



Notice of meeting of

West & City Centre Area Planning Sub-Committee

- To:** Councillors Livesley (Chair), Bartlett (Vice-Chair),
Sue Galloway, Horton, Macdonald, Reid, Simpson-Laing,
Sunderland and B Watson
- Date:** Thursday, 16 November 2006
- Time:** 3.00 pm
- Venue:** The Guildhall, York

AGENDA

**Site visits for this meeting will commence at 11.00 am on
Wednesday 15 November 2006 at Memorial Gardens.**

1. Declarations of Interest

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

2. Minutes (Pages 3 - 10)

To approve and sign the minutes of the meeting of the West & City Centre Area Planning Sub-Committee held on 19 October 2006.

3. Public Participation

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

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

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) 22A Huntington Road, York (06/01992/FUL) (Pages 11 - 22)

Erection of a three storey pitched roof side extension to a house in multiple occupation to form additional accommodation and reinstatement of the front boundary wall (revised scheme). *[Guildhall Ward]*

b) The Palace, Bishopthorpe Road, York (06/01822/FUL) (Pages 23 - 34)

Erection of a new lift shaft enclosure in the lightwell and alterations at roof level. *[Bishopthorpe Ward]*

c) The Palace, Bishopthorpe Road, York (06/01823/LBC) (Pages 35 - 50)

External and internal alterations including works to create a self-contained apartment and office accommodation for staff, a new lift and link structure and alterations at roof level. *[Bishopthorpe Ward]*

d) 27 Station Road, Copmanthorpe, York (06/02263/FUL) (Pages 51 - 58)

Erection of a conservatory to the side of a bungalow and a 0.5m high timber panel on top of the existing boundary wall (resubmission). *[Rural West York Ward]*

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

Democracy Officer

Name: Simon Copley

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

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

Contact details are set out above.

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**WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE
SITE VISITS****Wednesday 15 November 2006****Coach departs Memorial Gardens at 11.00**

TIME	SITE	ITEM
(Approx)		
11.10	22A Huntington Road	A
11:45	The Palace, Bishopthorpe Road	B & C

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City of York Council

Minutes

MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	19 OCTOBER 2006
PRESENT	COUNCILLORS LIVESLEY (CHAIR), BARTLETT (VICE-CHAIR), SUE GALLOWAY, HORTON, LIVESLEY (CHAIR), MACDONALD, REID, SIMPSON-LAING AND B WATSON
APOLOGIES	COUNCILLOR SUNDERLAND

32. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Reason for Visit	Members Attended
131 The Mount, York	To familiarise Members with the site	Councillors Livesley, Bartlett, Horton, Macdonald, Reid and Brian Watson
Glebe Farm, Hessay to Moor Bridge, Hessay, York	To familiarise Members with the site, at the request of Cllr Hopton	Councillors Livesley, Bartlett, Horton, Macdonald, Reid and Brian Watson

33. DECLARATIONS OF INTEREST

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

No interests were declared.

34. EXCLUSION OF PRESS AND PUBLIC

The annexes to agenda item 7 (Planning Appeal at 26 – 28 Tadcaster Road) (minute 39 refers) did not contain any information classed as exempt under Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006 and therefore Members did not need to consider excluding the press and public during their consideration.

RESOLVED: That the press and public be excluded from the meeting during consideration of the following:

- (i) The annexes to agenda item 6 (Enforcement Cases update) (minute 38 refers) on the grounds that they contained information classed

as exempt under Paragraph 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order 2006. This information, if disclosed to the public would reveal that the authority proposed to give, under any enactment, a notice under or by virtue of which requirements were imposed on a person or that the Authority proposed to make an order or directive under any enactment.

35. MINUTES

- RESOLVED:
- (i) That the minutes of the meeting of the West & City Centre Area Planning Sub-Committee on 21 September 2006 be approved and signed by the Chair as a correct record, with the following amendments:
 - a) To minute 20 (Inspection of Sites) to include attendances for the site visit to The Judges Lodging;
 - b) To minute 20 (Inspection of Sites) to indicate that Councillor Horton was present at all visits;
 - (ii) That the minutes of the meeting of the West & City Centre Area Planning Sub-Committee on 3 October 2006 be approved and signed by the Chair as a correct record.

36. PUBLIC PARTICIPATION

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

37. PLANS LIST

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

37a. 131 The Mount, York (06/01468/FUL)

Members considered a full application, submitted by Mr W Legard, for the erection of safety railings above the entrance door and bay window on the front elevation, the erection of a service kiosk to the side elevation, the provision of service ducting to the rear courtyard and the side elevation and the laying of external decking with safety railings to the existing flat roof area (all retrospective).

