirability or preserving or enhancing the character or appearance of a conservation area. This is reflected in Policy E4 of the North Yorkshire County Council Structure Plan (adopted 1995) which states that buildings and areas of special townscape, architectural or historic interest will be afforded the strictest protection. Local Plan policies HE2 and HE3 reflect this statutory duty and the advice given in PPG15: Planning and the Historic environment.

4.6 Notwithstanding the contribution made by the tree, the existing car park makes no contribution to the character and appearance of the conservation area. The application site sits between a flat roofed commercial building approximately 7.7 metres high, and Yorvik Medical practice which has a pitched roof to a maximum height of approximately 10.5 metres. Both of these are 20th century buildings, the commercial building to the south being of a poor quality design. Although The Stonebow has examples of poor quality architecture

and buildings which make no positive contribution to the area, the proximity to a number of important listed buildings make this a sensitive site. The location within a conservation and on a major route within the city, in addition to the proximity to the proposed Hungate development increase the importance of achieving an acceptable design on the site.

4.7 The application is accompanied by a supporting statement which includes a section on the design references employed. In summary, the statement argues that the design concept is to create a new form of buildings that in their mass and proportion are in relation to the heights, width and size of the mixture of the surrounding vernacular and mixed scale properties in the broad setting of Peasholme Green/Stonebow. The siting is intended to create a private space to the front of the properties and the stepped layout to form a relationship with Woolpack House. The materials and fenestration are considered to create contemporary features that form visually contrasting and interesting architectural references within the framework of the traditional forms, without distracting from the fine examples of the surrounding historic architecture.

4.8 The redevelopment of this open site would help to repair the urban grain and provide further enclosure to the street. The proposed building would be higher than both the adjacent buildings, with a maximum roof height of approximately 11.9 metres. Peasholme House is an impressive and imposing building which is considerably taller than the proposed building, and in this context the proposals for the four townhouses are considered as being of a massing and height compatible with surrounding development. In addition the principle of the contemporary approach, re-interpreting the use of natural materials and characteristic forms, would also respond to the character and appearance of its location in terms of expressing continuity and change in this part of the conservation area. The amended plans have simplified the elevations and provided for a continuous roof form which strengthens and simplifies the massing, the originally proposed large window areas of the frontage bays have been sub-divided and more characteristic window designs have been provided. Overall it is considered that the development would enhance the character and appearance of the conservation area and would not harm the setting of the nearby listed buildings.

AIR QUALITY

4.9 The area is not within the Air Quality Management Area because of the lack of residential properties fronting The Stonebow. At present, pollutant concentrations are within current health based objective values, although historically this site has experienced concentrations bordering on (and in some instances exceeding) limit values. Also due to recent planning approvals in the vicinity of this development (i.e. Hungate), traffic flows in this area may increase thus resulting in a further deterioration of air quality. Previously proposed front balconies and the roof terrace have been removed from the scheme. The buildings would be set back from the carriageway between 4.5m and 7.5m which would mitigate potential harm to some degree. The roof terraces would be more than 10m back from the carriageway which should be sufficient distance for air quality to be at ambient levels. Requiring that there no opening windows be included in the front elevation and that alternative means of ventilation should be provided would further reduce exposure to pollutants. This has been the approach taken for residential properties on the proposed Hungate development.

IMPACT ON THE AMENITY OF NEARBY RESIDENTS/BUSINESSES

4.10 The proposed dwellings would have residential accommodation over three floors, with a balcony/roof terrace above. The windows would aspect front/rear and further amenity space would be provided by a modest rear garden and a first floor balcony to the rear. No 24 St Saviourgate has a detached garage/granny flat abutting the rear site boundary, the rear elevation of which is blank apart from a rooflight. No 26 St Saviourgate has planning

permission to construct a detached garage/games room along the rear boundary, which also has a blank rear elevation.

4.11 The properties along St Saviourgate have rear gardens approximately 30 metres deep, which enables adequate separation to be achieved between principal windows. There is also a substantial difference in levels between the two sites, which means the first floor level of the proposed dwellings would be roughly equivalent to the ground floor level of the gardens beyond. This means that the first and second floor rear windows would aspect onto the two outbuildings, preventing views directly into the gardens.

4.12 The roof terraces are set back from the boundary by a minimum of 13 metres at the nearest point and have been re-designed from those originally submitted so that they are partially hidden behind a 1.5m high false-pitched roof at the rear. Given both the dwellings to the rear have outbuildings beyond the boundary which increases the separation distance, it is not considered that there would be any significant overlooking from the roof terraces. This is particularly the case given the depth of the gardens involved, which enables a substantial distance to be achieved between the roof balconies and to the private garden areas immediately to the rear of the houses. The development is considered to comply with policy GP1 which states that residents living nearby should not be unduly affected by overlooking, overshadowing or dominated by overbearing structures.

