



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 B Watson

Date: Thursday, 21 September 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 3 - 10)

To approve and sign the minutes of the meeting of the West and City Centre area Planning Sub-Committee held on 17 August 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 Wednesday 20 September at 5.00pm.

4. **Plans List**

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

- a) **41 Station Road, Upper Poppleton, York, YO26 6PX (06/00662/FUL)** (Pages 11-20)
 - b) **53 Skeldergate York, YO1 6DS (06/01293/FUL)** (Pages 21-32)
 - c) **53 Skeldergate, York, YO1 6DS (06/01294/LBC)** (Pages 33-40)
 - d) **The Judges Lodging, 9 Lendal, YORK, YO1 8AQ (06/00724/FUL)** (Pages 41-48)
 - e) **The Judges Lodging, 9 Lendal, York, YO1 8AQ (06/00725/LBC)** (Pages 49-56)
 - f) **35 Walmgate, York, YO1 9TX (06/01710/FUL)** (Pages 57-64)
 - g) **35 Walmgate, York, YO1 9TX (06/01712/LBC)** (Pages 65-70)
 - h) **Plot 13 Great North Way (06/01244/FULM)** (Pages 71-78)
 - i) **Cat park adjacent to The Dutch House, Ogleforth, York, YO1 7JG (06/01366/FUL)** (Pages 79-96)
 - j) **Arclight Project, Bullnose Building, Leeman Road (06/01705/FUL)** (Pages 97-102)
5. **Any other business which the Chair considers urgent under the Local Government Act 1972**

Democracy Officer

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For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting on the details above.

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

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WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE**Thursday 21 September 2006****Index to items**

SITE	ITEM	VISIT
41 Station Road, Upper Poppleton	A	
53 Skeldergate (Planning Application)	B	V
53 Skeldergate (Listed Building Consent)	C	V
The Judges Lodging, 9 Lendal (Planning Application)	D	V
The Judges Lodging, 9 Lendal (Listed Building Consent)	E	V
35 Walmgate (Planning Application)	F	V
35 Walmgate (Listed Building Consent)	G	V
Plot 13 Great North Way, Nether Poppleton	H	
Car Park Adj. The Dutch House, Ogleforth	I	V
Arclight Project, The Bullnose Building, Leeman Road	J	

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

Wednesday 20 August 2006

Meet at the Dutch House, Ogleforth at 12:00hrs

(site visits will all be made on foot this month)

TIME (Approx)	SITE	ITEM
12.00	Car Park Adj. The Dutch House, Ogleforth	I
12.40	35 Walmgate	F & G
13.15	53 Skeldergate	B & C
14.00	The Judges Lodging, 9 Lendal	D & E

City of York Council

Minutes

MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	17 AUGUST 2006
PRESENT	COUNCILLORS BARTLETT (VICE-CHAIR), SUE GALLOWAY, HORTON, LIVESLEY (CHAIR), MACDONALD, REID AND B WATSON
APOLOGIES	COUNCILLORS SIMPSON-LAING AND SUNDERLAND

15. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Reason for Visit	Members Attended
Site to rear of 30 – 41 Millfield Gardens, Nether Poppleton	To familiarise Members with the site.	Cllrs Livesley, Macdonald, S Galloway, B Watson, Sunderland, Bartlett.
St Mary's C of E Primary School, School Lane, Askham Richard	To familiarise Members with the site.	Cllrs Livesley, Macdonald, S Galloway, B Watson, Horton, Sunderland, Bartlett.
27 Station Road, Copmanthorpe	To familiarise Members with the site.	Cllrs Livesley, Macdonald, S Galloway, B Watson, Horton, Sunderland, Bartlett.
Acomb Primary School, West Bank, York	To familiarise Members with the site.	Cllrs Livesley, Macdonald, S Galloway, B Watson, Horton, Sunderland, Bartlett.
83A Front Street, York	To familiarise Members with the site.	Cllrs Livesley, Macdonald, S Galloway, B Watson, Horton, Bartlett.
46 Kyme Street, York	To familiarise Members with the site and at the request of Cllr Fraser.	Cllrs Livesley, Macdonald, S Galloway, B Watson, Horton.

16. DECLARATIONS OF INTEREST

Cllr Horton declared a personal and prejudicial interest in Plans Item 4c – Site to the rear of 30-41 Millfield Gardens, Nether Poppleton, York (06/011552/FUL) as he knew the applicant.

It was noted in the interests of transparency that Plans Item 4j – 4 Littlefield Close, Nether Poppleton (06/01529/FUL) was made by the wife of an elected member although there were no interests to declare.

17. MINUTES

RESOLVED: That the minutes of the meeting of the West and City Area Planning Sub-Committee held on 20 July and 1 August be approved and signed as a correct record.

18. PUBLIC PARTICIPATION

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

19. PLANS LIST

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

19a. 46 Kyme Street, York, YO1 6HG (06/01262/FUL)

Members considered a full application, submitted by Mr and Mrs I Nixon for a two storey pitched roof rear extension (Retrospective).

Mr Crompton, a neighbour to the application site, addressed the committee with concerns about the size and scale of the extension being out of character in the area and the risk of creating a precedent. He was also concerned that approval for the application was being sought retrospectively.

RESOLVED: That the application be approved in line with the conditions and informatives in the report.

REASON: The proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GP1, H7, HE2 and HE10 of the City of York Local Plan Deposit Draft.

19b. Acomb Primary School, West Bank, York (06/01132/FUL)

Members considered an application for the erection of fencing and gates to the Nursery Drive and West Bank entrances and adjacent to garages on Carrick Gardens.

Officers updated the committee that a further letter in objection to the item had been received which raised concerns about traffic issues and gates opening.

Members discussed the need for an extra piece fencing to be added onto the plans to increase the security of the site and assurances were given to the committee that this was acceptable to the applicant.

RESOLVED: That the application be approved in line with the conditions and informatives in the report and that the extra return of fencing be added to Officers satisfaction.

REASON: The proposal complies with Policies GP1 and GP3 of the City of York Development Control Local Plan (1995).

19c. Site to rear of 30-41 Millfield Gardens, Nether Poppleton, York (06/01150/FUL)

Members considered a full application, submitted by Mr Tim Hanser for the Change of use of part of agricultural land to residential gardens for 30-41 Millfield Gardens and 35 and 37 Hillcrest Avenue.

Officers updated the committee that though it was not material to the application, in the interests of transparency, the land of the site of the application was owned by City of York Council and leased to the farmer.

Mr Roberts, a neighbour, addressed the committee and raised some concerns about the conflict between the application and the vision in the Poppleton Village Design Statement. He also raised specific issues about the protection of the hedgerow.

Mr Mortimer, another neighbour, spoke in support of the application and discussed the need for expansion of domestic gardens and raised the issue that the hedge is not protected but that it would be retained by the residents.

RESOLVED: That the application be refused in line with the report and that Officers should open an enforcement action.

REASON: The application fails to accord with Policy GB1 and the City of York Council Draft Deposit Local Plan and Planning Policy Guidance 2 and contrary to Policy NE1 of the City of York Draft Deposit Local Plan.

19d. 27 Station Road, Copmanthorpe, York, YO23 3SY (06/01210/FUL)

Members considered a full application, submitted by Mr Stericker for the erection of a conservatory to the side of the property.

Officers updated the committee that Copmanthorpe Parish Council had added 2 further objections in that the tabled application went against the intention of the original application and that the application site is lower than the neighbouring property so the level of overlooking was felt to be unacceptable.

Mr Longhorn, a neighbour, addressed the committee and raised the following objections, overlooking due to the site levels, opposition to the insertion of additional windows/openings that had been referenced in the decision in 2005, the application was further forward to the boundary and suggested that the conservatory would be more appropriately sited at the rear of the site rather than at the side.

Mr Steriker, the applicant addressed the committee to stress the merits of the application including that the conservatory would not impact on any neighbour's line of sight and would not be intrusive but would facilitate their enjoyment of their own house and garden.

RESOLVED: That the application be refused.

REASON: On the grounds of proximity to the boundary wall, overlooking and harm to the amenity of the neighbours.

19e. 2 Millers Yard, Gillygate, York, YO31 7EB (06/01226/FUL)

Members considered a full application, submitted by Mr D Glasper for the change of use from offices (B1 Use) to clinic/consulting rooms (D1 Use) at No 2 Millers Yard and non-residential educational/ training use (D1) at No 4 Millers Yard.

Officers updated the committee that there had been a further letter of objection received.

Mr Glasper, the applicant addressed the committee and emphasised the merits of the scheme.

RESOLVED: That the application be approved in line with the conditions and informatives in the report with the following alterations:

That , condition 4 in the report be replaced with the general hours condition and that condition 5 be deleted and that the permission be granted only to the applicant and not any subsequent user.

REASON: The proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No. 3 Adopted 1995) and policies HE3, T4 and E3 of the City of York Draft Local Plan; Planning Policy

Guidance Notes No.15 "Planning and the Historic Environment" and Planning Policy Statement No.1 "delivering Sustainable Development".

19f. Warehouse 83A Front Street, York, YO24 3BR (06/01261/FULM)

Members considered a full application, submitted by Corner Developments (Faxton) Ltd for the conversion of chapel to 10 no. residential apartments, external alterations including new front canopy, new and replacement windows, bin and cycle stores (resubmission).

Officers updated the committee and emphasised that though the building is not listed it did have an important contribution to make to the character of the conservation area and also informed Members that there were some amendments to the conditions as detailed below:

That "and material be added to the end of 3ii/ and that the following be added at "3v. Bin and Cycle Store".

That condition 4 of the report be replaced with the following:

4. Details of all means of enclosure to the site boundaries and the internal walls/fences to the proposed patio areas, shall be submitted to and approved in writing by the LPA before the development commences and provided before the development is occupied. Thereafter the agreed walling shall not be lowered or breached without prior written consent from PLA.

That condition (of the report be amended to ARCH2.

That condition 13 of the report be replaced with the following:

13. Notwithstanding the information submitted with the application, before the installation of any window in the development, agreement shall be reached in writing with the Local Planning Authority to identify whose windows and rooflights where obscured glazing is required, and the extent and detailed design of the obscured glazing and the means of opening for the respective windows to be provided. The approved scheme shall then be retained in place at all times.

Reason: To protect the privacy and amenities of adjoining residents.

And that the following conditions be added:

18. Notwithstanding the information submitted with the application, the height of the wall, to be retained in relation to finished levels in the patio area, following the partial demolition of the building at the rear of the site, shall be agreed in writing with the LPA before the commencement of works upon the site.

Reason: To ensure adequate privacy for the residents of Chapel Terrace.

19. HWAY 29 (no outward opening gate)

20. Notwithstanding the information submitted with the application, prior to the commencement of works upon the site, a revised plan shall be submitted to and agreed in writing with the LPA for the layout of cycle parking/bin stores on the western boundary of the application site.

Reason: To achieve a layout that is convenient to use for residents and to achieve a satisfactory appearance.

Mrs Kadis, a neighbour, addressed the committee and raised concerns about the window scheme that would overlook her property and general concerns about parking pressures.

RESOLVED: That, the application be approved in line with the conditions and informatives in the report and the replacement conditions and amendments listed above.

REASON: That the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GP1, GP4A, GP13, HE2, HE3, HE4A, HE5A, L1C, ED4 and S9 of the City of York Development Control Local Plan.

19g. St Mary's C of E Primary School, School Lane, Askham Richard, York, YO23 3PD (06/01406/GRG3)

Members were advised that this application had been withdrawn prior to the meeting and as such was not part of the Plans List for determination.

19h. Ali G Pizza, 11 Tower Street, York, YO1 9SA (06/01471/FUL)

Members considered a full application, submitted by Ali Gurgar for the Variation of condition 2 of planning permission 7/05/737/ARI/TP to extend opening hours to 16.00 hours - 1.00 hours Monday-Thursday 16.00 hours - 02.00 hours Friday and Saturday and 16.00 - 1200 hours Sunday.

Officers updated the committee about the receipt of a further letter of objection identifying noise, litter and vandalism as concerns in relation to the application. Officer advised Members of the need to revisit the wording of condition 2 regarding litter collection.

Mr McLoughlin, solicitor for the applicant, addressed the committee about the merits of the scheme and supporting a family run business.

RESOLVED: That the application be approved in line with the conditions and informatives in the report with the exception of condition 2 which Officer must seek satisfactory rewording of.

REASON: The proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies HE3, S6 and S7 of the City of York Local Plan Deposit Draft.

19i. Council Depot, Hazel Court, York, YO10 3DS (06/01484/GRG3)

Members considered a full application, submitted by City of York Council for the Erection of a 15 metre high wind turbine (re-submission).

Officers updated the committee with a report that Cllr M Hill had written to express his support for the wind turbine.

RESOLVED: That the application be approved in line with the conditions and informatives in the report.

REASON: The proposal complies with Policies GP4, GP5 and GP1 of the City of York Local Plan Deposit Draft; national planning guidance contained in Planning Policy statement Notes 1 “delivering Sustainable Development” and No.22 “Renewable Energy”.

19j. 4 Littlefield Close, Nether Poppleton, York, YO26 6HX (06/01529/FUL)

Members considered an application submitted by Alison Jayne Bradley for the Erection of 2 x 1.8m high double wooden gates.

Officers updated the Committee to report that the response from Nether Poppleton Parish Council had been received and there were no objections.

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

REASON: The proposal complies with Policy GP1 of the City of York Development Control Local Plan (2005).

19k. Lendal Hill House, Museum Street, York, YO1 7DT (06/01323/LBC)

Members considered a full application, submitted by Lendal Tower Venture for the Erection of boundary railings and alterations to outbuilding to form storage area.

Officers updated the committee that a plan had now been received showing the boundary markings for 3 garden areas.

RESOLVED: That the application be approved in line with the conditions and informatives outlined in the report.

REASON: That the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies HE4 and HE9 of the City of York Local Plan Deposit Draft.

COUNCILLOR D LIVESLEY

Chair

The meeting started at 3.00 pm and finished at 6.00 pm.

COMMITTEE REPORT

Committee: West and City Centre
Date: 21 September 2006

Ward: Rural West York
Parish: Upper Poppleton Parish Council

Reference: 06/00662/FUL
Application at: 41 Station Road Upper Poppleton York YO26 6PX
For: Erection of single dwelling with garage and stable block
By: Mr And Mrs Deighton
Application Type: Full Application
Target Date: 24 May 2006

1.0 PROPOSAL

1.1 The application site is located in Upper Poppleton and is situated to the rear of 41 Station Road. At present the site is used as paddock with existing single storey stables and sheds situated on the site. The application site is also located within the Upper Poppleton settlement limit adjacent to the boundary with the Green Belt.

1.2 The proposal involves the erection of a two storey dwelling, a single storey garage block containing a room in the roof space, and a single storey stable block.

1.3 The application was reported to the sub-committee on 1 August 2006. Members deferred the application in order to receive further information regarding the planning history of the site and the status of the greenbelt boundary which is included in section 4 of this report.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175
 City Boundary York City Boundary 0001

2.2 Policies:

CYGP1
 Design

CYH4A
 Housing Windfalls

CYGP9
 Landscaping

3.0 CONSULTATIONS

INTERNAL

3.1 Highway Network Management

No objections subject to conditions.

3.2 Environmental Protection Unit

Comment that there may be a substantial effect on the amenity of the local residents from odour by virtue of positioning of the stables within 20m of nearby property's gardens. The odour produced from the animals and faecal deposits will affect the use and amenity of residents properties. The animals and their waste will also attract an increased number of flying insects, which may affect the amenity of the local residents. Noise associated with the running of the stables, the movement and riding of horses and deliveries to and from the site may affect the amenity of the local residents.

Concerns regarding noise disturbance to local residents while the demolition, construction work and deliveries to and from the site if a successful application is made. A condition restricting the hours of construction is recommended to address this.

There could be a potential loss of amenity to new occupants from noise arising from the nearby railway. An assessment in accordance with PPG 24 is recommended to determine what mitigation measures, if any, are needed (eg acoustic glazing, acoustic fencing, anti-vibration building construction and the like).

Finally, although the site is unlikely to be affected by land contamination, it is recommended that a condition, which places a watching brief for the discovery of any unsuspected contamination, is placed on the approval.

EXTERNAL

3.3 Upper Poppleton Parish Council

No objections but comment on the existing use of the site and question whether the land is open space.

3.4 Neighbours

Immediate neighbours were consulted by letter. Comments were received from residents of 39, 43, 44, 47, and 48 Station Road and raised the following concerns:

- Sited in middle of supposedly green field land
- Stable block will be unsightly
- Serious concerns about potential noise and smell caused by stables
- Garage will be imposing
- More horses would cause safety problems
- Drainage could cause major problems
- Effect on value of house
- Impact on traffic
- Effect on traffic
- Access would make problems of congestion even worse
- Traffic problems would become worse
- Privacy issues
- How will outlook be protected?
- Such a large house would not be in keeping with the bungalows that front Station Road

3.5 Site Notice - A site notice was posted on 6 April 2006 adjacent to the application site. (Exp.27 April 2006)

4.0 APPRAISAL

KEY ISSUES:

- Principle of residential development
- Scale, design and visual amenity

- Impact on residential amenity
- Access

RELEVANT PLANNING POLICY AND GUIDANCE

4.1 Policy GP1 (Design) of the Development Control Local Plan states that development proposal will be expected to:

- a) respect or enhance the local environment;
- b) 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;
- d) where appropriate incorporate informative landscape design proposals, where these would clearly have an influence on the quality and amenity and/or ecological value of the development;
- e) retain, enhance and or/create urban spaces, public views, skyline, landmarks, the rural character and setting of villages and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view;
- i) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures;

4.2 Policy GP9 of the Development Control Local Plan emphasises that, where appropriate, development proposals will be required to incorporate a suitable landscaping scheme, and this must:

- a) be planned as an integral part of the proposals;
- c) reflect the character of the locality and surrounding development.

4.3 Policy H4a of the Development Control Local Plan states that proposals for residential development on land not already allocated on the Local Plan Proposals Map will be granted planning permission where:

- a) the site is within the urban area and is vacant, derelict or underused or it involves infilling, redevelopment or conversion of existing buildings;
- b) the site has good accessibility to jobs, shops and services by non-car modes;
- c) it is of an appropriate scale and density to surrounding development;
- d) it would not have a detrimental impact on existing landscape features.

4.4 The Poppleton Village Design Statement (adopted 28 August 2003) sets out design guidelines for development proposals in Upper and Nether Poppleton. The following design points are relevant to this application: 3) Any new development on the village periphery should be in keeping with both the surrounding properties and the countryside and should give high priority to landscape design, to protect and enhance the external views of the village; 11) The existing character and traditions must be appreciated when contemplating new development, whatever its size or purpose. Whilst imaginative design is encouraged one must consider the setting; 12) To conserve the special character of the traditional communities, the size, scale and massing of new buildings and extensions should harmonise with neighbouring properties and spaces; 14) Contemporary design should complement and be in sympathy with existing building character.

4.5 Planning Policy Statement 1: Delivering Sustainable Development and Planning Policy Guidance note 3: Housing are also relevant to this application.

PRINCIPLE OF RESIDENTIAL DEVELOPMENT AND CHANGES TO THE GREEN BELT BOUNDARY

4.6 The application site is located at the southern end of the village within the settlement limit as defined in the Development Control Local Plan (April 2005). The rear of the site is

bordered by fields, which are situated in the Green Belt. At present, the site incorporates single storey stables and sheds and an area of paddock used for exercising horses.

4.7 The Deposit Draft City of York Local Plan (May 1998) showed the site as Green Belt, with the Green Belt boundary following the line of the drain and then the back gardens of the dwellings on the eastern side of Station Road. The gardens on the north side of the drain were longer and therefore the Green Belt boundary stepped out to follow rear boundary of these gardens.