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

With regards to the roof area above the bay window, Members requested that any permission contain a condition preventing the access through a window being replaced by a door.

Some Members expressed concern that the service ducting was currently incomplete, highlighted the need for it to match the colour of the rest of the house and requested that improvements be made.

In relation to the flat roof area, some Members expressed the view that the provision of decking allowed regular use of the area for sitting out, rather than just for maintenance purposes, and commented that this would have a detrimental effect on the neighbours' amenity, in terms of overlooking of their property. They concluded that the screening proposed would not provide a satisfactory, visually acceptable solution.

RESOLVED: That the application be refused.

REASON:

- (i) It is considered that the introduction of the decking and railings at roof level would be likely to result in an intensification of the use of the flat roof as an amenity area, resulting in unacceptable overlooking and loss of privacy to the occupiers of the adjacent property, 129 The Mount. It is also considered that erection of screening to this area would be both visually intrusive and would be perceived as a loss of privacy by the adjacent occupiers, with a consequent loss of amenity. Thus the proposal would conflict with Policy GP1(i) of the City of York Draft Local Plan, which states that development proposals will be expected to ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.
- (ii) It is considered that the service ducting, together with those services that have been left exposed, detract from the appearance of the building, and from the character and appearance of the conservation area, by virtue of its excessive size, scale and incongruous appearance. Thus the proposal conflicts with Policy GP1(a) of the City of York Draft Local Plan, which states that development proposals will be expected to respect or enhance the local environment, and with Policy HE2, which states that within or adjoining conservation areas, development proposals must respect adjacent

buildings, landmarks, and settings and have regard to local scale, proportion, detail and materials. Proposals will be required to maintain or enhance existing urban spaces, views, landmarks, and other townscape elements which contribute to the character or appearance of the area.

37b. Glebe Farm, Hessay To Moor Bridge, Hessay, York (06/01769/FUL)

Members considered a full application, submitted by Mr B Curry, for the change of use of an agricultural store to a document store.

Comments from Hessay Parish Council and two letters of objection were reported to the meeting.

Members noted that there was a lack of information in the report regarding the traffic levels that the development was expected to generate and expressed the view that it would have been helpful to have a Highway Officer in attendance. Councillor B Watson moved and Councillor Macdonald seconded a motion to refuse the application on grounds of traffic intensification. On being put to the vote, this motion was lost.

Members requested that a condition be added to those proposed in the report to restrict the hours of use of the document store, to prevent an increase in traffic noise in Hessay village at anti-social hours.

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

- (i) Condition – “The hours of operation, including deliveries to and dispatch from the site, shall be confined to 08:00 to 19:00 Monday to Fridays, 08:00 to 12:00 Saturdays and no works at all shall be carried out on Sundays and Bank Holidays.

Reason: To protect the amenity of local residents from vehicle movements to and from the site.”

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the designated Green Belt. As such the proposal complies with Policies GB1 and GB3 of the City of York Development Control Draft Local Plan.

37c. 73 Gale Lane, York (06/01508/FUL)

Members considered a full application, submitted by Mr J Wheldon, for the erection of an apartment block comprising 6 no. two bed flats and 1 no. 2 bed house, after demolition of the existing dwellings at 73 and 75 Gale Lane (resubmission).

Representations were received from a neighbour in objection to the application.

Members expressed concern regarding the design and positioning of the refuse and cycle stores on the boundary to the east, particularly in relation to the potential for people to climb them and gain access to the neighbouring gardens. They also expressed concern that parts of the site could not be seen from the buildings and that there was therefore the potential for vandalism and anti-social behaviour to occur, and highlighted the need to ensure that gates to the site could be secured. Members noted that comments from the Safer York Partnership had not been received on this application and expressed the view that these would be helpful.

Members raised concerns relating to the number of vehicles accessing the development and safe access to the site for refuse collection vehicles, and expressed the view that it would be helpful to have a Highway Officer in attendance to discuss these. Members also commented that demolition of the existing houses on the site was unsustainable and that they were family homes, which were much needed in the city.

RESOLVED: That the application be deferred.

REASON:

- (i) For further consideration of security issues affecting adjacent properties relating to the design and positioning of the refuse and cycle stores on the boundary to the east and the securing of the gates;
- (ii) For further consideration access for refuse collection vehicles;
- (iii) For the attendance of a Highway Officer at the meeting.