4.13 Peasholme House, which is in office use, overlooks the gardens of both 24 and 26 St Saviourgate at present. Oblique views between the windows of this building and the new dwellings will be possible, however given the use of this building it is not considered that loss of privacy would be significant. Despite the height of the proposed buildings, the separation distances involved will prevent significant loss of light.

ARCHAEOLOGY

4.14 The site is within the Area of Archaeological Importance. It is in an area where very important archaeological deposits have been identified. This site will contain a well-preserved archaeological sequence which will include Roman, Anglo-Scandinavian and medieval deposits. The applicant has submitted a Design statement which includes a section on archaeology. The applicant proposes to use a methodology which the architect has used on other sites in the City centre. This comprises mini-piles disturbing less than 5% of the deposits on the site and groundbeams and pilecaps excavated to a depth of 700mm. It is proposed to excavate the deposits which would be destroyed by the groundbeams and pilecaps. This will involve the excavation of the entire footprint of the proposed new building. This approach is satisfactory.

ACCESS ISSUES

4.15 The proposal provides for one parking space per dwelling and a vehicle turning head and maintains existing access to the rear of the St Saviourgate properties. Cycle storage is also shown. The access to the site would be from The Stonebow via a gated drive-through, this would allow only one vehicle at a time to enter/exit the site although the width of the access at the entrance would allow a car to wait, clear of the highway. Given the likely traffic flows this arrangement is considered to be acceptable. The site is very accessible and its location will promote car-free journeys.

OTHER ISSUES

4.16 Policy ED4 requires that in considering proposals for new residential development any consequences for existing schools will be assessed in accordance with the SPG - Developer Contributions to Education Facilities. The development is likely to result in

additional demand for primary and secondary school places at Fishergate and Fulford schools respectively. The developer has agreed to pay a contribution of £7,531 towards the provision of additional school places.

4.17 Policy L1c of the Local Plan considers that all residents should have access to safe, attractive and useable public open space and the local plan strategy aims to promote accessible open space in new residential development. Where residential applications are for less than 10 dwellings, in most cases, a commuted sum payment towards open space provision will be acceptable. The developer has agreed to provide a contribution of £6,315 towards local play, amenity and sports pitches. This is in accordance with and the Council's Supplementary Planning Guidance "Open Space in New Developments" and policy L1c.

5.0 CONCLUSION

5.1 The proposal is considered to result in an enhancement to the character and appearance of the conservation area and is acceptable in terms of its design, massing and height. The development would introduce new family-sized housing into a city centre location which is acceptable in principle, and although this raises issues of noise and air quality it is considered these can be adequately addressed through the imposition of conditions. The dwellings would not harm local residential amenity through overshadowing or loss of privacy. Overall the scheme is considered to be acceptable and to comply with the relevant policies of the North Yorkshire County Structure Plan, the City of York Development Control Local Plan and Government Guidance contained in PPS1(Delivering Sustainable Development), PPG3 (Housing), PPG15 (Historic Environment)and PPG16 (Archaeology)..

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

WCS;10 rev. B, 011 rev A, 012 rev A,013 rev B, 014rev B, 015 rev B, 016 rev B, 018 rev A, 030 rev B, 031rev A, 033 rev B, 035.

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

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

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

Reason: So as to achieve a visually cohesive appearance.

4 VISQ7 Sample panel ext materials to be approv

5 VISQ2 IN Large scale details required

1. Section at 1:20 through typical house at roof level 2. Windows, window assemblies and window surrounds. 3. Balconies and balustrading.4. Eaves and verge 5. Front boundary wall

- 6 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 include the species, density (spacing), and position of trees, shrubs and other plants, and a specification for ground preparation and planting. 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 including the landscape scheme, 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 and quality of planting within the entire site.

7 ARCH1 Archaeological programme required

8 ARCH2 Watching brief required

9 ARCH3 Foundation design required

- 10 A desk study, where possible should date back to the year 1800, shall be undertaken in order to identify any potentially contaminative uses which have or are currently occurring on site. This shall include a site description and a site walkover and shall be submitted to and approved by the local planning authority prior to development of the site.