4.8 There was no change to the Green Belt boundary in this area at Pre Inquiry Changes (PICs) 1 (March 1999) or PICs 2 (August 1999).

4.9 However, at Pre Inquiry Changes 3 (February 2003), the Local Plan proposals maps were amended and the boundary changed so that the stable / barn and an area immediately adjacent to the stable was removed from the Green Belt. The changes to the proposals maps were approved by a resolution at Full Council on 12th November 2002. No objections to this change were received.

4.10 The Proposals Maps which formed part of the 4th Set of Changes showed the same boundary as shown in the 3rd PICS. On 12th April 2005, Full Council agreed the 4th Set of Changes to the Local Plan, recommending in clause (ii):

"That the deposit draft of the Local Plan, as amended by subsequent changes up to and including the Fourth Set be approved for development control purposes.."

Therefore, at the 4th set of Changes, the amendment to the Green Belt boundary adjacent to 41 Station Road, Poppleton at the 3rd PICs stage was agreed for development control purposes.

4.11 The site is situated to the rear of 41 Station Road. This road is a busy route through Upper Poppleton with a frequent bus service using it as well as Poppleton Railway Station being located approximately 70 metres from the front entrance to the site. In view of this, the application site is considered to be in a sustainable location within the village. Local shops are within reasonable walking distance and as previously mentioned the site has excellent public transport links into the centre of York and beyond.

4.12 The application site is 0.143 ha and is capable of accommodating residential infill development. Its location within the Poppleton settlement limit means that it can be classed as a housing windfall site under Policy H4a of the Local Plan.

In view of the above, it is considered that the principle of residential development is appropriate on this specific site.

SCALE, DESIGN AND VISUAL AMENITY

4.13 The proposed scheme would incorporate a single dwelling, garage block, and stable block, all of which would surround a central courtyard area.

4.14 The proposed dwelling would be two-storey in height 7.7 metres to the ridge, 22.5 metres in width, and 7.2 metres in depth. It would be constructed from York hand made old clamp bricks and would use coxhill clay pantiles for the pitched roof. The amended drawings propose that the ground level of the site would be reduced by 1 metre, resulting in a ridge height of 6.7 metres above the existing ground level.

4.15 The dwelling would be situated at the eastern side of the site and would have a small area of private amenity space to the rear. It would be sited 10 metres from the rear

boundary with the Green Belt and over 30 metres from the boundary with 41 and 43 Station Road.

4.16 The pitched roof detached garage block would be 9 metres in width, 6 metres in depth, and 6.1 metres in height. This would be constructed from materials to match the proposed dwelling. It would provide 3 car parking spaces at ground floor with a playroom in the roof space. The garage block would be sited on the southern boundary of the proposed domestic curtilage.

4.17 The stables that are on the application site at the moment would be removed. A new stable block would be erected adjacent to the western site boundary. This would measure 13.5 metres in width, 4.9 metres in depth and 4.6 metres in height. It would be single storey with a pitched roof and would incorporate 3 stables and a storeroom.

4.18 The buildings in this particular area of Station Road in Poppleton are predominantly Victorian/Edwardian or 1940s/50s detached and semi-detached dwellings. The proposed dwelling is designed to try to be in keeping with the site's rural and agricultural character and is not of a design or scale that reflects the architecture of the neighbouring buildings. However the site would not be viewed as part of Station Road and as such it is felt that it would not harm the appearance of Station Road. It is material to consider the impact of the proposal on the openness of the Green Belt and the setting of the village because of its location on the edge of the Green Belt. The height and scale of the proposal would make it prominent when viewed from surrounding fields but public views would be limited to those from passing trains as there do not appear to be any public footpaths across the land to the south and east. As such whilst the proposal would bring new development to a site on the edge of the Green Belt it is considered that it would not harm its openness, the development would be seen as a separate built entity against the backdrop of the linear development of Station Road. The proposed landscaping scheme would, once established, help to soften the appearance of the development and would provide a more definitive boundary to the Green Belt.

IMPACT ON NEIGHBOUR AMENITY

4.19 The proposed scheme includes a stable block containing 3 stables to be erected adjacent to the boundary with the rear gardens of 41 and 43 Station Road. An objection has been received from the resident of no.43 stating the proposed stable would create an issue of increased smell and noise and as such would have an impact on amenity. At present the site contains stables for 12 horses although this is set off the boundary with the objector's property by about 24m. Whilst the stable block would be closer than those existing on the site the number of horses to be accommodated would be less and on balance it is considered that there would not be a demonstrable increase in the impact on the neighbours from the horses.

4.20 The proposed dwelling may cause some overlooking into the garden of no.39 Station Road. However, the trees located on the boundary would provide some screening from overlooking from first floor windows. It is not considered that there would be a loss of privacy to any other of the surrounding dwellings. The gardens of 41 and 43 Station Road are at least 30 metres from the front elevation of the proposed dwelling and this is considered a reasonable separation distance.

It is also considered that the proposed scheme would not give rise to overshadowing of neighbouring gardens or rear windows and would not be of an overbearing nature.

ACCESS

4.21 The application site would be accessed from the existing opening used for 41 Station Road and the existing stables behind. Comments and objections have been received relating to the proposed access. Local residents have concerns that the proposed scheme would cause an increase in traffic using the access land and Station Road and that already existing traffic congestion would be exacerbated. However, Highways Network Management were consulted regarding the application and have no objections subject to conditions being attached to any approval. It is therefore considered by officers that the proposed scheme would not substantially increase traffic in and out of the site and would not unduly contribute to existing traffic congestion problems.

5.0 CONCLUSION

5.1 The principle of a new dwelling is considered to be acceptable in this location within the settlement limit. The development would be viewed outside of the context of the linear development pattern of this part of Poppleton but is considered neither to harm the appearance of Station Road nor the openness of the Green Belt and the setting of the village. Subject to conditions, the development should not harm existing residential amenity or highway safety. The application is considered to comply with policies GP1, H4A and GP9 of the Development Control Local Plan and the design guidelines contained within the Poppleton Village Design Statement.

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 PLANS1 Approved plans
- 3 VISQ8 Samples of exterior materials to be app
- 4 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A to E of Schedule 2 Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

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

- 5 The garage and first floor playroom shall be used for private domestic purposes incidental to the enjoyment of the dwelling only, and not for any form of business or commercial use.

Reason: To safeguard the amenities of local residents

- 6 The stables shall be used for private domestic purposes incidental to the enjoyment of the dwelling only, and not for any form of business or commercial use.

Reason: To safeguard the amenities of local residents

- 7 Notwithstanding the details shown on drawing number 1754/1 revision B 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, the landscaping scheme shall include proposals for the land shown edged in red and edged in blue 558.002 . This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

- 8 DRAIN1 Drainage details to be agreed
- 9 HWAY9 Vehicle areas surfaced
- 10 HWAY19 Car and cycle parking laid out
- 11 HWAY28 IN Proximity of gate etc to highway

- 12 All manure and/or waste material generated from the stables shall be disposed of in accordance with a scheme agreed in writing with the local planning authority before the use of the stables building commences.

Reason: To Protect the amenity of local residents during operation of the development from odour and flies.

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

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

- 14 Prior to commencement of the development, a noise assessment in accordance with the advice contained within PPG24 (Planning and Noise) shall be undertaken to determine the noise impact of the nearby railway lines on the future occupiers of the building. Thereafter a scheme of mitigation measures necessary to adequately protect the amenity of the future occupants from noise shall be submitted to the Local Planning Authority for written approval. The approved mitigation measures must be fully installed prior to occupation of the use hereby permitted.

Reason: To determine measures needed to be put in place to protect the amenity of occupants from noise vibrations and to protect the amenity of the occupants from noise.

- 15 HT1 IN Height 6.7m

7.0 INFORMATIVES:

Notes to Applicant

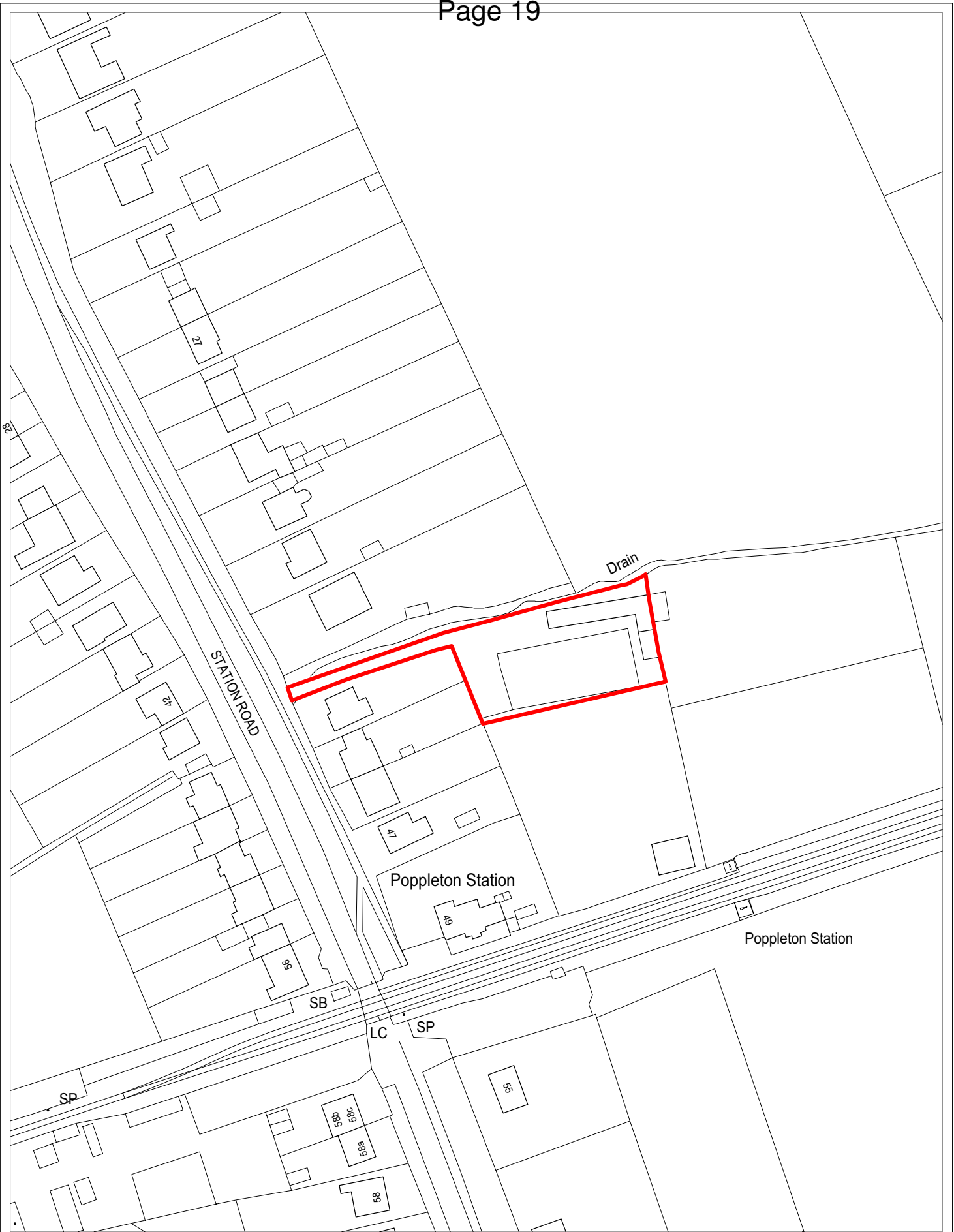
1. REASON FOR APPROVAL

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 appearance of the streetscene, the openness of the Green Belt and the setting of the village, residential amenity and highway safety. As such the proposal complies with Policies GP1, H4A and GP9 of the Development Control Local Plan and the design guidelines contained within the Poppleton Village Design Statement.

Contact details:

Author: Gareth Arnold City Centre/West Team Leader

Tel No: 01904 551320



CITY OF
YORK
COUNCIL

41 STATION ROAD, UPPER POPPLETON

SCALE 1:1250
Originating Group

DRAWN BY PSL
Project

DATE 8/9/2006
Drawing No.



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

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COMMITTEE REPORT

Committee: West and City Centre **Ward:** Micklegate
Date: 21 September 2006 **Parish:** Micklegate Planning Panel

Reference: 06/01293/FUL
Application at: 53 Skeldergate York YO1 6DS
For: Change of use and alterations to existing gymnasium building to create an additional 4 no. apartments at first and second floor and extension to existing ground floor entrance (revised scheme)
By: A M And K F Clark
Application Type: Full Application
Target Date: 4 August 2006

1.0 PROPOSAL

1.1 This application relates to internal and external works to enable the upper floors of 53 Skeldergate to be converted into an additional 4 No. apartments with the reconfiguration of the existing manager's flat to create a 5th apartment (1x 2 bedrooms and 4 x 1 bedrooms). The building is a former sawmill and warehouse which has undergone considerable alteration and additions, and now accommodates " Emperors" gymnasium on the ground floor. The agent has indicated that the upper floors area are presently unused, and the loss the present first floor changing rooms, sunbed rooms, consultation rooms, and crèche area and the second floor storage area and owner's flat would either not be required or could be accommodated within the remaining accommodation for Emperor's gymnasium.

1.2 The proposed works include retaining and extending the existing owner's flat and to convert the remaining areas into four additional apartments to be let to tenants. It is intended that use would be made of existing window openings to minimise elevational changes. Windows that have been boarded up would be reopened and glazed with timber sashes to match the existing. A covered porch would be added to the existing ground floor entrance by extending the existing plant room roof. This would allow the internal lobby area to be extended with a fully glazed door, and would incorporate secure postboxes and bellpushes with intercoms. Other alterations include the insertion of an additional rooflight, and bicycle parking for 5 bikes to the side of the building under an existing footbridge.

1.3 No. 52 Skeldergate and the main gymnasium building are both Grade II Listed Buildings. The intended works would require Listed Building Consent and the companion application follows this item.

1.4 The site is also situated in the Central Historic Core Conservation Area.

1.5 There are two extant approvals on the site. Planning permission and listed building consent for alterations to form a disabled access to Skeldergate were approved in January 2005. This allows alterations to the boundary wall and access to widen the access, removing the steps and resiting them further into the site, formation of an adjacent incline to allow wheelchair access, and the creation of a bin storage area for 2 commercial bins for the hotel on the raised garden area adjacent to the application site. The agent has indicated in his supporting letter that this approved bin storage area would be used exclusively for the apartments and the present waste disposal arrangements on Cromwell Road be used by the existing gymnasium and the hotel.

1.6 There have been three previous applications for this development that have been withdrawn following concerns about noise and the impact of the proposals on the visual appearance and historic character of the Listed Building. The agent has supported this application with a noise impact assessment to demonstrate that any occupiers of the development would have a reasonable quality of life.

1.7 This application has been referred to the West and Centre Planning Sub-Committee at the request of Cllr. Brian Watson who has concerns about the impact of the proposed works on the Listed Building.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

Listed Buildings Grade 2; 52 Skeldergate 0923

2.2 Policies:

CYGP15
Protection from flooding

CYGP4
Environmental sustainability

CYGP15
Protection from flooding

CYHE3
Conservation Areas

CYHE4
Listed Buildings

CYGP1
Design

CYT4
Cycle parking standards

CYL1
Open spaces in new residential devts

3.0 CONSULTATIONS

3.1 INTERNAL

HIGHWAY NETWORK MANAGEMENT- No objections subject to details of cycle parking being acceptable

LIFELONG LEISURE AND CULTURE- The applicant would be required to pay a commuted sum towards the provision of off-site open space provision associated with the development..

URBAN DESIGN AND CONSERVATION- This revised scheme addresses and largely overcomes the previous concerns about the intensity of the development and how it affects the building. The scheme now accommodates the proposed 5 dwellings without interference with the main structure, and the retention of the windows in unadapted form is noted. Remaining concerns relate to a) the visible bins in the wider conservation area and b) the modern glazed door should be more robust c) details for a safe access/ egress in times of flooding.

ENVIRONMENTAL PROTECTION UNIT- No objections in principle but concerned that the noise from the ground floor gymnasium the adjacent hotel could disturb the future residents. The Noise Impact Assessment with an addendum letter would introduce measures that would reduce noise to acceptable levels within the residential units. Conditions are recommended.

3.2 EXTERNAL

MICKLEGATE PLANNING PANEL- No objections

ENVIRONMENT AGENCY- Concern was initially expressed as there was no safe access and egress from the proposed development as the site is located in a high-risk zone for flooding. The agent has addressed this matter by using the south stair tower and 4 metres of duckboarding that would maintain the route over rising land to the flood limit, and thence to Cromwell Road at the time of flooding.

The application has been appropriately advertised by site and press notices, with affected neighbours advised by letter, and no representations have been received from members of the public.

4.0 APPRAISAL

4.1 RELEVANT SITE HISTORY

04/04102/LBC Alterations to form Disabled access to comply with D.D.A at 54 Skeldergate.
PER 12.1.2005

04/03912/FUL
PER 12.1.2005

05/00527FUL Conversion of first and second floor to five flats. WITHDRAWN 12.5.2005

05/02715/LBC Internal and external alterations to existing gymnasium building to create 5 No. apartments at first and second floor level, new ground floor entrance and new balconies to rear. WITHDRAWN 26.1.2006

05/02714/FUL Change of use and alterations to existing gym building to create an additional 4 No. apartments at first and second floor, erection of first floor glazed fire escape to rear elevation, and extension to existing ground floor entrance (Revised Scheme). WITHDRAWN 26.1.2006

4.2 ADDITIONAL PLANNING POLICY

Policy E4, North Yorkshire County Structure Plan

PPS 1 " Delivering Sustainable Development "

PPG 3 " Housing "

PPG 15 " Planning and the Historic Environment "

PPG 24 " Planning and Noise "

4.3 KEY ISSUES

- Land use
- Impact on the character and amenity of the conservation area/ Listed Building
- Impact on highway safety
- Impact on neighbouring residential amenity/ amenity of occupiers of development

LAND USE

4.4 This proposal would result in the loss of the existing first floor uses related to the gymnasium use on the ground floor. The agent has indicated that the upper areas are unused, and that there are adequate changing facilities on the first floor of No. 52 (also forms part of the gymnasium). The loss of these small scale ancillary uses would not be a significant loss of a valuable land use in the area. Similarly the principle of further residential accommodation would be generally supported within the upper floors of an underutilised building in the central area. The proposal would comply with Policy H4 of the Local Plan and general guidance in PPG3 " Housing " that encourages additional city centre housing on redundant or vacant land/ within existing buildings not allocated for housing within the Local Plan provided there is good accessibility and the development sympathetic to surrounding development and land uses. This policy is also supported by national guidance contained in PPG3 (Housing) that encourages the re-use of previously developed land and the conversion of non-residential buildings for housing. It is considered that such conversions can provide an important source of additional housing, particularly in town centres.

VISUAL IMPACT ON THE CHARACTER OF THE CONSERVATION AREA/ LISTED BUILDING

4.5 The site is within a designated conservation area (Central Historic Core) wherein the City Council has a statutory obligation to consider the desirability of preserving or enhancing the character or appearance of the area. This is reflected in Policy HE3 of the Deposit Draft Local Plan, which states that proposals involving external alterations will only be permitted where there is no adverse effect on the character and appearance of the area. The policy also states that applications for development in conservation areas will only be considered if

full design details are included. Policy HE4 of the Local Plan protects Listed Buildings. This policy advises that there should be no adverse effect on the character, appearance or setting of the Listed Building. Similarly Policy HE3 of the Local Plan protects the visual amenity and historic character of the conservation area. Both policies are supported by Policy E4 of the Approved North Yorkshire County Structure Plan that states that buildings and areas of special townscape, architectural or historic interest (e.g. conservation areas) will be afforded the strictest protection.