Reason: to protect the health and safety of workers on site and residents of the proposed dwellings, and to ensure the integrity of construction materials

- 11 A site investigation shall be undertaken based upon the findings of the desk study.

a) The investigation shall be carried out in accordance with BS10175: Investigation of potentially contaminated land:code of practice. The results of the investigation shall be submitted to and approved by the local planning authority in writing prior to any development commencing on site.

b) A risk based remedial strategy (which shall have due regard for UK adopted policy on risk assessment and shall be developed in full consultation with the appropriate regulator(s)) shall be developed based upon the findings of the site investigation. The remedial strategy shall be submitted to and approved by the local planning authority in writing. The approved strategy shall be fully implemented prior to any development commencing on site.

c) A validation report shall be submitted to and approved by the local planning authority, detailing sample locations and contaminant concentrations prior to any development commencing on site.

d) Any contamination detected during site works that has not been considered within the remedial strategy shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development on site.

e) A timetable of proposed remedial works shall be submitted to the local planning authority prior to any works being undertaken on site.

Reason: to protect the health and safety of workers on site and residents of the proposed dwellings, and to ensure the integrity of construction materials

13 NOISE3 IN Working hours to be limited
08.00 and 18.00 Monday to Friday 09.00 to 13.00 Saturday

14 The building envelope with a facade onto The Stonebow shall be constructed so as to provide sound attenuation in habitable rooms, against external noise, of not less than 33dB(A), with windows shut and other means of ventilation provided. The detailed scheme shall be approved by the local planning authority and fully implemented before the use hereby approved is constructed.

Reason: To protect the amenity of residents of the proposed dwellings.

15 All windows in the elevation facing The Stonebow shall be non-openable.

Reason: To prevent the exposure of future occupants of the development to an unacceptable standard of air quality.

16 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), no development, extensions or other alterations to the external appearance of the building of the type described in Classes A to F of Schedule 2 Part 1 of that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: 1. In the interests of the amenities of the adjoining residents the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995; 2. in the interests of the character and appearance of the conservation area; and 3. to prevent the exposure of future occupants of the development to an unacceptable standard of air quality through the insertion of additional windows or doors.

17 HWAY8 IN Position of Gates
7.5m

18 HWAY9 Vehicle areas surfaced

20 HWAY18 Cycle parking details to be agreed

21 HWAY19 Car and cycle parking laid out

22 HWAY31 No mud on highway during construction

23 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 L1 of the City of York Draft Local Plan.

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £6,315.

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.

- 24 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 City of York Draft Local Plan and the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated January 2005.

INFORMATIVE:

The provisions of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, The obligation should provide for a financial contribution calculated at £7,531. The basis for this calculation is contained within the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated January 2005.

No development can take place on this site until the condition has been 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 the character and appearance of the conservation area and the setting of listed buildings, residential amenity, noise and air quality, sustainable development, archaeology, the provision of open space and the capacity of local schools. As such the proposal complies with Policy E4 the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GP1, GP3, GP4a, GP4b, GP6, GP9, HE2, HE3, HE10, HE11, T4, H4a, ED4 and L1c the City of York Local Plan Deposit Draft.

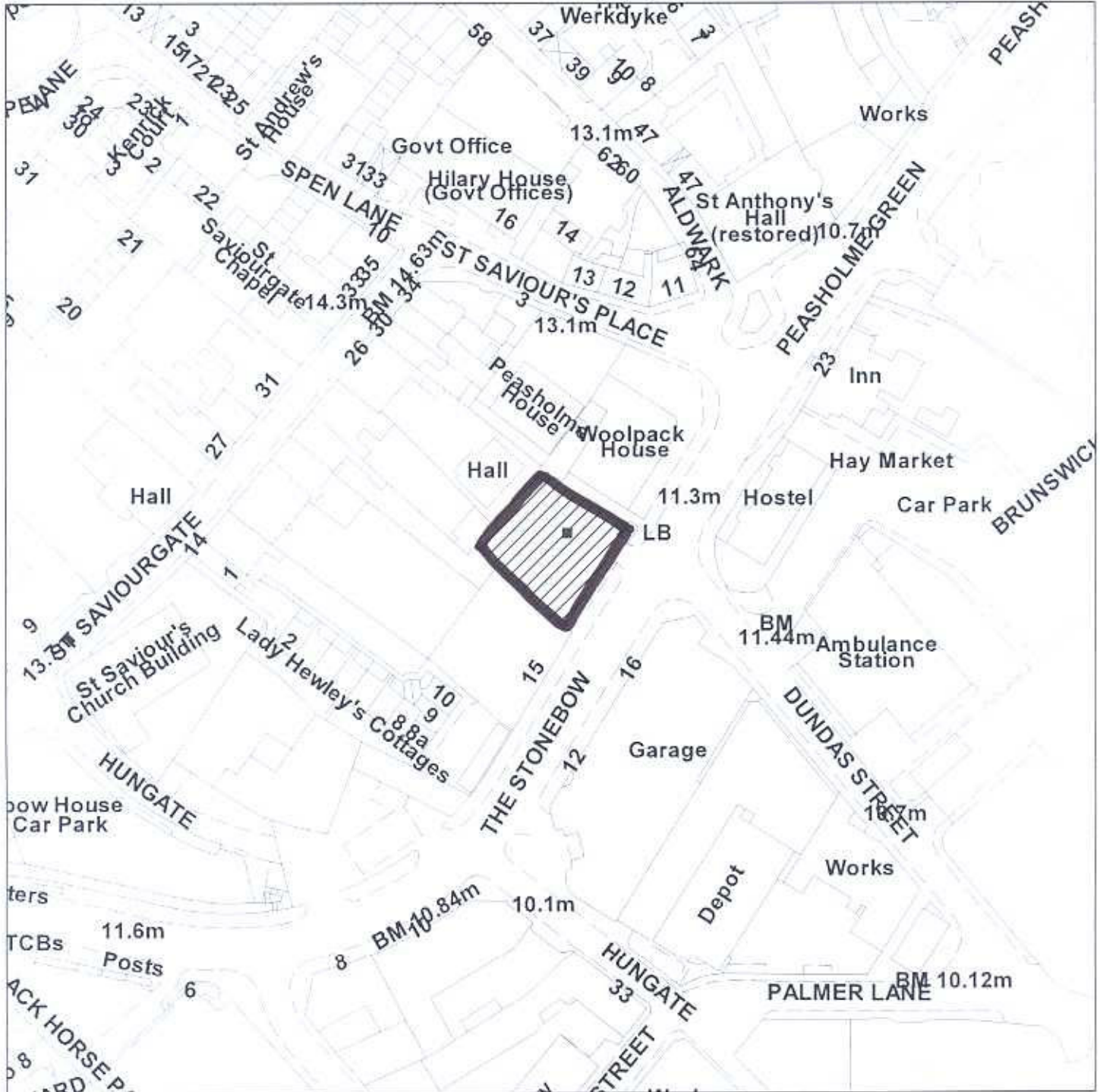
2. It is recommended that the services of a landscape architect are employed to produce a landscape scheme and to oversee the landscape contract on site, in order to ensure that the ground preparation and planting are carried out to a satisfactory standard and are in strict accordance with the approved drawings. The developer is advised to inform the local authority of when the planting is complete, so that i) the local authority can monitor the planting within the five-year period and hence continue to ensure that the requirements of this condition are met and ii) there is no discrepancy as to when the requirements of the planning condition cease.

Contact details:

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Woolpack House Car Park Site, The Stonebow



Scale : 1:1250

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Organisation	City of York
Department	DEDS
Comments	
Date	09 June 2006
SLA Number	Not Set

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COMMITTEE REPORT

Team: Central Area
Date: 22 June 2006

Ward: Guildhall
Parish: Guildhall Planning Panel

Reference: 06/00795/FUL
Application at: Land Lying To The Rear Of 14 To 18 Agar Street York
For: Erection of 7 no. town houses with associated access road, car parking and cycle storage (resubmission)
By: Mack And Lawler Builders Ltd
Application Type: Full Application
Target Date: 5 June 2006

1.0 PROPOSAL

1.1 It is proposed to erect a row of seven town four bedroom houses on land which is presently vacant but which was previously used as a private car park associated with offices located within the adjacent buildings fronting onto Monkgate. An earlier application to develop the site in a similar manner was withdrawn due to a lack of information, principally relating to archaeological issues. The site is enclosed on all four sides by built development, the buildings in Monkgate being to the northwest, Sainsbury`s supermarket to the southeast, and the adjacent dwellings in Agar Street and Monkgate Cloisters to the northeast and southwest respectively. Vehicular access to the site would be by way of the existing car park access at the end of Agar Street, a residential cul-de-sac which terminates at the heavily used footpath linking Foss Bank and St.Maurices Road. A secondary, gated access is also available to the site from Monkgate, which would become a pedestrian link from the new dwellings to the city centre.