4.6 PPG 15 sections 3.8-3.11 state that it is important to balance economic viability against the effect of any changes on the special architectural and historic interest of the building or area in question. This would include the effect on the fabric, interior and setting of the building. It is considered that the proposals in this revised form would have an acceptable impact on the exterior of the building and its site, that would be visible in the conservation area. Although the building has already received many additions, i.e. the stair towers, the conservatory, plant room (moved to the courtyard after the year 2000 floods), the rear facade above the conservatory retains a simplicity in form that reflects its former use. The scale and design of the proposed extension of the entrance would be sympathetic to the original building and would not be unduly intrusive. It would extend into a communal area that is elevated from Skeldergate and also allows pedestrian access to the gymnasium and hotel, that has been the subject of previous applications that have not been implemented. The extant approvals allow for the slight widening of the gateway, removal of steps, the existing ground levels to be lowered to create a bin store and the provision of a disabled access, resulting in the removal of small trees and vegetation. The existing metal gate would be retained in its open position, the wall and its associated pier would be rebuilt to match the existing appearance and detailing. In relation to these previously approved applications, it was considered that the formation of the bin storage area behind the boundary wall and its alterations, would not affect an original feature of the Listed building or result in a prominent feature in the street scene that would have a significantly detrimental effect on the character of this small area within the conservation area.

Whilst these changes to the area have been approved to allow for commercial bin storage, this current application proposes that the bin storage area would be solely used for the proposed residential development. Clearly the siting of large commercial bins near the highway makes for easier emptying, and the siting of the large commercial bins in this location would overcome the existing access arrangements from the Cromwell Road that involve refuse vehicles reversing down a 1 in 6 ramp. However, it is considered that there is not the same justification to site the bins in this prominent location as smaller residential bins would be more manoeuvrable. As the bins would be visible through the railings from the wider conservation area, it is considered that they could be moved further into the site and then screened to overcome this adverse visual impact. On this basis, it is considered that the proposal would comply with Policies HE3 and HE4 of the draft Local Plan and Policy E4 of the Structure Plan.

HIGHWAY SAFETY/ CYCLE PARKING

4.7 The Highway Authority raises no objections to the absence of associated car parking but would require bicycle storage to be covered and secure to meet Policy T4 of the Local Plan and details should be submitted for approval by the local planning authority.

IMPACT ON ADJACENT RESIDENTIAL AMENITY/ AMENITY OF FUTURE OCCUPIERS

4.8 The building is located on a reasonably quiet street of mixed residential and commercial uses close to the city centre. Lady Anne Middleton's Hotel is located adjacent to the gymnasium and is owned and operated by the owner of the gymnasium. The noise from the ground floor gymnasium and the adjacent Hotel could disturb the future residents of the

apartments located on the upper floors of the gymnasium building, especially through the conservatory part of the gymnasium. In order to minimise the impact of noise break-out from this source, it is intended that the proposed bedrooms would be located on the floor immediately above the gymnasium with the living areas situated on the second floor. Prior to the submission of this recent application, a noise impact assessment report was received from Hepworth Acoustics, the noise and vibration consultants acting on behalf of the agent. In February 2006, additional information was requested followings issues that required addressing. Together, the report and the addendum letter indicate that measure could be implemented to reduce noise impact from this source and other sources to acceptable levels within the residential units. The predicated levels for the residential units would meet or fall below guideline noise levels recommended by the World Health Organisation for habitable rooms (lounge / bedrooms). The following concerns were specifically addressed-

- a) The consultant considers that any noise impact from the early and late cleaning of the gymnasium would be reduced by the performance of the proposed floor system. It is likely to prevent disturbance from the high frequency of vacuum cleaners which is the most prevalent source of disturbance to future residents. The applicant has indicated that cleaning times could be altered if this becomes a problem.
- b) Deliveries to the gymnasium and hotel take place within the courtyard accessed from Cromwell Road. The proposed bedroom windows would be sited on the Skeldergate elevation and are unlikely to be seriously affected by delivery noise. There is also a communal corridor that acts as an additional buffer to noise penetration from this source.
- c) Aerobic sessions take place in the adjoining No. 51 Skeldergate in a mechanically ventilated room with windows to Skeldergate that cannot be opened and it is therefore unlikely that noise from this source would be harmful. It would be in the applicant's interest to maintain a low noise climate for the residents of the existing 3 letting flats within No. 51 and the adjoining hotel that are within his ownership, and for the future occupants of the proposed development.
- d) As the property lies close to the Air Quality management Area (AQMA) it is considered appropriate that there is an absence of car parking provision with the associated development.

It is concluded that subject to appropriate conditions and compliance with the details of the Noise Impact Assessment report and the addendum letter, that the proposals would not conflict with guidance contained in Planning Policy guidance Note No. 24 " Planning and Noise " and Policy E8 of the Local Plan that aims to avoid conflict between the residential property and noise generating uses.

5.0 CONCLUSION

5.1 For the reasons that are expanded above and in the absence of conflict with relevant planning policy, it is considered that planning permission consent should be granted.

6.0 RECOMMENDATION: Approve

1 TIME2

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

Drawing Nos. LAL D Drawing No. 8 Rev. A
LAL D Drawing No. 9
LAL Drawing No. 3 Rev. F

Noise Impact Assessment Report No. 3589. 1v 2, November 2005 and addendum letter No. 3589.2/1 received 13/3/2006,

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

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

Reason: To protect the amenity of local residents.

- 4 The building envelope of the upper floors of the property shall be constructed as per " Proposed Loft Apartments Lady Anne Middleton's Hotel- Noise Impact Assessment Report No. 3589.1v2 November 2005 " and the addendum letter No. 3589.2/1 by Hepworth Accoustics Ltd so as to achieve internal noise levels of not more than 30 dB LAeq 1 hour (23:00 - 07:00 hours) in the bedrooms, 35 dB LAeq 1 hour (07:00 - 23:00 hours) in all other habitable rooms and 45 dB LAmax in all habitable rooms 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 local residents.

- 5 HWAY18

- 6 Development shall not commence until details of a safe exit route, not adversely affecting the flood regime, to land outside the 1 in 100 year flood plain, are submitted to and agreed in writing by the local planning authority. This route must be in place before any occupancy of the building(s).

REASON: To provide safe access and egress during flood events and reduce reliance on emergency services.

- 7 Flood warning notices shall be erected in numbers, positions and with wording all to be agreed with the Local Planning Authority. The notices shall be kept legible and clear of obstruction.

Reason: To ensure that owners and occupiers of premises are aware that the land is at risk of flooding.

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

- a) entrance door and canopy
- b) screening for waste bins
- c) bicycle shelter
- d) measures for secondary glazing
- e) measures for additional sound and fire-proofing in the floor zone.

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

- 9 A detailed scheme for landscaping showing the whole of the external entrance area, including its paving, walls and planting shall be submitted for the written approval of the Local Planning Authority, and thereafter implemented in accordance with the approved details.

Reason; To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

- 10 Notwithstanding the submitted details and the provisions of Condition 2 as detailed above, the bin store area shall not be built in the position as indicated on Drawing No. LAL 03F. Prior to the commencement of the development hereby approved, details of alternative arrangements that shall site the bin storage area in a discreet location shall be submitted for the prior approval of the Local Planning Authority, and shall thereafter be implemented and retained in accordance with the approved details.

Reason: In the interests of the visual amenity and historic character of the Listed Building and the Central Historic Core Conservation Area.

- 11 Notwithstanding the submitted details, the proposed bridge extension to the northern tower that would link to No. 55 as indicated on Drawing No. LAL 03F shall not be erected.

Reason: In order to protect the Listed Building from inappropriate development that would detract from its visual and historic interest.

- 12 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 £1070.

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 should be noted:

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

6 There shall be no bonfires on the site.

Any deviation from the above conditions shall be approved beforehand by the Environmental Protection Unit on (01904) 551535.

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-

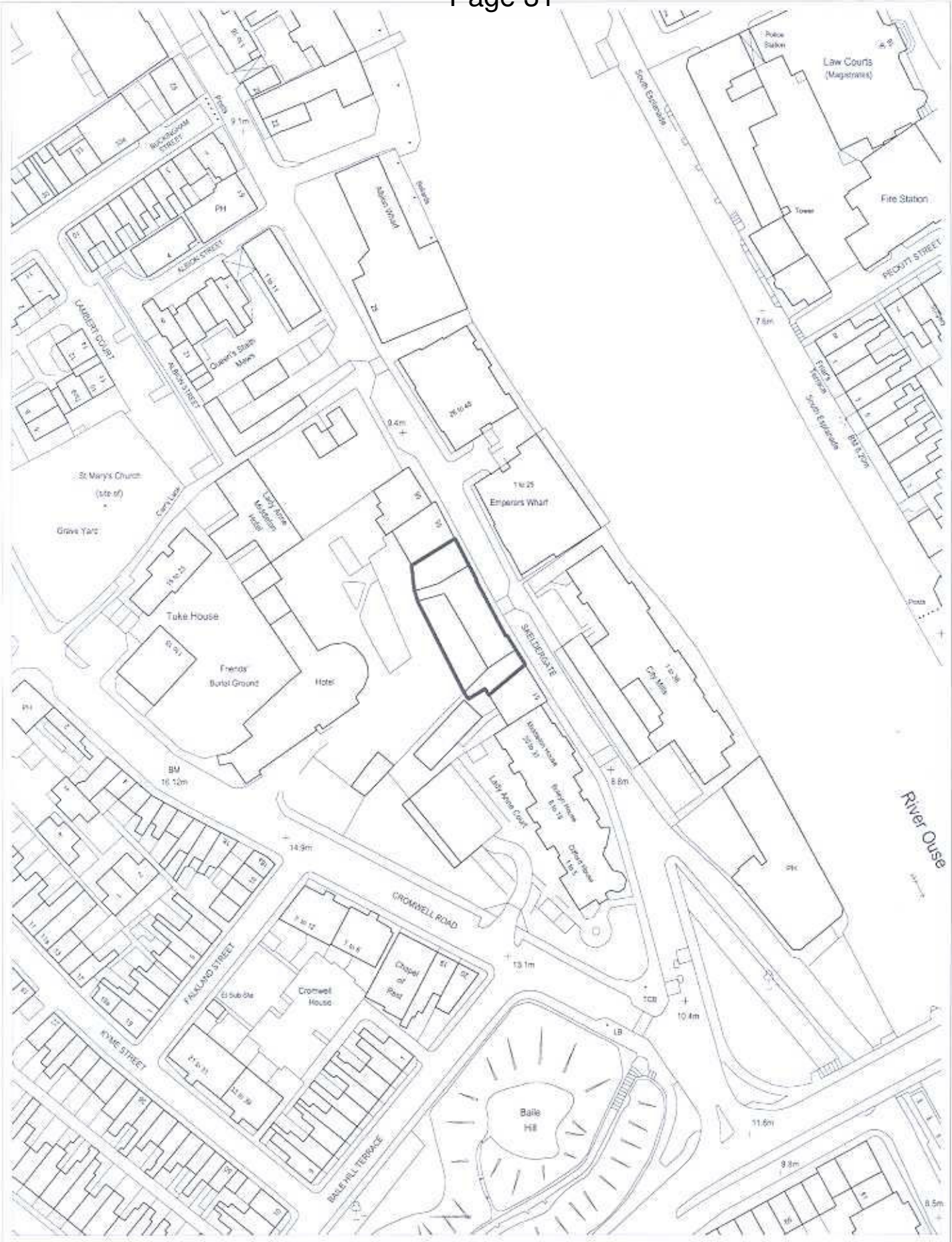
1. the visual amenity and character of the listed building and the conservation area
2. the amenity of adjacent and future occupiers of the development
3. sustainability and flood prevention.

As such, the proposal complies with Policy E4 of the North Yorkshire County Structure Plan; Policies HE3, HE4, L1, T4, GP15 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. "

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 Telephone: 01904 613161

53 SKELDERGATE *FUL*

SCALE 1:1250
Original Group

DRAWN BY PSL
Project

DATE 8/9/2006
Drawing No.



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COMMITTEE REPORT

Committee: West and City Centre **Ward:** Micklegate
Date: 21 September 2006 **Parish:** Micklegate Planning Panel

Reference: 06/01294/LBC
Application at: 53 Skeldergate York YO1 6DS
For: Internal and external alterations to existing gymnasium building to create an additional 4 no, apartments at first and second floor level, and a new ground floor entrance (revised scheme)
By: A M And K F Clark
Application Type: Listed Building Consent
Target Date: 4 August 2006

1.0 PROPOSAL

1.1 This application relates to the preceding application for planning permission for the conversion of the upper floors of No. 53 Skeldergate to residential accommodation. See previous item for the full text of this report.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

Listed Buildings Grade 2; 52 Skeldergate 0923

2.2 Policies:

CYHE4
Listed Buildings

CYGP1
Design

3.0 CONSULTATIONS

3.1 INTERNAL CONSULTATIONS

Urban, Design and Conservation- This revised scheme addresses and largely overcomes the previous concerns about the intensity of the development and how it affects the building. The scheme now accommodates the proposed 5 dwellings without interference with the main structure, and the retention of the windows in unadapted form is noted. Remaining concerns relate to a) the visible bins in the wider conservation area and b) the modern glazed door should be more robust c) details for a safe access/ egress in times of flooding.

3.2 EXTERNAL CONSULTATIONS/ REPRESENTATIONS

MICKLEGATE PLANNING PANEL - No objections

No other representations have been received at the time of writing and as a result of the consultation period that has now expired. Members will be updated of any new representations at the meeting.

4.0 APPRAISAL

4.1 RELEVANT SITE HISTORY

04/04102/LBC Alterations to form Disabled access to comply with D.D.A at 54 Skeldergate. PER 12.1.2005

05/00527FUL Conversion of first and second floor to five flats. WITHDRAWN 12.5.2005

05/02715/LBC Internal and external alterations to existing gymnasium building to create 5 No. apartments at first and second floor level, new ground floor entrance and new balconies to rear. WITHDRAWN 26.1.2006

05/02714/FUL Change of use and alterations to existing gym building to create an additional 4 No. apartments at first and second floor, erection of first floor glazed fire escape to rear elevation, and extension to existing ground floor entrance (Revised Scheme). WITHDRAWN 26.1.2006

4.2 ADDITIONAL PLANNING POLICY

Policy E4, North Yorkshire County Structure Plan

PPS 1 " Delivering Sustainable Development "

PPG15 " Planning and the Historic Environment "

4.3 KEY ISSUES

-Impact on the visual appearance and the historic character of the Listed Building

Policy HE4 of the Local Plan protects Listed Buildings. This policy advises that there should be no adverse effect on the character, appearance or setting of the Listed Building. It is supported by Policy E4 of the Approved North Yorkshire County Structure Plan which states

that buildings and areas of special townscape, architectural or historic interest (e.g. conservation areas) will be afforded the strictest protection.

PPG 15 sections 3.8-3.11 state that it is important to balance economic viability against the effect of any changes on the special architectural and historic interest of the building or area in question. This would include the effect on the fabric, interior and setting of the building. It is considered that the proposals in this revised form would have an acceptable impact on the exterior of the building and its site, that would be visible in the conservation area. Although the building has already received many additions, i.e. the stair towers, the conservatory, plant room (moved to the courtyard after the year 2000 floods), the rear facade above the conservatory retains a simplicity in form that reflects its former use. The scale and design of the proposed extension of the entrance would be sympathetic to the original building and would not be unduly intrusive. It would extend into a communal area that is elevated from Skeldergate and also allows pedestrian access to the gymnasium and hotel. The extant approvals for planning permission and listed building consent allow for the slight widening of the gateway, removal of steps, the existing ground levels to be lowered to create a bin store and the provision of a disabled access, resulting in the removal of small trees and vegetation. The existing metal gate would be retained in its open position, with the wall and its associated pier being rebuilt to match the existing appearance and detailing.

In relation to this application, it was considered that the formation of the bin storage area behind the boundary wall and its alterations, would not affect an original feature of the Listed Building. Whilst these changes to the area have been approved in the planning and listed building applications for commercial bin storage, this application now proposes that the bin storage area in this location would be for the sole use of the proposed residential development. Clearly the siting of large commercial bins near the highway makes for easier emptying, and the siting of the large commercial bins in this location would overcome the existing access arrangements from the Cromwell Road that involve refuse vehicles reversing down a 1 in 6 ramp. There is not the same justification to site the bins in a prominent location as smaller residential bins would be more manoeuvrable. The bins would be visible through the railings as an unsightly feature and it is considered that the setting of the listed building would be affected. They could be moved further into the site and then screened to be less obvious whilst retaining the attractive pedestrian entrance from Skeldergate. On this basis, it is considered that the proposal would comply with Policy HE4 of the draft Local Plan and Policy E4 of the Structure Plan.

5.0 CONCLUSION

5.1 For the reasons that are expanded above and in the absence of conflict with relevant planning policy , it is considered that Listed Building consent should be granted.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 TIMEL2
- 2 The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:-

Drawing Nos. LAL D Drawing No. 8 Rev. A
LAL D Drawing No. 9

LAL Drawing No. 3 Rev. F

Noise Impact Assessment Report No. 3589. 1v 2, November 2005 and addendum letter No. 3589.2/1 received 13/3/2006,

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

- a) entrance door and canopy
- b) screening for waste bins
- c) bicycle shelter
- d) measures for secondary glazing
- e) measures for additional sound and fire-proofing in the floor zone.

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

- 4 Existing partitions shall be removed and areas affected shall be made good to match their surroundings.

Reason; In the interests of the visual amenity and historic character of the Listed Building.

- 5 A detailed scheme for landscaping showing the whole of the external entrance area, including its paving, walls and planting shall be submitted for the written approval of the Local Planning Authority, and thereafter implemented in accordance with the approved details.

Reason; To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity and the setting of the Listed Building.

- 6 Notwithstanding the submitted details and the provisions of Condition 2 above, the residential bin storage area as detailed on Drawing No. LAL 3 Revision D shall not be built. Prior to the commencement of the development hereby approved, details of an alternative, less intrusive siting for the bin storage area and the measures for screening shall be submitted for the written approval of the Local Planning Authority, and thereafter implemented and retained in accordance with the approved details.

Reason; In the interests of visual amenity,

- 7 Notwithstanding the submitted details and the provisions of Condition 2 as detailed above, the bin store area shall not be built in the position as indicated on Drawing no. LAL 03F. Prior to the commencement of the development hereby approved, details of alternative arrangements that shall site the bin storage area in a discreet location

shall be submitted for the prior approval of the Local Planning Authority, and shall thereafter be implemented and retained in accordance with the approved details.

Reason: In the interests of the visual amenity and historic character of the Listed Building and the Central Historic Core Conservation Area.

- 8 Notwithstanding the submitted details, the proposed bridge extension to the northern tower that would link to No. 55 as indicated on Drawing No. LAL 03F shall not be erected.

Reason: In order to protect the Listed Building from inappropriate development that would detract from its visual and historic interest.