1.2 The proposed development would consist of a three storey terrace of seven town houses, with the third floor accommodation being accommodated within a mansard roof. Eight residents parking spaces would be provided within the site together with storage for 14 bicycles. Each dwelling would be provided with an individual private garden area (8 m x 5m approx), and there would be space available on the site for a modest landscaping scheme. The site is within the Central Historic Core conservation area and the application has been appropriately advertised/publicised by means of a site notice, newspaper advert and neighbour consultation.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

Schools St. Wilfrid's RC Primary 0230

Conservation Area Central Historic Core 0038

Areas of Archaeological Interest City Centre Area 0006

2.2 Policies:

CYH4
Housing devp in existing settlements

CYHE2
Development in historic locations

CYHE10
Archaeology

CYGP1
Design

CYT16
Long stay car parks

3.0 CONSULTATIONS

3.1 INTERNAL

HIGHWAYS - Comments awaited

URBAN DESIGN AND CONSERVATION - The massing appears to sit comfortably with the adjacent linear developments which are of varied depth of plan and roof form. In development meetings we have had concerns about the mansard roof form which previously appeared overlarge and barn-like for this area. The architects have amended the scheme at roof level and introduced a more pronounced eaves line which would reduce the apparent height of the block and diminish the appearance of the roof from ground level. The building sits behind high walls on this former industrial site and we are pleased to see the retention of both these walls and the remaining separating wall between the proposed scheme and the frontage buildings onto Monkgate. Elevations appear rhythmic and well articulated and the blank end elevation has been relieved by detailing of a suitable scale.

ARCHAEOLOGIST - This site lies in the Area of Archaeological Importance in an area which has produced important archaeological remains. An archaeological evaluation of this site has been carried out by the York Archaeological Trust in December 2005. The evaluation demonstrated that there are archaeological features and deposits of medieval and Roman date surviving on this site. The applicant has submitted a foundation design (Foundation Design, job no 3635, Bowyer Consulting, March 2006). This foundation design consists of a raft whose formation level for the most part is higher than the medieval and Roman features and deposits. There is a small area of the site where the raft will cut into medieval deposits.

It is considered that this foundation proposal represents a reasonable way forward to develop this site and ensure that minimal destruction of archaeological deposits takes place in accordance with policy HE10. However, there will be a need for an archaeological watching brief on all groundworks for this development.

Conditions required as follows:

- an archaeological watching brief
- details of the foundation design, in order to preserve 95% of the archaeological deposits on the site.

ENVIRONMENTAL PROTECTION - No objections in principle but conditions are recommended in relation to working hours, the treatment of any possible contamination, and minimising nuisance to residents as a result of any piling operations.

LIFELONG LEARNING AND CULTURE - A financial contribution (calculated at £11,410) towards the provision/upgrading of sports and leisure facilities is required. This could be spent on the upgrading of local facilities such as Glen Gardens and/or on East zone priorities for sports provision.

EDUCATIONAL PLANNING OFFICER - Requires a financial contribution of £15,531 towards the provision of one extra secondary school place within the local catchment area.

STRUCTURES AND DRAINAGE - Consider that insufficient information has been provided to determine the potential impact the proposals may have on existing drainage systems.

3.2 EXTERNAL

GUILDHALL PLANNING PANEL - No objections

YORKSHIRE WATER - Recommend conditions requiring a sewer easement to be provided and also details of foul and surface water drainage to be submitted and approved prior to commencement.

POLICE ARCHITECTURAL LIAISON OFFICER - The erection of town houses will eliminate previous problems of car crime associated with the former car park. From a designing out crime point of view, the design and layout is excellent, with good surveillance opportunities of all dwellings, external spaces, paths, roadways and car parking areas. It is noted that the access to pedestrians from Monkgate will be controlled by key coded gates. The alleyway giving access to the rear gardens of the town houses has gates fitted to control access. These gates should be fitted with key operated locks and must not be easy to climb over.

LOCAL RESIDENTS - One letter has been received making the following points:

- the development could create a considerable traffic problem in Agar Street
- amenity could be seriously affected if the dwellings are too close to the properties in Agar Street if the existing open aspect is blocked or the roof line is too tall

4.0 APPRAISAL

4.1 Key Issues

- principle of the proposal
- design issues, impact on character of conservation area
- impact on amenity of neighbours
- highway and parking issues

4.2 The application relates to the erection of seven town houses on 0.15 ha of land formerly used as a private car park, accommodating approximately 70 cars. The site is within the urban area and occupies a sustainable location within walking distance of the city centre, and is effectively a "backland" site enclosed by built development on all sides. The principle of the proposal is supported by Policy H9 of the Approved North Yorkshire Structure Plan which states that provision will be made for the maintenance and, where appropriate, the extension of residential use of property in and around town centres and particularly around the historic core of the City of York, through permitting suitable new development and through the conversion of suitable existing property and vacant upper floorspace.

4.3 Policy H4a of the City of York Draft Local Plan relates to housing windfalls, and states that proposals for residential development on land not already allocated on the Proposals Map will be granted planning permission where the site is within the urban area and is

vacant, derelict or underused, or it involves infilling, redevelopment or conversion of existing buildings, and where the site has good accessibility to jobs, shops and services by non-car modes. Policy H4a also requires development to be of an appropriate scale and density to surrounding development, and not to have a detrimental impact on existing landscape features.

4.4 The site is also within a designated conservation area (Central Historic Core), wherein the City Council, when determining planning applications, has a statutory duty to consider the desirability of preserving or enhancing the character and appearance of the area. Policy E4 of the Approved North Yorkshire Structure Plan states that buildings and areas of special townscape, architectural or historic interest will be afforded the strictest protection. Policy HE2 of the Draft Local Plan states that within conservation areas, development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials. Proposals will be required to maintain or enhance existing urban spaces, views, landmarks and other townscape elements which contribute to the character or appearance of the area. The site is within the York City Centre Area of Archaeological Importance where Policy HE10 provides that planning applications for development that involves the disturbance of existing ground levels will be granted provided the applicant permits a field evaluation to assess the archaeological importance of the site, and it can be demonstrated that less than 5% of any archaeological deposits will be disturbed or destroyed.

4.5 Policy GP1 is a general policy which states that development proposals will be expected to respect or enhance the local environment, be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, using appropriate building materials, and avoid the loss of open spaces, important gaps within development and other features that contribute to the quality of the local environment. Policy GP1 also seeks to ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures. Policy T16 states that the Council will seek to reduce the level of private commuter parking spaces in or adjacent to York City Centre through negotiation with site owners as redevelopment proposals come forward.

4.6 The relevant Central Government advice is contained within Planning Policy Guidance Note 3: "Housing" (PPG3). This states that local planning authorities should give priority to re-using previously developed land within urban areas, bringing empty homes back into use, and converting existing buildings, in preference to the development of greenfield sites. Particular emphasis is now placed on focussing new development in sustainable locations close to existing amenities and services, in order to encourage the use of modes of transport other than the private car.

4.7 The proposal would extinguish the lawful use of the site as a private car park, which is actively encouraged by Policy T16 of the Draft Local Plan and would contribute towards a reduction in commuter trips into the city by private car. The proposal would provide family sized four bedroom dwellings in this central location, a welcome departure from the current trend of small one and two bedroom apartments. The Conservation Architect is now satisfied that the massing and design of the proposed block is acceptable in this location, following concerns in relation to the earlier scheme. In particular, alterations to the roof in order to diminish its appearance from ground level and to reduce the apparent height of the block, in addition to the retention of historic boundary walls within the site, are welcomed. The proposed development would be orientated in the same direction as the existing adjacent developments in Monkgate Cloisters and Agar Street (i.e. northwest to southeast). This is considered to be the most appropriate way of developing the site as it would respect the existing urban grain. Overall, it is considered that the proposed development would improve

the appearance of this now derelict site and as such would enhance the appearance of the conservation area.

4.8 The proposed layout would provide separation distances of 16 - 18 metres (front elevation of new development to rear of dwellings in Agar Street) and 13 metres (rear of new development to rear of dwellings in Monkgate Cloisters). Whilst these distances may appear to be below accepted standards, the adjacent properties are for the most part single aspect dwellings with principle windows orientated away from the application site. Thus nos. 14 - 16 Agar Street contain only two small bathroom windows at first floor level. Extensions which have been approved to the rear elevations of nos 14 and 16 Agar Street have been designed to take account of the possible future development of the car park, with principle windows orientated away from the site. Although the rear elevations of nos. 17 and 18 Agar Street have a conservatory and sun terrace at first floor level, provision has been made for a small planted area between these dwellings and the proposed development. This area could accommodate two or three light canopied trees (such as silver birch) in order to provide a degree of screening without eliminating the outlook from, or the daylight to, these properties. It is considered that the outlook from the rear of these properties would, on balance, be improved through the removal of the car park use. The use of a mansard roof in the design would reduce the massing and visual impact of the new block.

4.9 The adjacent properties in Monkgate Cloisters consist of a terrace of ten properties, again with the principle elevation orientated away from the application site. The rear elevations of these properties contain a pair of doors at ground floor level, screened from the new dwellings by a boundary wall at least two metres in height, and kitchen windows at first floor level consisting of fixed lights fitted with translucent glazing. The bedrooms at second floor level are served by high level rooflights approximately 1.8 metres above floor level, and as such it is not considered that any significant loss of light or outlook would occur. It should also be noted that the new development would be sited to the northeast of Monkgate Cloisters, which would minimise the effect of any overshadowing or loss of light.