7.0 INFORMATIVES:

Notes to Applicant

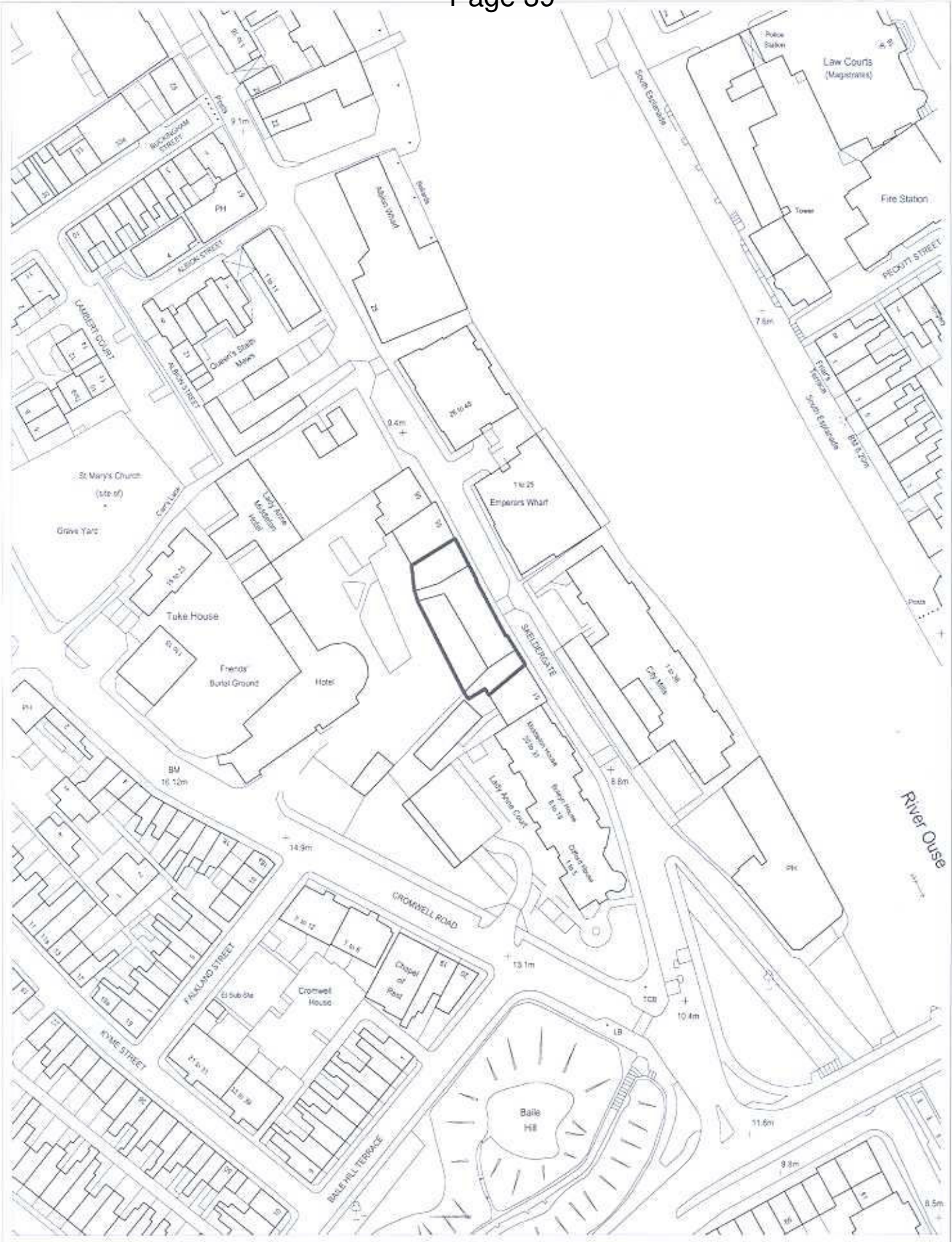
1. REASON FOR APPROVAL

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 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. "

Contact details:

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

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

53 SKELDERGATE *FUL*

SCALE 1:1250
 Originating Group

DRAWN BY PSL
 Project

DATE 8/9/2006
 Drawing No.



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COMMITTEE REPORT

Committee: West and City Centre **Ward:** Guildhall
Date: 21 September 2006 **Parish:** Guildhall Planning Panel

Reference: 06/00724/FUL
Application at: The Judges Lodging 9 Lendal York YO1 8AQ
For: Alterations and refurbishment of existing hotel, restaurant and bar and canopies to rear terrace area
By: Judges Lodgings Ltd
Application Type: Full Application
Target Date: 29 May 2006

1.0 PROPOSAL

1.1 The application for planning permission relates to works that would allow the conversion of bedrooms and suites within this building to self serviced apartments and alterations to the layout of the existing public areas of the building to provide new bar areas. The works that require planning permission include-

- a) The extension of the external rear terrace over a new bar store and plant room
- b) Removal of existing stairs and provision of a new double door access to the rear terrace
- c) The provision of 5 folddown canopies(with integral heating and lighting) over the rear terrace
- d) Modern garage door replaced by new cavity wall and new timber casement window to match 1st floor window above
- e) Hardwood vertical overlapping fencing to perimeter wall of terrace at a height of 1800mm
- f) Metal escape
- g) A change in level and new surfacing to the existing service access to form a main entrance for accessibility purposes
- h) New ramped access to the service wing

1.2 The building is a Grade 1 Listed Building and there is a companion application for Listed Building consent. The building is one of York's most important 18th century town houses and is a landmark building on Lendal. The property has been extended with a later 18th century service wing and further extensions. This property is situated within the Central Historic Core Conservation Area and is now in hotel use.

1.3 The agent has indicated in supporting information that a conventional hotel use is no longer economically viable and that the increased public bar use has resulted for a need for new bar areas. It is intended that private functions could take place at upper ground level on the rear terrace and that the proposed works would result in the loss of 12 letting bedroom with the creation of 6 serviced apartments. It is considered that planning permission would not be required for the change of use to serviced apartments as this use would fall within the same use class as hotel use (Class C1), as defined in the Use Classes Order 2005.

1.4 This application has been referred to the West and Centre Sub-Committee at the request of Councillor Brian Watson because of the degree of alteration to the Listed Building.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Listed Buildings Multiple (Spatial)

2.2 Policies:

CYHE4

Listed Buildings

CYGP18

External attachments to buildings

CYHE2

Development in historic locations

CYGP1

Design

CYHE3

Conservation Areas

CYHE2

Development in historic locations

3.0 CONSULTATIONS

3.1 INTERNAL

URBAN DESIGN AND CONSERVATION- Design

The proposals in general work with the listed building, would increase access for people with physical disabilities, and would re-vitalise the inside and outside of this landmark building in Lendal. Conditions required.

URBAN DESIGN AND CONSERVATION- Archaeology

Watching brief required on any groundworks. The site lies in an area which has produced national important Roman and medieval features and deposits. The development sits on top of the medieval churchyard of St Wilfred. These burials lie within and below 15.45m AOD. There must be an archaeological watching brief in all ground disturbances so that any burials, which are disturbed, can be fully excavated.

HIGHWAYS- No objections

3.2 EXTERNAL

Press Advert Expiry Date- 10.5.2006

Site Notice Expiry Date- 3.5.2006

Consultation Expiry Date- 12.7.2006 (following an additional consultation with further details)

GUILDHALL PLANNING PANEL- No objections, but express concern about the proposed awnings to the rear terrace

No other representations have been received as a result of the consultations detailed above.

4.0 APPRAISAL

4.1 ADDITIONAL PLANNING POLICY

Policy E4, North Yorkshire County Structure Plan- Listed Buildings and Conservation Areas

Policy E5, North Yorkshire County Structure Plan- Archaeology

PPS 1 " Delivering Sustainable Development "

PPG15 " Planning and the Historic Environment "

4.2 KEY ISSUES

- Impact on the character of the Listed Building and the Conservation Area
- Impact on the amenity of the occupiers of the neighbouring properties

IMPACT ON AMENITY OF THE LISTED BUILDING AND CONSERVATION AREA

4.3 Planning Policy Guidance Note 15 'Planning and the Historic Environment' (PPG15) sets out the approach to dealing with proposals that affect Listed Buildings and Conservation Areas. PPG15 advises that developments intended to stand alongside Listed Buildings should be 'carefully designed to respect their setting, follow fundamental architectural principles of scale, height, massing and alignment, and use appropriate materials'. In making decisions on proposals in Conservation Areas, Planning Authorities have a statutory duty to consider the desirability of preserving or enhancing the character or appearance of the Conservation Area. Policy E4 of the North Yorkshire County Structure Plan states that areas of special townscape, architectural or historic interest will be afforded the strictest protection. Policies HE2 'Development within Historic Locations' and HE3 'Conservation Areas' of the City of York Local Plan Deposit Draft are also relevant to this proposal. These policies expect proposals to maintain or enhance existing urban spaces, views, landmarks and other townscape elements and not to have an adverse effect on the character or appearance of the Conservation Area. Policy HE4 'Listed Buildings' is also relevant in that it states that consent will only be granted for development where there is no adverse effect on the character, appearance or setting of the building. As external attachments to buildings can have a significant impact on the character and appearance of buildings, Policy GP18 aims to ensure that any attachments are well designed and integrated so as to not detract from the building or the street.

4.4 The proposed works to this Grade 1 Listed Building are numerous and have been the subject of pre-application negotiations with the Local Planning Authority and English Heritage. The submitted application details have been altered and supplemented with further information on the advice of English Heritage. The works are also the subject of an

application for Listed Building consent. The major external addition would be the extension of the rear terrace alfresco area with the addition of canopies and boundary fencing. It is envisaged that 5 freestanding canopies would be cover the terrace area, fixed to the 1995 terrace structure, and sited a minimum of 1.7m away from the original building. There would be one wall mounted canopy at the lower level fixed to the side elevation of the terrace/bar area. The canopies would be retractable and made of a waterproof canvas and polyester mix. Heating and lighting would be fixed to the canopies. The terrace would be additionally protected from the weather by hardwood vertical overlapping fencing to the perimeter walls to a height of 1800mm which would be fixed to the timber uprights fitted inboard the walling to enable removal at a future date. The canopies due to their scale and siting close to the Grade 1 historic building would have a significant visual impact on the rear facade. The site is reasonably secluded and views of this rear facade are limited to the views from the surrounding commercial premises, where the character of the area is defined by rear servicing areas to the commercial premises to the rear of this urban block. On this basis the proposed canopies would not detract from this character and there would be no significant harm to the visual amenity of the conservation area. Even though the canopies on the terrace would be unattached, there would be an impact on the rear facade of the Listed Building and the views out of the reception rooms on the upper ground floor would be affected. The canopies have been designed to avoid affecting the upper windows. On balance it is considered that the submitted information together with additional information that includes a photomontage of the canopy in relation to the view from the existing dining room, product information on the canopies, heating and lighting, and more detailed drawings would result in a scheme that would be appropriate in this context, subject to the imposition of conditions ensuring that the details of the materials and colour would be of a quality acceptable to this important location.

4.5 Other concerns relating to the ramp to the ground floor self-contained flat and surfacing materials have either been addressed in the further submitted details, or can be conditioned appropriately to ensure that the details would be acceptable. For these reasons it is considered that the proposals would comply with Policies HE2, HE3, HE4 of the Local Plan; Policy E4 of the Structure Plan; and relevant government guidance contained in PPG15 " planning and the Historic Environment. "

IMPACT ON THE AMENITY OF THE AMENITY OF THE NEIGHBOURING PROPERTIES

4.6 The proposed canopies to the rear terrace would allow for greater use of this area in inclement weather. The surrounding properties are generally commercial ground floor properties with upper floors in ancillary use. The only adjacent residential property is a flat within Thomas's Bar. The property at No. 17 Lendal has 10 flats but this property does not abut the site. However, it was included in the consultation exercises for this proposal and no representations have been received from the occupiers of this property, or any other occupiers of neighbouring properties. The existing rear terrace is large and the proposed extension of the terrace to the side would not be an excessive addition, or result in an increase in the level of use that would give rise to a substantial increase in noise and disturbance that would be unacceptable to residents and workers in the area. The proposals include lighting measures with the canopies and perimeter fencing that would result in a significant increase in the lighting above the existing levels. The light coloured canopies would allow a spread of lighting across the extensive terrace area, but this would not overwhelm in the context of this large, open commercial area. The canopies would be retractable and may not be used all the year round. It is therefore concluded that the addition of canopies, fencing and lighting that would enclose this existing external bar area would not intrude or harm the living conditions of any nearby residents especially as the backyard is spacious and commercial in character.

5.0 CONCLUSION

5.1 For the reasons expanded above, it is considered that the alterations and refurbishments to the hotel, restaurant and bar with the erection of canopies to the rear terrace area would be compatible with the historic and visual interest of the Listed Building, would not detrimentally harm the conservation area, and would not detract from the amenity that neighbouring residents and occupiers would expect to enjoy.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

Drawing Nos. 3679 (60) 01
3679 ((90) 02
3679 (00) 07 A
3679 (00) 08 A
3679 (00) 09
3679 (00) 10
3680 (00) 03

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

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

- 3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, the following samples of 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.

- a) Samples of the aggregate and brick to be used for the ramped entrance and surfacing
- b) Samples of the cloth and colour of the canopy
- c) Samples of the material and finish of the framework for the awning

Reason: So as to achieve a visually acceptable appearance.

- 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.
 1. To- scale details of the new windows to the new staff accommodation
 2. Large scale details of the ramp to the self-contained ground floor flat

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

- 5 The material to be used for the canopy and awnings shall not be replaced without the prior consent of the Local Planning Authority for a non-approved fabric.

Reason: In the interests of visual amenity.

7.0 INFORMATIVES:

Notes to Applicant

1. You are advised that the works also require Listed Building consent which is granted under separate legislation. You are advised not to implement the intended works until you obtain sight of the Notice of Listed Building Consent and the approved plans, and ensure that the development is carried out in accordance with the approved plans and the terms and conditions of the Listed Building Consent.

2. REASON FOR APPROVAL

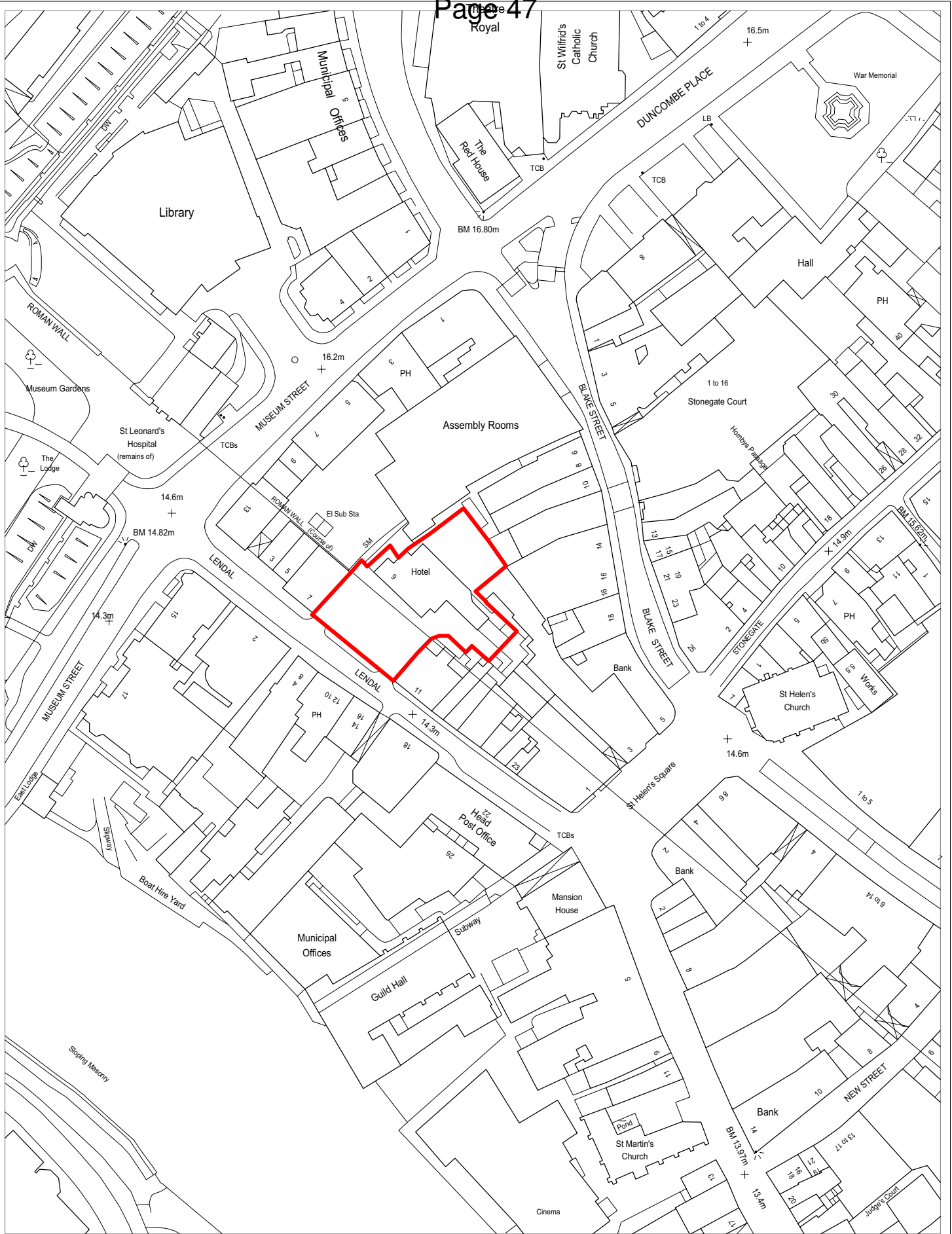
In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to-

- a) the visual amenity and character of the listed building and the conservation area
- b) the amenity of the occupiers of neighbouring buildings.

As such, the proposal complies with Policy E4 of the North Yorkshire County Structure Plan; Policies HE2 , HE3, HE4, GP18 and GP1of 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.

Contact details:

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



JUDGES LODGINGS FUL

SCALE 1:1250
 Originating Group

DRAWN BY PSL
 Project

DATE 8/9/2006
 Drawing No.



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

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COMMITTEE REPORT

Committee: West and City Centre **Ward:** Guildhall
Date: 21 September 2006 **Parish:** Guildhall Planning Panel

Reference: 06/00725/LBC
Application at: The Judges Lodging 9 Lendal York YO1 8AQ
For: Alterations and refurbishment of existing hotel, restaurant and bar and canopies to rear terrace area
By: Judges Lodgings Ltd
Application Type: Listed Building Consent
Target Date: 29 May 2006

1.0 PROPOSAL

1.1 This is a companion application for Listed Building consent for the preceding item. It is not intended to reproduce the report in full as the issue of the impact on the Listed Building is also covered in the report for planning permission. This report will cover any significant alterations to the fabric of the Listed Building that have not been considered in the planning application.

1.2 If Members are minded to approve this application for Listed Building consent, the application will require to be notified to the Secretary of State who may call- in the application for his determination.

1.3 This application has been referred to the West and Centre Sub-Committee at the request of Councillor Brian Watson because of the degree of alteration to the Listed Building.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Listed Buildings Multiple (Spatial)

2.2 Policies:

CYHE4
Listed Buildings

CYGP1
Design

3.0 CONSULTATIONS

3.1 INTERNAL

URBAN DESIGN AND CONSERVATION- Design

The proposals in general work with the listed building, would increase access for people with physical disabilities, and would re-vitalise the inside and outside of this landmark building in Lendal. Conditions required.

3.2 EXTERNAL

ENGLISH HERITAGE

Comments of 21.4.2006- Do not object to the proposed alterations to the lower ground floor bar areas, the installation of the platform lift and the spiral escape stair. Do not object in principle to the canopies, but further details are required to clarify their impact. More information is required about the impact that building, environmental health and fire regulations would have on the Listed Building.

Comments of 6.7.2006- Do not wish to comment further on the additional details, and the application should be determined in accordance with national and local policy guidance, and in the basis of specialist conservation advice.

GUILDHALL PLANNING PANEL

Comments of 24.4.2006- The Panel support the proposed adaptations in principle but are concerned that greater attention is given to the detailed design and proposed accretions before approval is given.

GUILDHALL PLANNING PANEL(Response to additional information, received 27.6.2006)- No objections to ramp, but express concern about the proposed awnings to the rear terrace

Press Advert Expiry Date- 10.5.2006

Site Notice Expiry Date- 3.5.2006

Consultation Expiry Date- 12.7.2006 (following an additional consultation with further details)

No other representations have been received as a result of the consultations detailed above.

4.0 APPRAISAL

4.1 ADDITIONAL PLANNING POLICY

Policy E4, North Yorkshire County Structure Plan- Listed Buildings and Conservation Areas

Policy E5, North Yorkshire County Structure Plan- Archaeology

PPS 1 " Delivering Sustainable Development "

PPG15 " Planning and the Historic Environment "

4.2 KEY ISSUE

- Impact on the historic character and visual amenity of the listed building

4.3 The issue of the visual impact of the canopies on the rear elevation of this Grade I Listed building and the proposed ramp are considered in the previous report. Many of the internal works are required under the Disability Discrimination Act to improve accessibility to all buildings and it is acknowledged that the varied internal floor levels within the Judges

Lodgings makes this difficult. The intention is to raise the existing floor level of Seating area 1 which would then allow access to all bar areas within the lower ground floor. This would require the lifting of the arched opening between Seating areas 1 and 2 by 200mm. This opening was formed during refurbishment in 1979/80 and it should be noted that the basement area has been much modernised. With the removal of the existing plant room and boiler room (1979/80) and the 1995 stairs to the first floor, a new ramp would be formed to give access from the front seating areas to the new bar area and toilet facilities. As the route would use an existing blocked-up opening (1979/80) there would be minimal impact on the original fabric of the Listed Building. A new lift would be provided in the two storey extension (completed 1979- 1980) with toilets at ground and first floor levels. The Conservation Officer has expressed concern about the amount of cobbled surface that would be lost to the ramped entrance area to the self contained ground floor flat that is situated to the right hand side of the building. Whilst it is appreciated that a cobbled surface is not suitable for a person with an ambulant disability, it is considered that the area of cobbles to be removed could be reduced without compromising manoeuvrability. Subject to appropriate conditions it is considered that the works would improve wheelchair/ ambulant access in the internal and external public areas of the lower and upper floor levels with minimal impact on the original fabric of the building.

4.4 The proposed works would increase the bar sales area. The works involve the opening of an original opening between seating areas; the building of a new bar store and plant room at the rear of the building, with the stairs repositioned to suit; refurbishment and formation of new steps to differing floor levels; removal of the existing bar to increase seating; the creation of a new bar, seating area and toilet facilities in the rear 1995/6 extension; the existing external stairs to the terrace to be removed and set aside for later re-use. It is intended that all new brick work would be in second hand clamp bricks to match the existing brickwork; with re-used stone steps, metal balustrades and railings, and new stone copings to match. It is also intended to relocate the kitchen back into the main building as it was prior to the extension being built. The agent has indicated that the present position of the kitchen to the rear of the property presents operational difficulties due to its distance from the breakfast room and restaurant. This relocation would result in a number of alterations that include the removal of modern female toilets (1988) and an en-suite bedroom; two new openings between existing modern partitions; the re-opening of an original window between a bedroom and a service corridor, and the installation of a ramp to cater for differing floor levels. The provision of a new dumb waiter would entail the formation of two new steps, and it is intended that the existing steps would be retained and boarded over. The existing resident's bar structure would be resited to allow for better staff access and to enable the re-instatement of the original route between the resident's lounge and the bar and to the serviced apartments. The removal of an existing modern stair (1995) and a new floor would allow direct access to the existing terrace, and new doors would reflect the design of the existing double front entrance doors. The existing fire escape route to the second floor in this area would be altered with the provision of a spiral staircase in an existing store (circ 1936) and an externally opening escape rooflight.

4.5 The internal works that are required to provide serviced apartments on the ground floor and upper and first floor of the service wing involve the removal of a rear wall of the Dealtry suite to enlarge the suite, the existing double door opening to the service corridor to be infilled with clamp bricks, and the provision of a new timber sash window. The existing staffroom, laundry and store area would be altered to suite new accommodation requirements and new staff facilities would be installed with a changing room. A modern garage door would be infilled to match the existing external finish. The addition/ removal and alterations to partitioning would allow bathrooms/ kitchens to be provided and to meet fire and building regulations. The agent has indicated that the two first and second floor doorways within the main building would require to be blocked up for fire safety, with the existing doors, frames and linings retained. All new bathrooms and kitchens would use

existing drainage, and the agent has provided the details of the alterations that would be necessary. This information has raised no concerns from English Heritage and the Council's Conservation Officer.

4.6 Clearly the combined works would have a significant impact on this Grade I Listed Building. In the cases where the alterations would affect the more historic parts of the building, it is considered that the works have been justified and the degree of intervention and alteration to the fabric of the Listed Building has been minimised. Areas of greatest change would take place in the more modern areas and these have been sensitive to the overall character of the building. The proposals would allow this building to be adapted for 21st century use and would bring about a number of benefits, especially the increased access for people with physical disabilities. This is a complex building and the agents have met the challenge of proposing changes that would work with the listed building in a sensitive manner in most cases. The installation of a kitchen in one of the principal rooms of the main building (currently the Jean Jacques suite) would be the most contrived change and it would detract from the high quality of this ante-room; however it is central to creating a high quality flat unit which in turn benefits the building's viability. Similarly the conversion of the ' Michael Angelo ' suite on the lower ground floor to the main kitchen would result in the loss of an attractive if simple living room. Again there are wider benefits resulting in a more efficient use of space. The canopies have been discussed in the previous application.

5.0 CONCLUSION

5.1 It is therefore concluded that the proposals, subject to conditions, would comply with Policy HE4 of the Local Plan, Policy E4 of the Structure Plan, and national guidance in Planning Policy Guidance Note No. 15 " Planning and the Historic Environment, " where the aim is to protect the historic character and visual amenity of Listed Buildings from inappropriate and harmful alterations and development.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve after referral to Sec. of State

1 TIMEL2

2

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

Drawing Nos.	3679 (60) 01
	3679 ((90) 02
	3679 (00) 07 A
	3679 (00) 08 A
	3679 (00) 09
	3679 (00) 10
	3680 (00) 03

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

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

- 3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, the following samples of 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.

- a) Samples of the aggregate and brick to be used for the ramped entrance and surfacing
- b) Samples of the cloth and colour of the canopy
- c) Samples of the material and finish of the framework for the awning

Reason: In the interests of visual amenity

- 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.

- a) Large scale details of the ramp to the self-contained ground floor flat

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

- 5 Prior to the commencement of the development hereby approved, a methodology statement for the renovation and refurbishment work, with particular reference to the service runs, upgrading of doors, windows, creation of partitions shall be submitted for the written approval of the Local Planning Authority and thereafter implemented in accordance with the approved details.

Reason: To ensure that the works respect the special historic interest of the Listed Building

- 6 Prior to the commencement of the development hereby approved, the following details as listed below shall be submitted for the written approval of the Local Planning Authority, and thereafter implemented in accordance with the approved details-

- a) Jean Jacques Room- To scale drawings of the kitchen units in relation to the existing doorway and wall detailing.

- b) Lower Ground Floor-

Bar area- details of finish to raised archways

Seating area 1- Details of floor level to existing fireplace

Seating area 3- Existing external door to be retained. Details of upgrading to meet building regulations required

Kitchen- Details of fitting out, in particular the relationship of the food preparation areas to windows

- c) New Staff Accommodation- To-scale details of new windows

- 7 The material to be used for the canopy and awnings shall not be replaced without the prior consent of the Local Planning Authority for a non-approved fabric.

Reason: In the interests of visual amenity.

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 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. "

Contact details:

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



JUDGES LODGINGS LBC

SCALE 1:1250
Digitising Group

DRAWN BY PSL
Project

DATE 8/9/2006
Drawing No.



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COMMITTEE REPORT

Committee: West and City Centre **Ward:** Guildhall
Date: 21 September 2006 **Parish:** Guildhall Planning Panel

Reference: 06/01710/FUL
Application at: 35 Walmgate York YO1 9TX
For: Change of use from retail Class (A1) to hot food takeaway Class (A5) with rear extract duct (resubmission)
By: William Moore
Application Type: Full Application
Target Date: 26 September 2006

1.0 PROPOSAL

1.1 The application proposes a change of use to A5, Hot Food takeaway. An external extraction unit is proposed on the side of the building. At this stage the applicant is undecided whether a delivery service would be offered to customers. The requested opening hours are,

17:00 - 02:00 Monday to Thursday
17:00 - 03:00 Friday and Saturday
17:00 - 01:00 Sunday

1.2 The application relates to a grade II listed building previously in use as A1 at ground floor level. To each side, No.33 is used as offices No.37 is vacant. Along Walmgate and on the streets off it, there are a mix of shops, offices, restaurants, and an increasing number of residential units.

1.3 An application for listed building consent is also under consideration.

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

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

Listed Buildings Grade 2; 35 Walmgate York YO1 2TX 0882

Listed Buildings Grade 2; 37 Walmgate York 0883

2.2 Policies:

CYS6

Control of food and drink (A3) uses

CYS7

Evening entertainment including A3/D2

CYHE3

Conservation Areas

CYHE4

Listed Buildings

3.0 CONSULTATIONS

3.1 Internal

Urban Design and Conservation - No objection, request that details of the signage are subject to approval by the Local Planning Authority.

Highway Network Management - No objection

Environmental Protection Unit (EPU) - Awaiting comment.

3.2 External

Guildhall Planning Panel - Object, take-aways in York are characterised by their bright, spartan interior and signage, parked cars and gatherings of people. In the Panel's opinion, Walmgate has reached a tipping point beyond where further take-aways would spoil the appearance and character of this part of the conservation area and frustrate attempts at regeneration.

Application publicised by site notice, press notice and neighbour notification.

One letter in objection received from No.33 to date. The reasons are as follows,

Hot food takeaway would be detrimental to the character of the area

Use would create smells detrimental to amenity

Litter

Impact of cars parking on street to pick up food

4.0 APPRAISAL

4.1 Relevant site history

This application is a resubmission. Previous applications, for a change of use (05/02647/FUL) and listed building consent were refused as the proposed means of extraction by virtue of its design and location was considered to have an adverse impact upon the special historic interest of the grade II listed building. The reason for refusal has been addressed by the applicant and is appraised in 4.12.

4.2 Key issues

- Principle of development
- Amenity
- Effect on listed building
- Character and appearance of the conservation area

4.3 The site is located on the edge of the central shopping centre. There is a mix of uses on Walmgate. These include a high concentration of non A1 uses, restaurants, cafes and sandwich bars, offices and also an emerging level of residential, both at ground floor levels and above and in the courts and streets leaving Walmgate (see 4.8).

4.4 This application proposes what would be the only hot food takeaway on Walmgate. The three existing takeaway food outlets (at 40, 65 and 71) on Walmgate offer ancillary levels of takeaway hot food, and trade predominantly throughout the day. The change of use in this location would thus contribute to the vitality of the street where such uses are to be expected, given that the defined central shopping area is some 110 metres away. As such it is considered that in principle the development is acceptable, provided it meets the criteria of policies S6 and S7 of the City of York Draft Local Plan.

4.5 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,
- the opening hours of hot food takeaways are restricted where this is necessary to protect the amenity of surrounding occupiers,
- car and cycle parking meets the standards defined in the Local Plan, and
- acceptable external flues and means of extraction have been proposed.

Policy S7 adds that public order and safety should be addressed. It is considered that this can be managed through the Licensing Act 2003. A premises license would be required, as late night refreshment beyond 23:00 hours would be offered.

4.6 The Highway Network Management section has raised no objection to the proposed development. It is not likely that traffic arising as a result of the proposed use would have a significant effect on the surrounding area. Cooking smells should be dealt with adequately by the proposed means of extraction. It can be required by condition that this be maintained at all times.

4.7 The potential for litter to be generated by a hot food takeaway is a material consideration. Consultations are continuing with the Council's Street Environment Officers.

4.8 Noise as a result of the comings and goings of customers is a concern as there are a number of residential units nearby. The upper floor of the host unit was not on the December 2005 register of electors but it could be used as residential. The closest confirmed residential units to the host, based upon planning applications and the register of electors, are at (South side of Walmgate) 1-20 St Deny's Court, where residential faces Walmgate at ground floor level, and above ground floor level at No.29. To the North at Nos. 40, 50-52 (above ground floor), 54, and 60-62 (ground floor and above). In addition to these Walmgate also accommodates a number of courts, away from the frontage, which contain residential. On Walmgate there are only two public houses, the Red Lion on Merchantgate is also nearby. Given that there are a number of hot food takeaway sites within the city centre, and the peripheral location of the host, it is unlikely that people using the city centre's

drinking establishments would deviate to this location to acquire hot food late at night. As such only people who already use Walmgate as a route home may cause disturbance. It is unlikely other customers, i.e. those visiting by car or from nearby uses, would generate significant levels of noise. It is therefore recommended that the premises be allowed to open until 02:00 the following day on Fridays and Saturdays and 24:00 otherwise. It is considered this would not have undue harm on residential amenity.

4.9 Highway Network Management have not requested that the proposed use provides car or cycle parking spaces. On street parking is available nearby.

4.10 The means of extraction is yet to be confirmed as acceptable by EPU. The applicant has demonstrated that extraction is to be used and it can be conditioned that this is adequate and maintained. EPU made representation in the application previously refused, stating that the building was not structurally adequate to accommodate the proposed use without odour being transferred through the walls. To adequately protect the amenity of the adjoining units it is considered that a schedule of works to repair the wall could be conditioned. This would have to be satisfactory in both environmental and design terms to preserve the special historic interest of the listed building.

4.11 The proposal relates to a listed building within a conservation area, as such policies HE3 and HE4 of the City of York Draft Local Plan are relevant. HE4 states that listed building consent will only be granted when there is no adverse effect on the character, appearance or setting of the building. 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. PPG15: Planning and the Historic Environment is also of relevance.

4.12 The proposal is considered to be acceptable in Conservation terms. The extraction flue is proposed at the side of the building, setback from the rear elevation. It would be conditioned that the flue is coloured, so it would blend in with the building. As such the flue would not appear prominent, it would be of acceptable appearance. It is proposed the flue exits through the brickwork, this is considered not to have an undue impact on the special historic interest of the listed building. The signage of the building would be subject to an application for advertisement consent, if required, otherwise the sign and colouring of the frontage shall be controlled by condition in the listed building application.

4.13 The proposal is compliant with the thrust of PPG15 in that it would bring the unit into active use without harm to its special historic interest.

4.14 Overall the impact on the listed building is considered to be acceptable. For the reasons given in 4.12 the character and appearance of the conservation area are considered to be maintained also.

5.0 CONCLUSION

5.1 The application, on balance, accords with the policies of the development plan and PPG15. Approval is therefore recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 PLANS1

2 TIME2

3 The hours of operation of this approved use shall be confined to

10:00 to 24:00; Sundays to Thursdays,
10:00 to 02:00 the following day; Fridays and Saturdays

Reason: To safeguard the amenities of adjoining occupants.

4 Any extraction system fitted in association with the use hereby approved must be adequate for the treatment and extraction of fumes so that there is no adverse impact on the amenities of nearby occupants by reason of fumes, odour or noise. The extraction system shall be appropriately maintained as such and fully removed once its use has ceased.

Reason: In the interests of residential amenity in accordance with policy S6 of the City of York Draft Local Plan.

5 Within a week of its installation, the extraction duct shall be finished in a colour to be agreed by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of the duct to protect the appearance of the listed building and conservation area.

6 Prior to the occupation of the use hereby permitted a scheme for works to repair the walls to prevent the transferral of odour shall be agreed to by the Local Planning Authority and carried out in accordance with the approved details.

Reason: To protect the amenity of neighbouring units.

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 special historic interest of the listed building and amenity. As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies S6 and S7 of the City of York Local Plan Deposit Draft.

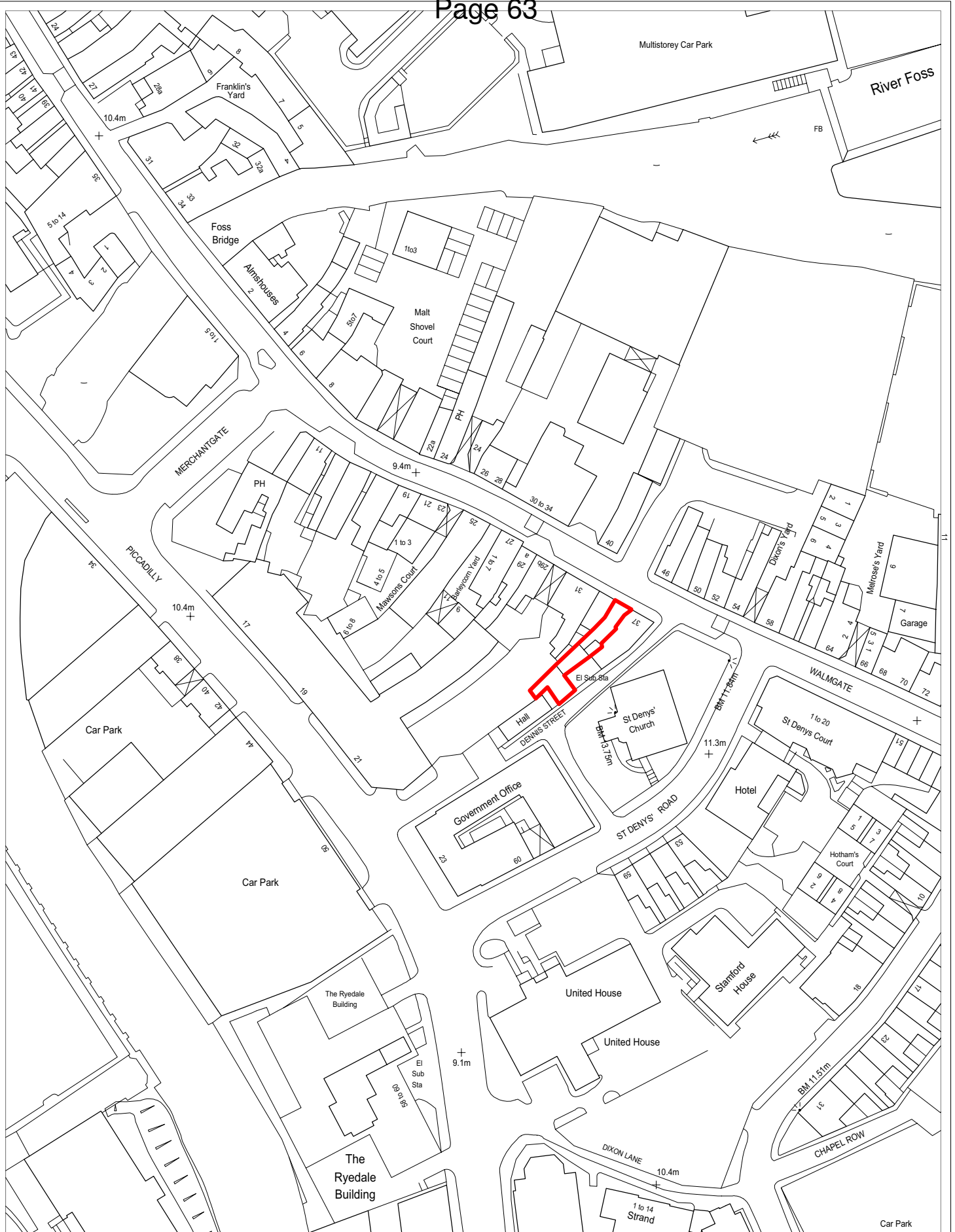
2. You are advised that listed building consent is also required for the proposed development. Advertisement consent may also be required. You are advised to contact the Local Authority for clarification prior to the installation of any advertisement at the premises.