4.10 The comments of Highways (Network Management) are awaited. However, it is considered that in principle, the removal of the existing private car park is to be welcomed in terms of reducing the volume of car borne commuter journeys into the city centre. The development would provide a reasonable level of on-site car parking bearing in mind the location of the site and the type of property provided, i.e. one space per dwelling with up to three visitor spaces and 14 cycle parking spaces. Central Government advice in Planning Policy Guidance Note 13: "Transport" promotes walking, cycling and the public transport in preference to car use and advises that developers should not be required to provide more parking spaces than they themselves wish, which has effectively removed the need to impose minimum parking standards on developers. Following the submission of an archaeological evaluation and a subsequent raft foundation design for the development, the Council's Archaeologist is satisfied that the site can be developed with minimum destruction of archaeological deposits, in accordance with Policy HE10 of the Draft Local Plan. There will, however, be a need for an archaeological watching brief on all groundworks for the development.

5.0 CONCLUSION

5.1 The proposal is considered to be satisfactory and would make beneficial use of this (close to) city centre site through the provision of family size housing in a sustainable location. It is considered that the proposal would improve the appearance of the site and thus would enhance the appearance of the conservation area, whilst at the same time being acceptable in terms of the impact on adjacent occupiers.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years

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

GEM FL 01 Rev "D" - site layout, sections and cycle store
GEM FG 01 Rev "D" - floor plans, elevations and sections
3635 - S - 500 - foundation detail

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

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

- 3 VISQ8 Samples of exterior materials to be app

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

Eaves and verge details
Gable end detail
Windows and external doors

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

- 5 LAND1 IN New Landscape details

- 6 HWAY19 Car and cycle parking laid out

- 7 VISQ3 Boundary walls to be retained

- 8 ARCH2 Watching brief required

- 9 ARCH3 Foundation design required

- 10 A desk study should be undertaken in order to identify any potentially contaminative uses which have or are currently occurring on site. This shall include a site description and a site walkover and shall be submitted to and approved by the local planning authority prior to development of the site.

Reason: In order to ensure that any potentially contaminative uses are identified and appropriate remedial action is taken.

- 11 a) A site investigation shall be undertaken based upon the findings of the desk study. The investigation shall be carried out in accordance with BS10175: Investigation of potentially contaminated land:code of practice. The results of the

investigation shall be submitted to and approved by the local planning authority in writing prior to any development commencing on site.

b). A risk based remedial strategy shall be developed based upon the findings of the site investigation. The remedial strategy shall be submitted to and approved by the local planning authority in writing. The approved strategy shall be fully implemented prior to any development commencing on site.

Informative: The remedial strategy shall have due regard for UK adopted policy on risk assessment and shall be developed in full consultation with the appropriate regulator(s).

c). A validation report shall be submitted to and approved by the local planning authority, detailing sample locations and contaminant concentrations prior to any development commencing on site.

d) Any contamination detected during site works that has not been considered within the remedial strategy shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development on site.

Reason: In order to ensure that any potentially contaminative uses are identified and appropriate remedial action is taken.

- 12 A timetable of proposed remedial works shall be submitted to the local planning authority prior to any works being undertaken on site.

Reason: In order to ensure that any potentially contaminative uses are identified and appropriate remedial action is taken.

- 13 All works and ancillary operations during demolition and construction, including collections and deliveries to the site shall only be carried out between the hours of 08.00 and 18.00 Mondays to Fridays and 09.00 to 13.00 on Saturdays and not at all on Sundays and Bank Holidays.

Reason: To protect the amenity of nearby residents.

- 14 Any piling operations shall be carried out using the quietest practicable method available. The details should be submitted to and approved in writing by the local planning authority before commencing work. Local residents should be notified of the dates, times, likely duration and works to be undertaken.

Reason: To protect the amenity of nearby residents.

- 15 HT1 IN Height
9.7

- 16 Unless otherwise agreed in writing by the local planning authority, no building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the sewer, which crosses the site.

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

- 17 The site shall be developed with separate systems of drainage for foul and surface water on and of site.

Reason: In the interests of satisfactory and sustainable drainage.

- 18 No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by the local planning authority.

Reason: To ensure that the development can be properly drained.

- 19 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to the completion of the approved foul drainage works.

Reason: To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.

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

Reason: In order to comply with the provisions of Policy L1c of the City of York Draft Local Plan.

INFORMATIVE: The alternative arrangements referred to in 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 the provision of open space. The obligation should provide for a financial contribution calculated at £11,410

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 secondary school places within the local catchment area has been submitted to and approved by the local planning authority.

Reason: The education provision within the catchment area of the development has insufficient capacity to take more pupils, such that additional places are required in the interests of the sustainable development of the city in accordance with Policy C6 of the City of York Draft Local Plan and the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated January 2005.

INFORMATIVE:

The provisions of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, The obligation should provide for a financial contribution calculated at £15,531. The basis for this calculation is contained within the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated January 2005.