Contact details:

Author: Jonathan Kenyon Development Control Officer

Tel No: 01904 551323

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35 WALMGATE

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COMMITTEE REPORT

Committee: West and City Centre **Ward:** Guildhall
Date: 21 September 2006 **Parish:** Guildhall Planning Panel

Reference: 06/01712/LBC
Application at: 35 Walmgate York YO1 9TX
For: Rear extract duct and internal alterations in connection with conversion to hot food takeaway (revised application)
By: William Moore
Application Type: Listed Building Consent
Target Date: 26 September 2006

1.0 PROPOSAL

1.1 The application proposes alterations in connection with the proposed use as a Hot Food takeaway. An external extraction unit is proposed on the side of the building.

1.2 The application relates to a grade II listed building previously in use as retail at ground floor level. The building was constructed as a two-storey house c1740 with a timber-framed core with the ground floor on a stone plinth beneath a timber shopfront.

1.3 An application for planning permission is also under consideration on this agenda.

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

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

DC Area Teams Central Area 0002

Floodzone 3 Flood Zone 3

Listed Buildings Grade 2; 35 Walmgate York YO1 2TX 0882

2.2 Policies:

CYHE4
Listed Buildings

3.0 CONSULTATIONS

INTERNAL

3.1 Urban Design and Conservation: No objections subject to conditions.

EXTERNAL

3.2 Guildhall Planning Panel: Object, the proposed flue would spoil the appearance of the listed building and the outlook from the nearby church.

4.0 APPRAISAL

4.1 The key issue in this case is the impact of the proposals on the special historic and architectural interest of the listed building. Policy HE4 of the City of York Development Control Local Plan is relevant. HE4 states that listed building consent will only be granted when there is no adverse effect on the character, appearance or setting of the building. Policy E4 of the North Yorkshire County Structure Plan states that buildings of special townscape, architectural or historic interest will be afforded the strictest protection.

4.2 The extraction flue is the main external alteration proposed and it would be fixed to the side of the side of the building, setback from the rear elevation. It would be conditioned that the flue is coloured, so it would blend in with the building. It would be of utilitarian appearance but as it would not appear prominent is considered to be acceptable. It is proposed that the flue exits through the brickwork, this is considered not to have an undue impact on the special historic interest of the listed building. The signage of the building would be subject to an application for advertisement consent, if required, otherwise the sign and colouring of the frontage may be controlled by condition.

4.3 The Council's Environmental Protection Unit have made representation stating that the building was not structurally adequate to accommodate the proposed use without odour being transferred through the walls. To adequately protect the amenity of the adjoining units a schedule of works would be required through the planning application. These works may have an effect on the character of the listed building and should be conditioned through the listed building consent in order to protect the special historic interest of the listed building.

5.0 CONCLUSION

5.1 The proposal is considered to comply with the provisions of the Development Control Local Plan and the County Structure Plan and is compliant with the thrust of PPG15 Planning and the Historic Environment in that it would bring this existing commercial unit into active use without harm to its special historic interest.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIMEL2

2 PLANS1

3 Within a week of its installation, the extraction duct shall be finished in a colour to be agreed by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of the duct to protect the appearance of the listed building.

4 Further details of the items listed below (including large scale drawings) shall be submitted to and approved in writing by the Local Planning Authority prior to the

commencement of the development and the works shall be carried out in accordance with the approved details.

- a) Materials, style, colour and finish of the proposed sign.
- b) Colour of the shopfront.

Reason: So that the Local Planning Authority may be satisfied with these details because of the special historic interest of the listed building.

- 5 Prior to their commencement, details of any works required to repair the walls of the building shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with the approved details.

Reason: To protect the special interest of the listed building.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

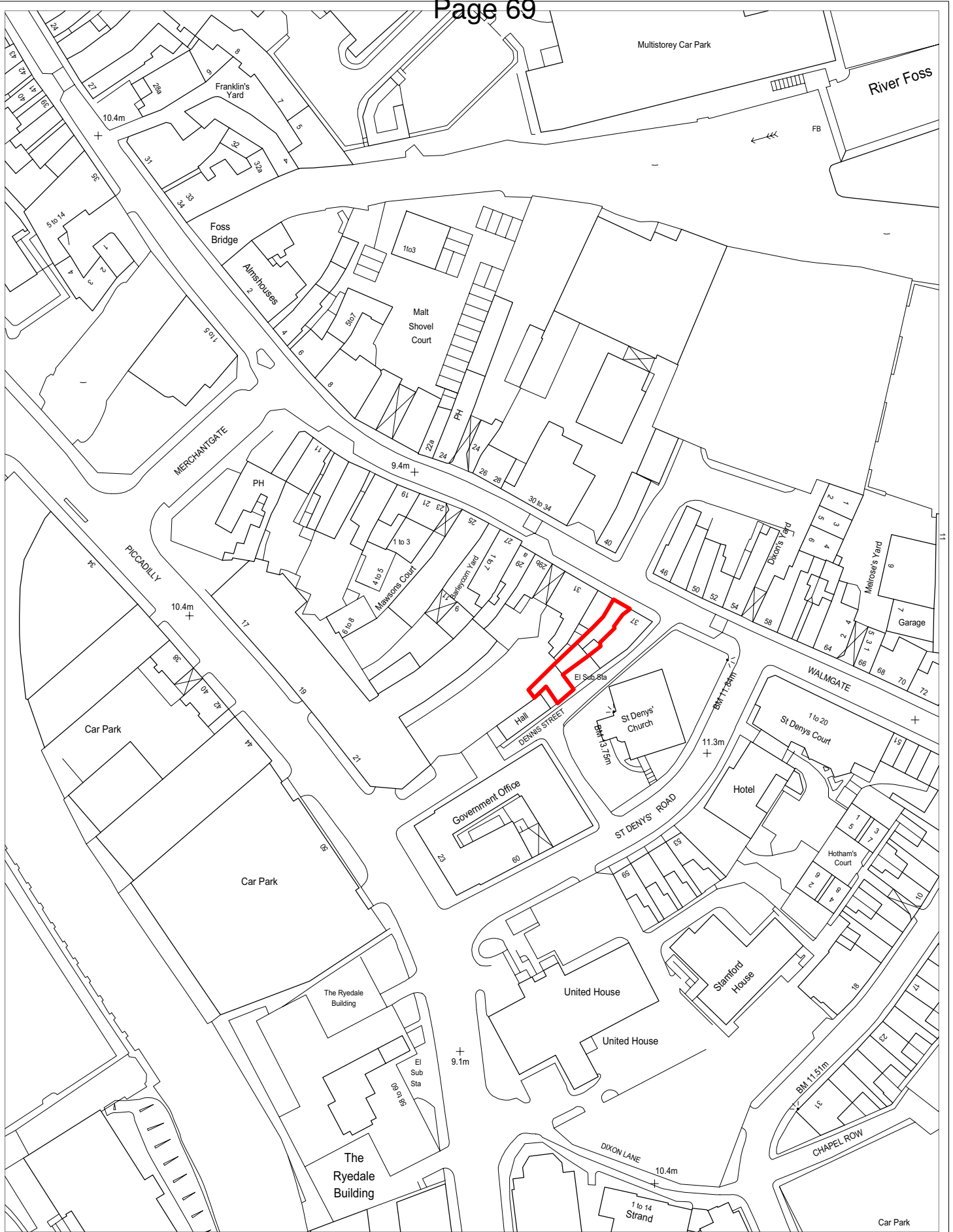
In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the special historic interest of the listed building . As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policy HE4 of the City of York Local Plan Deposit Draft.

Contact details:

Author: Jonathan Kenyon Development Control Officer

Tel No: 01904 551323

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2.2 Policies:

CYE3B
Existing and Proposed Employment Sites

CYL1A
Sites for Leisure development

CYGP4A
Sustainability

CYSP7A
The sequential approach to development

3.0 CONSULTATIONS

3.1 Internal

Highway Network Management - Recommend for Refusal

- * Highway Safety
- * Sustainability

City Development - Objections

- * Dilution of employment uses on site would detract from the sites image as a serious contender in the Business Park market at a regional and national level.
- * Site allocated as a "standard employment site" on the City of York Proposals Map, therefore the approved B1, B2 and B8 uses should be retained.

Environmental Protection Unit - No Objections

3.2 External

Nether Poppleton Parish Council - Objections

- * Contrary to originally agreed use
- * Increased Traffic
- * Highway Safety

4.0 APPRAISAL

4.1 Key Issues

- Planning Policy
- Sustainability
- Highway Issues

4.2 Policy E3b (Existing and Proposed Employment Sites) states that the identified standard employment sites, and any other site or premises either currently or previously in employment use, will be retained within their current use class. Planning permission for other uses will only be given where:

- a) there is sufficient supply of employment land to meet both immediate and long term requirements over the plan period in both quantitative and qualitative terms; and
- b) unacceptable environmental problems exist; or
- c) the development of the site for other appropriate uses will lead to significant benefits to the local economy; or
- d) the use is ancillary to an employment use.

4.3 Revised Government Guidance PPS6 (Planning for Town Centres) highlights that when assessing proposed leisure developments regard needs to be taken of the following considerations before the application can be approved:

- a) the need for development
- b) that the development is of an appropriate scale
- c) that there are no more central sites for the development
- d) that there are no unacceptable impacts on existing centres
- e) that locations are accessible.

4.4 Policy GP4 (Sustainability) states that all development should have regard to the principles of sustainable development. Specifically, the applicant should provide details setting out the accessibility of the site by means other than the private car and, where the type and size of the development requires, to be within 400m walk of a frequent public transport route and easily accessible for pedestrians and cyclists.

4.5 Policy SP7a (The Sequential Approach to Development) states that to ensure development is highly accessible by non-car modes of transport, a sequential approach will be taken in accessing planning applications for new retail, commercial, leisure and office development. Planning permission will be granted for new retail, leisure and office development over 400m² floor space (net) in accordance with the following hierarchy:

- a) The defined Central Shopping Area for retail and York City Centre for leisure and office; then in
- b) Edge of City Centre sites or Acomb or Haxby District Centre, where it can be demonstrated that all potential City Centre locations have been assessed and are incapable of meeting the development requirements of the proposal; then in
- c) Other out of centre locations genuinely accessible by a wide choice of means of transport, where it can be demonstrated that criterion (a) and (b) locations have been assessed and are incapable of meeting development requirements of the proposal.

4.6 Also related to this is Policy L1a (Leisure Development) which highlights that leisure development is considered appropriate on the following sites:

York Central
Hungate
Land at Foss Islands
Part of Heworth Green

Out of centre locations will only be considered for leisure developments when it can be demonstrated, in accordance with policy SP7a, that none of the above or alternative City Centre or Edge of Centre sites are suitable to accommodate such a proposal, or if the proposal is primarily to serve local need and is of a suitable scale.

4.7 By its nature the proposed use is considered to involve a large amounts of children arriving and departing from the site. These users will be attracted from a large catchment area, with the majority arriving by car; as no public transport currently exists within the site. Those that do arrive by non car modes will need to walk through the service yards of the

remaining units, jeopardising highway safety and reinforcing the location of the site as being car orientated.

4.8 In order to meet the requirements of Policy E3b and to determine whether there is a sufficient supply of employment land to meet both the immediate and longer term requirements over the plan period in quantitative and qualitative terms the site would need to be marketed for a minimum period of six months. The applicant has not demonstrated or submitted any additional information as part of the application, showing this to have taken place. Notwithstanding the lack of this assessment regard should also be had for the conclusions of Inspector's decision letter when renewing the permission on this site and the desirability of retaining the site for B1, B2 and B8 uses in the interests of the local economy.

4.9 Similarly, the applicant has also failed to submit any additional information, which demonstrates that a comprehensive assessment of other available sites (highlighted within Policy SP7a) has been carried out. Without this information being available a sequential approach to the assessment of this particular planning application is not possible, contrary to Policy SP7 and PPS6 guidance.

5.0 CONCLUSION

5.1 The applicant has failed to demonstrate that there exists a sufficient supply of employment land to meet the requirements of the city's economy to warrant the loss of this employment site, similarly in this out of centre location, it has not been demonstrated that no alternative city centre or edge of centre sites exist as an alternative location for the proposal. The proposal is not considered to be genuinely accessible by a wide choice of transport and is therefore considered to be in an unsustainable location that would primarily serve a car-borne clientele.

5.2 The proposed change of use is considered to be contrary to policy SP7a, GP4a, E3b and L1a and is therefore recommended for refusal.

6.0 RECOMMENDATION: Refuse

- 1 By reason of the location of the proposal within an employment site those arriving at the site by sustainable means are likely to be placed in conflict with motor vehicle traffic associated with the employment uses nearby including manoeuvring service traffic this would prejudice road safety conditions.
- 2 The proposal would result in the loss of B1, B2, B8 (business, light industry or storage/distribution) employment uses and the applicant has failed to demonstrate that there is sufficient supply of employment land to meet both immediate and long term requirements over the development plan period in both quantitative and qualitative terms and that the development of the site will lead to significant benefits to the local economy; as such it is considered that the change of use would harm the City Council's objectives of creating the conditions necessary to stimulate the local economy and to provide for a wide range of new employment opportunities to meet the needs of local and incoming employers, this is contrary to policy E3b of the City of York Development Control Draft Local Plan.
- 3 The proposed out of centre location is not considered to be genuinely accessible by a wide choice of means of transport and the applicant has failed to demonstrate that sites within York City Centre or on the edge of the City Centre have been assessed and are incapable of meeting the development requirements of the proposal. As such the location is considered to be inappropriate for leisure

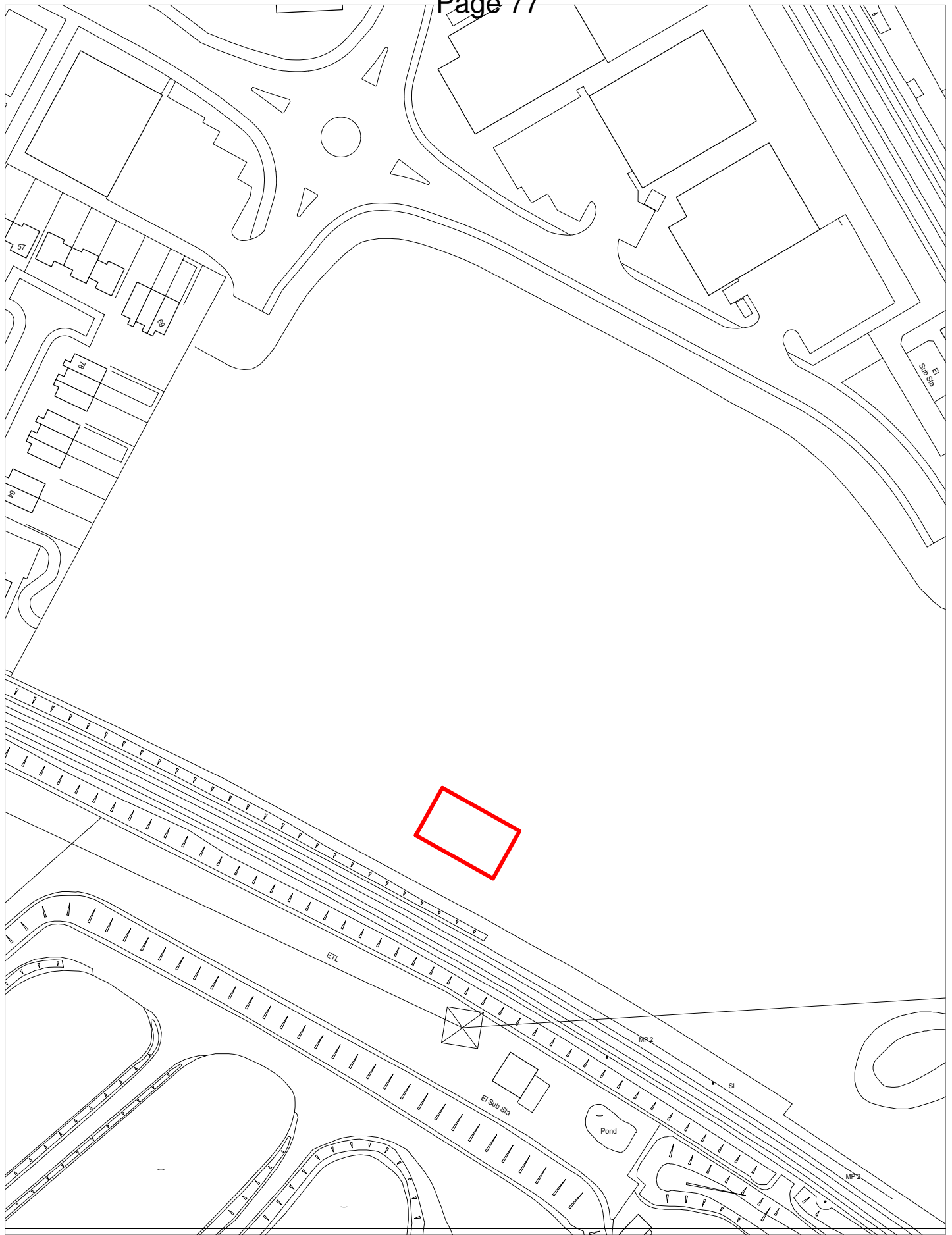
development and contrary to policy SP7a, GP4a and L1a of the Development Control local Plan and Central Government advice contained in PPG13 (Transport) and PPS6 (Planning for Town Centres).

7.0 INFORMATIVES:

Contact details:

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

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PLOT 13, GREAT NORTH WAY, NETHER POPPLETON



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COMMITTEE REPORT

Committee: West and City Centre **Ward:** Guildhall
Date: 21 September 2006 **Parish:** Guildhall Planning Panel

Reference: 06/01366/FUL
Application at: Car Park Adjacent The Dutch House Ogleforth York YO1 7JG
For: Erection of 2 no. dwellings
By: Lawton, Lawton And Pickard
Application Type: Full Application
Target Date: 14 August 2006

1.0 PROPOSAL

1.1 The application relates to the development of a private car park off Ogleforth, located at the rear of existing frontage properties in Goodramgate. The site consists of an undeveloped gap (approximately 7.5 metres in width) in the street frontage, located between 16 Goodramgate, which is in residential use, and The Dutch House, which was previously used as a garage/store but which is now vacant. The site extends across the rear of The Dutch House to a maximum width of approximately 16 metres, and also abuts the rear boundaries of The Royal Oak and Golden Slipper public houses in Goodramgate. A range of commercial buildings provides a backdrop to the site, including a tall four storey warehouse which until relatively recently was occupied by House and Son electrical contractors. The total area of the site is approximately 225 sq. metres.

1.2 A previous application for the erection of three dwellings on the site (one on the site frontage with a further two dwellings in a detached building at the rear) was refused in July 2005 for the following reasons:

- i) The excessive height, density and scale of the development, and its proximity to adjacent buildings, resulting in unacceptable overdevelopment of a restricted site.
- ii) The overdominant and intrusive nature of the development, adversely affecting the character and appearance of the conservation area and detracting from the setting of adjacent listed buildings.
- iii) The adverse impact of the development on the amenity and living conditions of the occupiers of adjacent buildings by virtue of its height and proximity to those buildings, and the unacceptable loss of light and outlook that would result.

This refusal of planning permission is the subject of an appeal to the Secretary of State, which is due to be heard at an informal hearing on 10 October 2006.

1.3 A more modest proposal has now been submitted for the erection of two dwellings on the site. The scheme would consist of the erection of a two storey building (with accommodation in the roof space), closing the gap along the Ogleforth frontage of the site, forming a two bedroom dwelling. This building would occupy a back of footpath location, reflecting the historic pattern of other dwellings within this narrow street. A drive-through access would be provided from Ogleforth beneath this dwelling, giving access to a courtyard where it is proposed to erect an "L" shaped building along the southwestern and northwestern boundaries of the site, forming a detached five bedroom property. This building would be three and a half stories in height along the rear (southwestern) boundary of the site, reducing to three stories along the northwestern boundary, at the rear of the Dutch

House. Three car parking spaces would be provided within a garage forming an integral part of the detached dwelling at the rear of the site.

1.4 The site is within the Central Historic Core conservation area and is enclosed by a number of listed buildings, as follows:

- 16 Goodramgate (Grade II)
- The Royal Oak, 18 Goodramgate (Grade II)
- The Golden Slipper, 20 Goodramgate (Grade II)
- The Dutch House (Grade II "star")
- the former House and Sons warehouse (Grade II)
- nos 1, 5, and 7 Ogleforth, opposite the site (Grade II)

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

DC Area Teams Central Area 0002

Listed Buildings Multiple (Spatial)

2.2 Policies:

CYH4
Housing devp in existing settlements

CYGP1
Design

CYHE2
Development in historic locations

CYHE4
Listed Buildings

CYHE10
Archaeology

CYT16
Long stay car parks

3.0 CONSULTATIONS

3.1 INTERNAL

HIGHWAYS - I note that car parking provision on the site would be reduced from 15 spaces to 3 spaces as a result of the redevelopment which is to be welcomed and is in line with policy T16 of the Deposit Draft Local Plan.

Whilst space is provided over the frontage of the garages for the turning of vehicles, it is noted on the revised drawings that the paved patio area between the Dutch House and the

new development will also be made available for the occasional turning of vehicles, when exiting the new garages. It is also noted that separate access points have been created for the cycle and bin store.

I note also that vehicles will emerge into Ogleforth with poor visibility of on-coming traffic which would normally be a concern. Given the limited number of vehicle movements to be found along this historic central street, and the fact that similar arrangements already exist elsewhere along Ogleforth, the proposals are considered satisfactory in this location.

Finally I would ask that the bin storage area is accessed separately from the cycle store in accordance with good practice.

There are no highway objections to the application subject to the following standard conditions:

HWAY 10 Vehicle areas surfaced

HWAY 17 Removal of redundant crossing

HWAY 18 Cycle parking details

HWAY 20 Residential garage use only

HWAY 21 Internal turning areas

HWAY 29 No gate to open into highway

HWAY 31 No mud on highway

HWAY 40 Dilapidation survey

URBAN DESIGN AND CONSERVATION - The site is within the central historic core conservation area close to the Minster precinct. It is to the rear and side of the grade II* Dutch House which dates from the mid 17th century and is the subject of a planning application for conversion into one house. Most of the buildings surrounding the site are listed grade II. To the southeast are the varied gables and other rear elevations of three-storey historic properties onto Goodramgate, to the southwest is the service yard and industrial outrange of a former brewery (also of three floors), to the north are the exceptionally tall industrial buildings of the former brewery attached to no 8 Ogleforth, and directly opposite are modest houses of 18th and 19th century origin with two storeys and attics. These houses front a recently developed courtyard of houses (1980s) which is quite tight though very quiet, green and pleasant.

Ogleforth has strong enclosure on its northeast side punctuated by a number of openings providing transition into the semi-private spaces beyond. The southwest was similarly enclosed until the mid 20th century, although many of the structures, including those which adjoined the Dutch House, were of a more industrial nature. Buildings have been removed and walls taken down to reveal open tarmac service yards and car parks, creating an unsatisfactory foreground for the listed buildings and a poor aspect within this special part of the conservation area.

The proposed scheme is for two houses with related parking. The frontage building is of two floors with an attic. It would be aligned with existing buildings which would help restore enclosure onto the street, giving a better context for the Dutch House, whilst creating a

private area to the rear. The gated access points would allow views through to a space of similar dimensions to the one opposite, John Saville Court, thereby enriching the experience of the conservation area. The only area of concern is the relationship with the rear extension to No 2 Ogleforth where it cuts across the recessed entrance area which also contains a fire-escape ladder and the view of larger windows on the upper levels. The smaller windows facing down Ogleforth are uncharacteristic of the conservation area and are also secondary in nature. We are aware that the developer is also the owner of this building and therefore obscuring the small windows would not appear to be an issue.

The layout and massing of the larger house to the rear responds to surrounding conditions. The existing high wall to the rear of yards onto Goodramgate would mask the garaging and most of the living space set above it. We are assured that the relevant archaeological conditions can be placed on any approval to enable ground levels to be reduced as the drawings describe. Measures for ensuring the stability of the wall must be put forward at the next stage (this can be conditioned). The three floors of remaining accommodation appear to sit comfortably between existing buildings. The plan has been roofed in two parts so that the pitches can be assimilated into the historic roof forms of the area. Where there is overlap with the larger building attached to no 8, the corner rooms of the latter building have windows in two aspects.

Windows and doors have been treated in a more conventional way although large scale details should be submitted for approval (this can be conditioned).

Overall the scheme would appear to enhance the character and appearance of the conservation area, without harming the setting of surrounding listed buildings. Should the scheme receive approval conditions should be attached to cover the following issues:

- 1) Samples of materials and sample panel of walling to be erected on site
- 2) Details of external finishes to be submitted
- 3) Measures for ensuring the stability of the surrounding wall to be put forward
- 4) Landscape scheme for the whole courtyard and garden area
- 5) Large scale details of the following:
Gates, windows and window openings, external doors and door openings, dormers and rooflights, plinth, eaves and verge conditions for both buildings, garage doors and surrounds, rain water goods.

CONSERVATION AREA ADVISORY PANEL - The Panel do not object in principle to the new build but felt that the design and detail does not enhance the setting of the listed Dutch House. The Panel would prefer the new build to be as unobtrusive as possible so as not to overshadow the Dutch House and also to maintain its clean roof line.

ARCHAEOLOGIST - The applicant has submitted a report " Design Archaeology, Construction and Environment". All archaeological work must comply with Section 2.0 of that report. Standard conditions ARCH1, 2 and 3 should be attached to any consent which is granted to ensure that the impacts of this development on archaeological deposits are adequately investigated.

ENVIRONMENTAL PROTECTION - Initial comments received 21 July:

The Environmental Protection Unit have no objections to this application. However as the site has warehouses directly adjacent to one side this suggests that there may have been an historic use of the site that may have contaminated the ground. A desk study should be undertaken to identify any potential contamination issues that may require remediation before the development commences. Conditions are recommended relating to the following:

1. A desk study to be undertaken in order to identify any potentially contaminative uses which have or are currently occurring on site.
2. A strategy to be developed to deal with any contaminated material on the site.
3. Any contamination detected during site works shall be reported to the local planning authority and remediation agreed.
4. Standard working hours condition.

Additional comments received 17 August:

A public house situated on Goodramgate, which backs onto the application site, has a kitchen operation with a large extraction outlet. The extract exits at first floor level into an area including the application site, and odours were detected during site visits, although not excessive. Although the Environmental Protection Unit have no previous odour or noise complaints, I am concerned that building of the proposed dwellings will create an enclosed area from which odour and fumes will not disperse readily, possibly causing a nuisance to the occupants of the proposed dwellings. The proposed dwellings are considerably higher than the outlet of the extraction system.

If the dwellings are to be permitted, and the Environmental Protection Unit subsequently receive odour and/or noise complaints about the extraction system which are justified, enforcement action could have to be taken against the owners of the public house. This would not seem to be equitable. However I do not currently have any evidence for recommending refusal on the grounds of odour nuisance other than experience of odour complaints from residents living in similar courtyard developments.

As I believe that the development will involve piled foundations a condition should be attached requiring the piling method to be agreed, and local residents to be notified of the dates, times, likely duration and works to be undertaken.

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

3.2 EXTERNAL

GUILDHALL PLANNING PANEL - We support the application

ENGLISH HERITAGE - We welcome the changes made to the scheme, and do not wish to make any comments on this occasion. The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

YORK CIVIC TRUST - This scheme is, in our view, much better than those previously submitted for this site. It relates better in scale and design to the adjacent properties. We recommend a small set back for the proposed house fronting Ogleforth in order that the division between the two buildings is emphasised.

We note that the proposed materials generally appear to be of a type appropriate for this area, but would expect lime to be used for the mortar (and not cement). A sample panel of

brickwork illustrating the bond and joints is recommended to be built prior to the commencement of building work.

ADJACENT OWNERS/OCCUPIERS - Two letters have been received, one from the Golden Slipper public house and one on behalf of House and Son, owners of the adjacent land and buildings to the northwest, which make the following points:

- the height and proximity of the development will take away daylight from the outside space (used as a garden area) at the rear of the public house and reduce the value of the business.
- the proximity of the building will impede a possible escape route in the event of fire.
- the public house caters for small parties, wedding receptions etc and is licensed until 2am. The new neighbours could perceive this as a nuisance and request that action be taken under the Licensing Act. Our business is a lawful activity and should not be inhibited in this way.
- the pub is also someones home and this proposal will have a detrimental impact on the property and all who live there in the future.
 - although the scheme is substantially reduced in terms of height there are still concerns regarding overdevelopment in terms of footprint.
- the space between the Dutch House and the new build is only 3 metres creating a claustrophobic and overdominant effect.
- the overlapping of the proposed rear block to the adjacent brewery warehouse will seriously reduce light to a number of windows, at a time when plans to convert the warehouse to apartments are well advanced.
- the brewery warehouse and Dutch House are both listed buildings and their setting commands full consideration.
- the size and separation of some of the proposed windows do not comply with Building Regulations, and other windows impinge upon the adjacent property.
- the turning facilities within the site are restricted, resulting in vehicles having to reverse out onto Ogleforth. As the parking arrangements do not work, these could be omitted and the area re-planned so as to reduce the impact on the adjacent properties.

4.0 APPRAISAL

4.1 Key Issues

- principle of redevelopment of the site
- detailed design issues, impact on character and appearance of conservation area
- effect on the setting of adjacent listed buildings
- impact on adjacent occupiers
- highway and parking issues

4.2 The site is located within the city walls in a street which, following the closure of the House and Son warehouse, is now predominantly residential in character. Policy H4 of the City of York Draft Local Plan states that planning permission will be granted within defined settlement limits for new housing development on land not already allocated on the proposals map where the site is vacant, derelict or underused or it involves infilling, redevelopment or conversion of existing buildings. Additionally, the policy stipulates that development should be of an appropriate scale and density to surrounding development,

and should not result in the loss of open space or have a detrimental impact on existing landscape features. Central Government advice within Planning Policy Guidance Note 3 "Housing" (PPG3) advocates the efficient re-use of previously developed land, particularly within urban areas, in order to create more sustainable forms of development and to reduce pressure for new housing development on green field sites outside built-up areas and within the open countryside. However, PPG3 cautions that the efficient use of land should not take place at the expense of environmental quality.

4.3 The site is within the Central Historic Core conservation area and is surrounded by a number of listed buildings, including the Grade II "star" Dutch House. Policy E4 of the Approved North Yorkshire Structure Plan states that buildings and areas of special townscape, architectural and historic interest will be afforded the strictest protection. Policy GP1 of the Draft Local Plan seeks to achieve a standard of design that will secure an attractive environment and safeguard or enhance the environment. In particular, development proposals will be expected to be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, using building materials appropriate to the character of the area.

4.4 Within any designated conservation area, the City Council, when determining planning applications, is under a statutory duty to consider the desirability of preserving or enhancing the character or appearance of the area. This duty is reflected in Policy HE2 of the Draft Local Plan, which states that within or adjoining conservation areas, and in locations which affect the setting of listed buildings, development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials. Proposals will be required to maintain or enhance existing urban spaces, views, landmarks, and other townscape elements which contribute to the character and appearance of the area. The written statement that accompanies Policy HE2 states that design of new development should avoid superficial, confused or pale reflections of the existing built environment and that high quality contemporary designs which respect the historic context will be encouraged. Policy HE4 is also relevant, stating that development in the immediate vicinity of listed buildings will only be permitted where there is no adverse effect on the character, appearance or setting of the building.

4.5 The application relates to the development of a privately owned car park within the urban area where there are a number of established residential properties in the immediate locality and as such no objections are raised to the principle of the proposal from a land use planning standpoint. It is considered that the proposal would constitute a highly sustainable form of development in terms of its proximity to existing services, transport links and other amenities. Central Government advice within PPG3, relating to the efficient use of land, particularly within urban areas, also lends support to the principle of the proposal.

4.7 It is considered that the existing use of the site as a private car park has a negative visual impact on the character and appearance of the conservation area, and that the principle of the development of the site is generally to be welcomed. The elimination of the car park would be in accordance with Policy T16 of the Draft Local Plan, which 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. The gap in the street frontage, created by the access to the car park, is also considered to be an incongruous feature and does not reflect the built form of the street in a historical sense, as indicated on photographs which accompanied the previous application. The proposal to infill this gap would restore the continuously built up nature of this part of the street frontage.

4.8 Planning permission in respect of the previous proposal was refused for three reasons, the first stating that the proposed development, by virtue of its excessive height, density and

scale, and its proximity to adjacent buildings, would constitute an unacceptable overdevelopment of a restricted site. The applicant has sought to address this issue through the submission of a more modest proposal for the erection of two dwellings on the site, one occupying the gap in the street frontage, with a second unit located within a separate block at the rear of the site. The block at the rear has been reduced by a full storey in height in comparison to the previous proposal, and the overall height, massing and scale has been further reduced as a result of a significant lowering of the roof pitch. The footprint of the building has also been reduced, providing a visual separation between the new building and the Dutch House, and also enabling a small area of private garden to be created. The provision of an independent pedestrian access to the rear of the site between the Dutch House and the new build proposal on the Ogleforth frontage would provide a further degree of visual separation.

4.8 There is a wide variation in the scale of the buildings in the immediate vicinity of the site, ranging from the two storey dwellings immediately opposite the site in Ogleforth, the two-and-a-half storey Dutch House, the three storey residential and commercial buildings in Goodramgate, through to the tall four storey warehouse buildings at the back of the site. The proposed development proposes a range of building heights for the site, including a two storey dwelling in the gap along the site frontage, providing a transition between the three storey residential building to the southeast (16 Goodramgate) and the Dutch House to the northwest. At the rear of the site a three and a half storey building is proposed, with the eaves and ridge heights remaining significantly below that of the adjacent House and Son warehouse. The front wing of the new "L" shaped building would step down to three stories in height, again providing a transition between the two-and-a-half storey Dutch House and the taller buildings at the rear of the site. It is considered that the overall massing and scale of the proposal would be acceptable in this context, and would not constitute overdevelopment of the site, particularly bearing in mind the strong urban setting of the site where built form makes a significant contribution to the character of the area.

4.9 The second reason for refusal related to the adverse impact of the proposal on the character and appearance of the conservation area, and on the setting of the adjacent listed buildings. It is considered that this issue has been addressed, at least in part, through the reduction in the scale of the proposed development outlined above. Additionally, the design of the proposal has been changed from the previous contemporary style of architecture to a more traditional approach. A traditional red/brown facing brick and plain clay tiles would be used, in keeping with the surrounding area, in contrast to the previous proposal, which incorporated modern materials including the use of lead sheet cladding and Iroko panels. The proposed development would incorporate flush fitting "conservation" style rooflights with timber doors and windows. The inclusion of a glazed dormer providing light to a third floor study would constitute a modern intervention in the design of the building. However, this would be located within one of the rear roof slopes and would not form a prominent feature in the streetscene.

4.10 The dwelling on the frontage of the site would reflect the two storey scale of the adjacent Dutch House, and would be separated from it by a narrow pedestrian access. By including window and door openings with traditional forms and opening sizes, it is considered that the new facade would constitute a subtle addition to the streetscene of an appropriate scale and form, without attempting to mimic or compete with the style of the adjacent buildings. The new dwelling would occupy a "back of footpath" location (the previous application incorporated a small setback at ground floor level), which would reflect the general layout and form of other buildings in the street, and is considered to be entirely appropriate in this location. The creation of a "courtyard" type development with a drive-through access allowing glimpse views of the development at the rear is indicative of other developments within the street, such as at John Saville Court and Ogleforth Mews. The Council's Conservation Architect considers that in overall terms the proposal would enhance

the character and appearance of the conservation area without harming the setting of the surrounding listed buildings. Both English Heritage and the York Civic Trust, who objected to the previous proposal, are generally supportive of the changes made to the scheme.

4.11 The third reason for refusal contended that the previous proposal would have adversely affected the amenity and living conditions of the occupiers of adjacent buildings by virtue of its height and proximity to those buildings, the overdominant impact, and the unacceptable loss of light and outlook that would result. Policy GP1 of the Draft Local Plan expects development proposals to ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures. The infill dwelling on the frontage of the site would provide a "window to window" gap of 6 metres to the residential properties immediately opposite the site. However, similar relationships already exist not only in Ogleforth but also within other narrow streets elsewhere in the centre of York, and given the relatively small scale of the development is not considered to be unacceptable in this case.

4.12 The infill dwelling would result in the loss of small ground and first floor windows on the gable elevation of 16 Goodramgate (to the southeast of the site), which consists of three flats arranged horizontally within the building. However, the windows concerned perform a secondary function, the principal living room windows in these properties facing directly onto Ogleforth. The infill dwelling would also overlap a recessed area at the rear of these properties, within which a number of windows are located. However, the windows affected principally serve bathrooms, in addition to a first floor bedroom window which would be partially obscured by the gable wall of the new dwelling. Whilst it is accepted that this is not an ideal situation, it is not considered that the impact on outlook, amenity and living conditions for the occupiers would be such that the refusal of planning permission would be justified. It is unlikely, for example, that any overshadowing of the window would occur bearing in mind its northwesterly orientation. A further bedroom window at second floor level would be clear of the mass of the new dwelling and thus would not be directly affected.

4.13 The two other properties affected by the proposed development would be the Royal Oak and Golden Slipper public houses on Goodramgate, the rear elevations of which contain windows orientated towards the application site. The main bulk of the new block at the rear of the site would be located approximately 12 metres from the respective rear elevations, with the roof profile of the two storey garage/living room also being visible at closer range above the boundary wall enclosing the rear yards of both public houses. However, in the case of the Royal Oak, the windows in the rear elevation serve the kitchen/food preparation area for the public house, a domestic bathroom, and a storeroom. It is not considered, therefore, that living conditions for the occupants would be unduly affected by the proposed development. Although the development may have some impact on the yard at the rear of the public house, this is in commercial use and is already tightly enclosed by existing boundary walls.

4.14 In the case of the Golden Slipper there are three windows at first and second floor level which would be potentially affected, and it is accepted that the accommodation within is capable of occupation as a self contained flat in association with the public house. However, at the present time the first floor room is used as a food storage/preparation area for the public house, and one of the second floor rooms is furnished, and is clearly currently used, as an office. The one remaining room, at second floor level, consists of a bedroom. It is doubtful, therefore, that the accommodation as a whole is occupied on a permanent or self contained basis, and given these circumstances, it is not considered that the proposed development would result in the standard of amenity for the occupiers falling below that which could be reasonably expected.

4.15 The garden/yard at the rear of the Golden Slipper would be affected by the proposed three and a half storey block where it projects above the adjacent boundary wall. However, this area is relatively narrow and is already tightly enclosed both by the boundary wall and the adjacent tall buildings, and it is not considered that the increased sense of enclosure would justify the refusal of planning permission. The new block would be located to the north/north east of the yard, and thus would be unlikely to result in additional overshadowing. In terms of possible disturbance from the yard, the area concerned is relatively small and is capable of accommodating only small numbers of people. Thus it is not considered that the occupiers of the new dwelling would suffer undue noise and disturbance, particularly bearing in mind that there are no principle windows within the new dwelling that would overlook the yard.