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

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

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

- principle of the proposal
- design issues, impact on character of conservation area
- impact on amenity of neighbours
- highway and parking issues
- protection of archaeological deposits

As such the proposal complies with Policies H9 and E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies H4, HE2, HE10, GP1 and T16 of the City of York Local Plan Deposit Draft.

2. Noise and dust nuisance

(i) All plant and machinery to be operated, sited and maintained in order to minimise disturbance.

(ii) All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions

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

Contact details:

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Tel No: 01904 551351

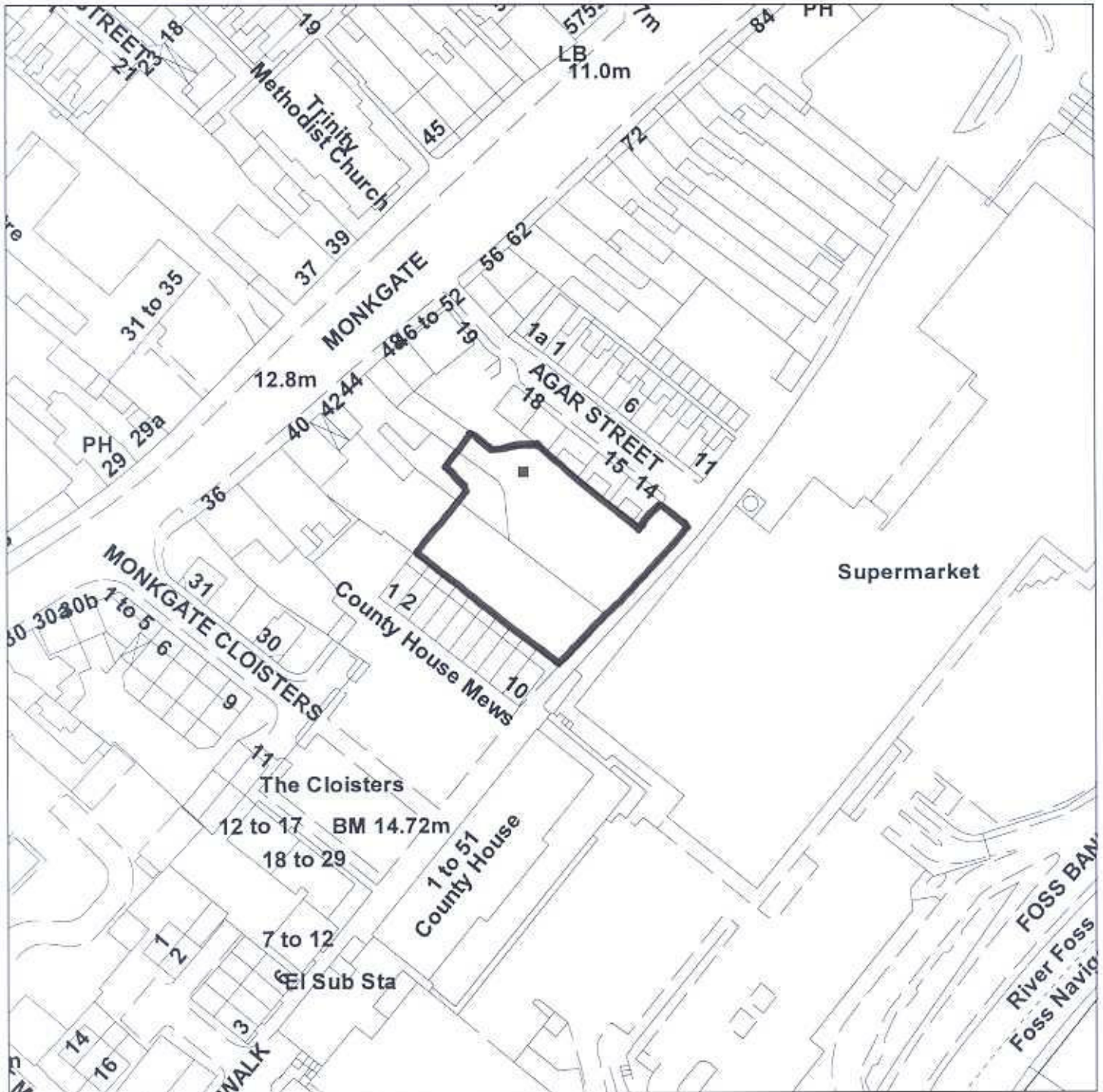
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14 - 18 Agar Street

York



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Organisation	City of York Council
Department	DEDS
Comments	Location Plan
Date	09 June 2006
SLA Number	

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