4.16 Concerns have been expressed by the Environmental Protection Unit in relation to an extraction unit located in the rear elevation of the Royal Oak public house, which vents towards the application site, with the potential for kitchen odours and noise to adversely affect the amenity of future occupiers of the proposed (and adjacent) dwellings. The Environmental Protection Unit have received no previous noise or odour complaints in relation to this extraction unit, and although they have some experience of odour complaints from residents living in similar courtyard developments, do not consider that there is sufficient evidence to justify the refusal of planning permission in this case.

4.17 No highway objections are raised to the proposal, the loss of the existing private car park and its replacement with the new development being particularly welcomed. It is also noted that the paved patio area between the Dutch House and the new development would be made available for the occasional turning of vehicles, thus easing turning manoeuvres within the site. The "back of footpath" location of the infill dwelling would result in vehicles emerging onto Ogleforth from the drive through access with limited visibility of oncoming traffic. Whilst this would normally be a concern, given the limited number of vehicle movements along the street, and the fact that similar arrangements already exist elsewhere along Ogleforth, the proposals are considered to be satisfactory in this location.

4.18 The proposed three and a half storey block would be directly adjacent to the former House and Son warehouse, an exceptionally tall Grade II listed building of industrial appearance. A planning application to convert the warehouse to 13 apartments was submitted in January of this year but was subsequently withdrawn following a request for further information. However, it is likely that the application will be resubmitted in the near future when the relevant information is available. The proposed block at the rear of the site would overlap the warehouse by approximately 9.5 metres and concern has been expressed that the resultant relationship could compromise the successful conversion of the warehouse to apartments, in addition to adversely affecting the setting of the listed building itself.

4.19 The new block would particularly affect natural light to the ground floor windows on the southeast elevation and a first floor window on the northeast elevation. However, the loss of light would only affect a small area of the building as a whole and it is not considered that the effect would be so extensive that the conversion of the warehouse to an alternative use would be precluded. Windows in the gable ends of the new blocks facing the House and Son site would contain acid etched obscure glass in order to prevent overlooking and loss of privacy. In any event, planning permission has yet to be granted for the conversion of the warehouse to apartments and the refusal of planning permission for this reason would effectively pre-empt the outcome of a future application. Thus it is considered that only limited weight can be attached to this issue. Due to its exceptional height, it is not considered that the dominance, stature or setting of the warehouse would be unduly diminished as a result of the proposal. Although the Dutch House has a detached appearance at the present time, historically it has always formed part of a larger group of buildings and it is considered that its existing somewhat forlorn appearance would be enhanced by the proposal.

4.20 In accordance with Policy L1c of the Draft Local Plan (Fourth Set of Changes), approved for development control purposes in April 2005, the proposed development would attract a commuted sum payment towards the upgrading of public open space in the local area. This is calculated at £2,851 and the payment of this sum can be secured through an Agreement under Section 106 of the Town and Country Planning Act 1990 between the Council and the applicant/developer.

5.0 CONCLUSION

5.1 The site occupies a sensitive location within the Central Historic Core conservation area. It is considered that the existing use of the site as a car park has a negative impact on the character and appearance of the area. It is considered that the proposed redevelopment represents a measured response to the character of the area, showing respect for adjacent buildings, local scale, proportion and materials as well as historic context, and would thus accord with relevant Local Plan policies and national planning policy advice for residential development and development in conservation areas. The proposal is supported by the Council's Conservation Architect, and the changes made to the earlier unsuccessful scheme are appreciated by both English Heritage and the York Civic Trust. The revised proposal is, therefore, considered to be satisfactory.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2

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

OGL/B SK:020 Rev A - Proposed ground floor plan
OGL/B SK:020 Rev A - Parking movements - sketch overlay
OGL/B SK;021 Rev A - Proposed first floor plan
OGL/B SK;022 Rev A - Proposed second floor plan
OGL/B SK:023 Rev A - Proposed third floor plan and sections
OGL/B SK;024 Rev A - Proposed section and south elevation
OGL/B SK;025 - Proposed Ogleforth elevation
OGL/B SK:026 - Proposed courtyard elevation
OGL/B SK:027 Rev A - Proposed northwest elevation from warehouse forecourt
OGL/B SK:028 Rev A - Proposed courtyard drive-through section
OGL/B SK:029 - Proposed northeast elevation - rear of infill
OGL/B SK:030 Rev A - Proposed northeast elevation from public house yard
OGL/B SK:031 Rev A - Proposed courtyard elevation and section

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

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

3 VISQ8

4 VISQ7

5 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.

Gates

Window and window openings

External doors and door openings

Dormers and rooflights

Eaves and verges for both buildings

Garage doors and surrounds

Rainwater goods

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

6 Prior to the commencement of the development, a scheme shall be submitted to and approved in writing by the local planning authority to ensure the stability of the boundary wall surrounding the application site. The approved scheme shall be carried out in its entirety in accordance with a timetable that has first been agreed in writing with the local planning authority.

Reason: To ensure the preservation of the boundary walls surrounding the site, in the interests protecting the character and appearance of the area.

7 ARCH1

8 ARCH2

9 ARCH3

10 HWAY10

11 HWAY17

12 HWAY18

13 HWAY20

14 HWAY21

15 HWAY29

16 HWAY31

17 HWAY40

18 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: To protect the health & safety of future occupants of the site.

- 19 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: To protect the health and safety of future occupiers of the site and the integrity of structural components and any proposed underground services.

- 20 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 future occupiers of the site and the integrity of structural components and any proposed underground services.

- 21 All works and ancillary operations during construction and demolition including 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.

- 22 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 9.4 metres (infill dwelling) and 10.6 metres (rear block), as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

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

- 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 L1c of the City of York Draft Local Plan.

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £2,851

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 redevelopment of the site
- detailed design issues, impact on character and appearance of conservation area
- effect on the setting of adjacent listed buildings
- impact on archaeology
- impact on adjacent occupiers
- highway and parking issues

As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies H4, GP1, HE2, HE4, HE10 and T16 of the City of York Local Plan Deposit Draft.

2. In order to minimise noise and dust nuisance from construction works to nearby residents, the following should be noted

- (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.

3. INFORMATIVE:

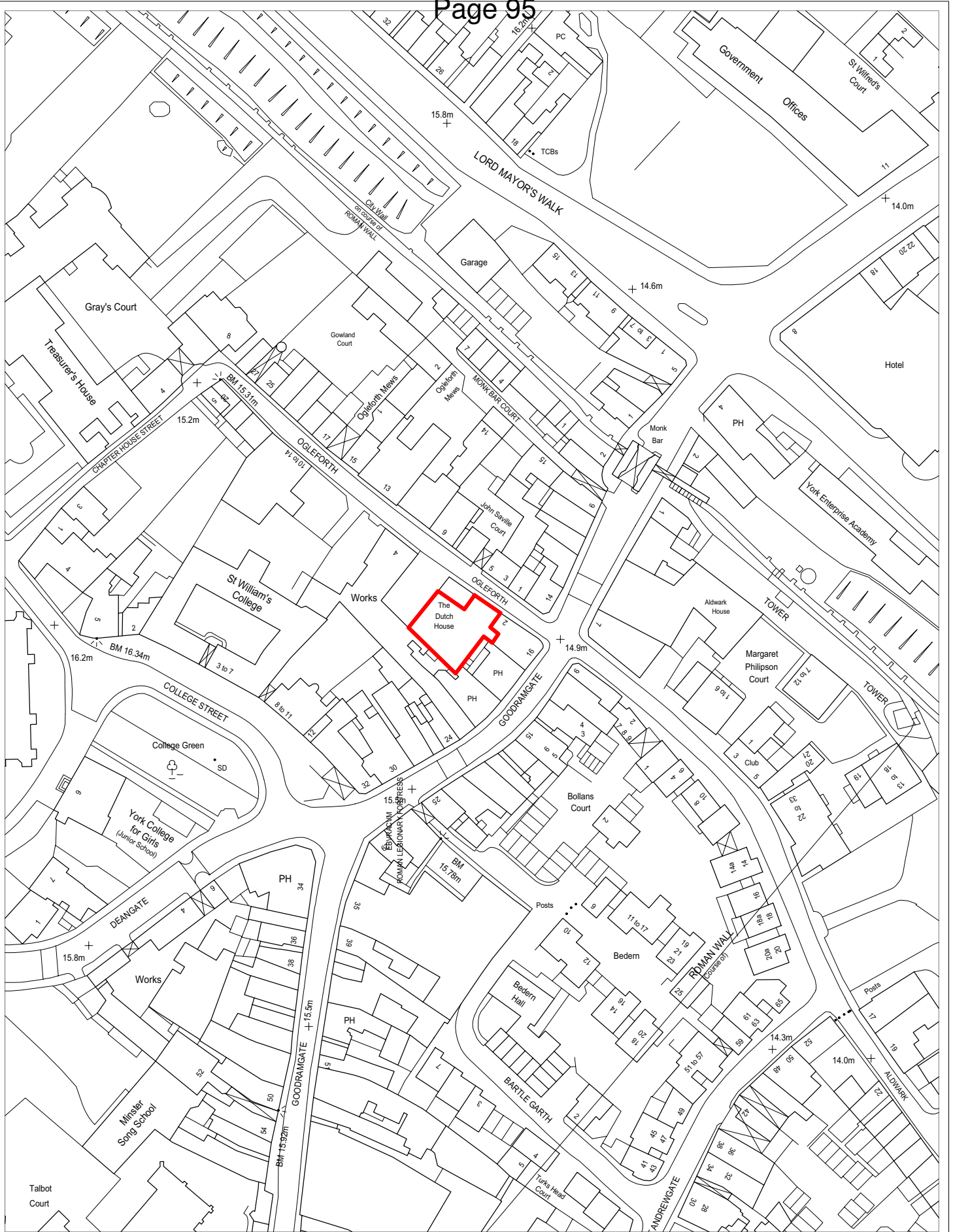
You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

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

Contact details:

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

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CITY OF
YORK
COUNCIL

CAR PARK ADJ. THE DUTCH HOUSE, OGLEFORTH

SCALE 1:1250
Originating Group

DRAWN BY PSL
Project

DATE 8/9/2006
Drawing No.



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COMMITTEE REPORT

Committee: West and City Centre
Date: 21 September 2006

Ward: Holgate

Reference: 06/01705/FUL
Application at: Bullnose Building Leeman Road York YO26 4XD
For: Renewal of planning permission 04/02787/FUL for change of use of building to overnight accommodation, offices and support facilities until 17 April 2008
By: York Arc-Light Project
Application Type: Full Application
Target Date: 22 September 2006

1.0 PROPOSAL

1.1 This application seeks to renew the temporary planning permission, granted on 16 September 2004, to use the building for overnight accommodation, offices and support facilities. Known as the York Arclight project, accommodation and support is provided to rough sleepers. Renewal of the permission is sought to 17 April 2008.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

City Boundary York City Boundary 0001

Floodzone 3 Flood Zone 3

Listed Buildings Grade 2; Gatepiers And Gates To York Goods Station

2.2 Policies:

CYC1
Criteria for community facilities

CYGP23
Temporary planning permission

3.0 CONSULTATIONS

INTERNAL

3.1 Highway Network Management.
No objections, on the assumption that the cycle parking provision agreed for the previous application is in place.

3.2 Housing Development Team.
Housing and Adult Social Services fully support this application.

3.3 Neighbourhood Services - Environmental Health & Trading Standards. No objections.

3.4 City Development. No objections to the continued use as requested, to April 2008.

EXTERNAL

3.5 Safer York Partnership. Comments will be reported at the meeting (consultation expires 12 September).

3.6 Neighbours (re-consultation expires 21 September). Any letters received will be reported at the meeting. However, the Head of the National Railway Museum (the only near neighbour to the application site) has commented verbally. The Museum supports the continued use of the building by Arclight, on the understanding that progress is being achieved towards the re-location of the use to its new site.

3.7 Site Notice (expires 8 September). No comments received to date.

4.0 APPRAISAL

4.1 Key Issues

- Provision of Community Facilities
- Effect upon adjacent occupants
- Implications for renewal plans for York Central

4.2 The relevant Draft Local Plan Policies are:-

POLICY C1 "COMMUNITY FACILITIES" which states that applications for community facilities will be granted, provided that the proposal is appropriate to the character and appearance of the locality; and meets a recognised need.

POLICY GP23 "TEMPORARY PLANNING PERMISSION", which states that temporary permission will be granted where (a) there would be no loss of amenity to adjoining occupants (b) there is no viable permanent alternative immediately available (c) plans are to be brought forward for permanent development (d) the period sought for approval is the minimum required until the permanent alternative is implemented.

PROVISION OF COMMUNITY FACILITIES

4.3 Arclight has provided accommodation and support to people who are sleeping rough since 1999. The project continues to fill a gap in local service provision; meeting, and indeed exceeding, initial expectations of the front-line service it provides. Renewals of the original temporary planning permission were granted in 2002 and 2004.

4.4 Progress for a permanent site for Arclight is well underway. It is anticipated that a planning application for their new site at Union Terrace will be submitted this coming Autumn. The current application, therefore, for temporary permission at the Bullnose building is to keep Arclight going until the permanent building is completed.

EFFECT UPON ADJACENT OCCUPANTS

4.5 The only "near neighbour" is the National Railway Museum. Past problems for the Museum from Arclight have been resolved through a liaison group of Council officers, Arclight themselves and the Museum. Notably, the Head of the Museum has expressed

continued support, on the understanding that progress upon Arclight's permanent site is being finalised. No complaints or problems are apparent from other properties in the wider Leeman Road area.

4.6 Equally, the project keeps the attractive Bullnose building in an active and valuable use, pending the future renewal of the wider York Central site. It is a practical and workable location for the use.

IMPLICATIONS FOR RENEWAL PLANS FOR YORK CENTRAL

4.7 Continuation of the use to April 2008, as requested in the application, would not compromise emerging plans for the York Central site, as confirmed with colleagues in City Development. The site is still at the assembly and feasibility stage.

5.0 CONCLUSION

5.1 Arclight provides much needed accommodation and support for people who are sleeping rough. Plans for a permanent site for the project at Union Terrace are well advanced. A further short-term approval to April 2008 will bridge the gap for Arclight and will not compromise future plans for York Central. Officers, therefore, support the application.

5.2 The previous temporary approval included a condition for cycle parking. This has been provided and meets the Council's standards.

6.0 RECOMMENDATION: Approve

- 1 This use shall cease by 17th April 2008 unless prior to that date the consent of the Local Planning Authority has been obtained to extend the period of the permission.

Reason: So that the Local Planning Authority may assess the impact of this use upon the surrounding area, and upon emerging proposals for the comprehensive development of the wider area, known as York Central.

- 2 The cycle parking as implemented, following approval by the Local Planning Authority on 23 March 2000, shall be retained in place whilst the approved use is in operation.

Reason: To promote the use of cycles, thereby reducing congestion on adjacent roads.

- 3 The liaison group, comprising representatives of the Council, the applicant and the National Railway Museum, formed following the original approval for the use now renewed, shall continue to be available to resolve issues or conflicts of interest which may arise during the operation of the approved use.

Reason: In the interests of public amenity within the locality and the operation of the adjacent Museum.

7.0 INFORMATIVES: Notes to Applicant

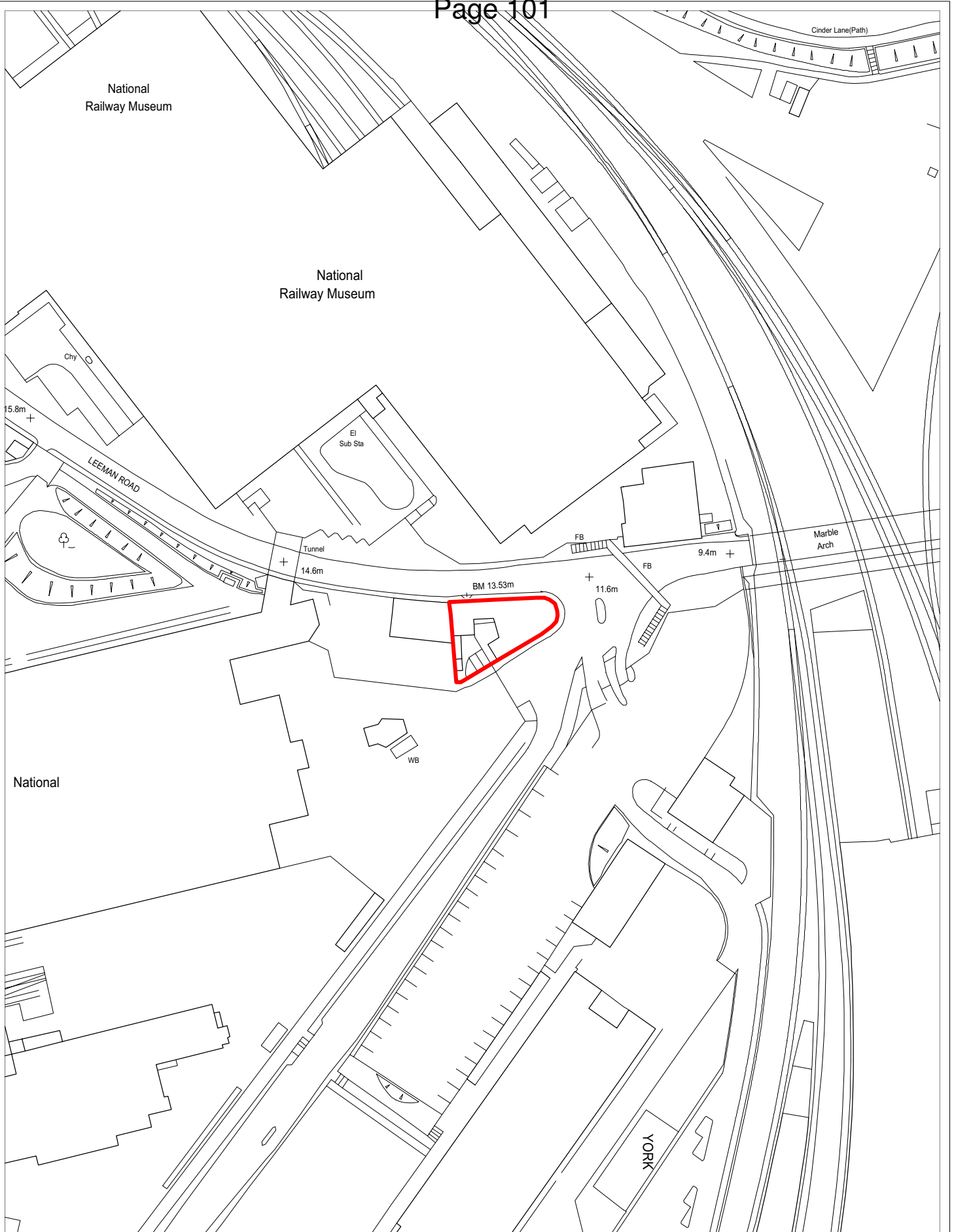
1. REASON FOR APPROVAL

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 effect upon adjoining land uses and the emerging proposals for the renewal of the site known as York Central. As such the proposal complies with Policies CYC1 and CYGP23 of the City of York Draft Development Control Local Plan, incorporating the 4th Set of Changes (April 2005).

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CITY OF
YORK
COUNCIL

THE "BULLNOSE BUILDING", LEEMAN ROAD

SCALE 1:1250
Originating Group

DRAWN BY PSL
Project

DATE 8/9/2006
Drawing No.



9, St. Leonards Place, York, YO1 2ET
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