37d. Land To Rear Of 3 To 19 Shirley Avenue, York (06/01904/FUL)

Members considered a full application, submitted by Isoproco Ltd., for the erection of 2 no. 4 bedroomed semi-detached houses (in place of the detached house previously approved on 14.02.02 under reference 01/03329/FUL).

The applicant's agent attended the meeting to answer questions.

Members expressed some concerns regarding the massing of the development as viewed from Ouseburn Avenue below and the loss of the garage at 9 Shirley Avenue.

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

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference the residential amenity of the neighbours, the visual amenity of the dwellings and the locality, and the provision of off-site open space. As such, the proposal complies with Policies GP1, GP10, L1c and H4a of the City of York Development Control Local Plan (2005).

38. ENFORCEMENT CASES UPDATE

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

Members requested that future reports include business names as well as addresses for easy identification of properties. They also requested that a map be made available to ward members in Rural West York indicating OS field numbers, so that they could easily locate enforcement cases.

RESOLVED: That the report and updates be noted.

REASON: To inform Members of ongoing work in this area.

39. PLANNING APPEAL AT 26 - 28 TADCASTER ROAD

Members received an update report regarding an appeal in connection with a planning application for 26 – 28 Tadcaster Road.

At the meeting on 3 October 2006 Members had been asked to consider withdrawing the highway reason for refusal, relating to the current planning appeal at 26 - 28 Tadcaster Road. An independent traffic consultant's report was presented at that meeting. Members considered this to be inadequate and resolved that the consultants should be retained to undertake a further survey and analysis of the highway issue. In view of the likely significant cost involved in retaining the consultants, the Head of Network Management had produced a report attached at Annex A. This advised that it was not considered possible to bring forward viable evidence to defend the highway reason for refusal at the Public Inquiry. The serious risk of costs against the Council remained and Members' further instructions were sought.

The report presented two options for consideration:

- (i) For the highway reason to be defended at the Inquiry. However both the Council's own highway officers and the Consultant who was retained, felt unable to bring forward evidence to defend the reason.
- (ii) For Members to agree to withdraw the highway reason for refusal. The design reason for refusal would continue to be defended.

Members noted that the following information that they had requested at the meeting on 3 October 2006 was not included in Annex A:

- A discussion of their specific concerns regarding the safe access to and egress from the site by cyclists and pedestrians;
- A scale diagram of the access point to the site through the bus stop lay-by, indicating traffic flows;
- Figures for the actual use of the access point now and advice on whether the access would be permitted now, if it did not already exist;
- A proper discussion, in highway terms, of what alternative access arrangements could be created for the site.

Members requested that their very strong reservations about the scheme, in terms of site access through the bus stop lay-by endangering the safety of highway users, be formally recorded. They expressed frustration at the situation in which they found themselves and commented that they would write to the Planning Inspector and attend the Inquiry, as individual Members of the Council, to raise their concerns.

RESOLVED: That the highway reason for refusal be withdrawn from the refusal notice dated 20 March 2006 (reference: 06/00103/FUL).

REASON: On the basis of the assessment provided by the Head of Network Management.

COUNCILLOR D LIVESLEY

Chair

The meeting started at 3.00 pm and finished at 7.05 pm.

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COMMITTEE REPORT

Committee: West & City Centre **Ward:** Guildhall
Date: 16 November 2006 **Parish:** Guildhall Planning Panel

Reference: 06/01992/FUL
Application at: 22A Huntington Road York YO31 8RD
For: Three storey pitched roof side extension to house in multiple occupation to form additional accommodation and reinstated front boundary wall. (revised scheme)
By: Mr K Taylor
Application Type: Full Application
Target Date: 30 November 2006

1.0 PROPOSAL

1.1 The application proposes a side extension to an existing house in multiple occupancy (HMO). The extension would replace an existing attached garage. It would create a living room, kitchen, bathroom and two bedrooms.

1.2 The host 22a is located at the end of a row of terraced dwellings with a distinct linear uniform appearance. It is a larger dwelling compared to the row of dwellinghouses in which it is located.

1.3 The site is within the Heworth Green / East Parade conservation area. There are dwellings to the north and to the west. Commercial / industrial uses are to the immediate south and east of the host site.

1.4 The application is brought before members at the request of Councillor T. Simpson-Laing.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Heworth Green/East Parade 0042
City Boundary York City Boundary 0001
DC Area Teams Central Area 0002
Floodzone 2 Flood Zone 2 CONF
Floodzone 3 Flood Zone 3
Schools Park Grove Primary 0214

2.2 Policies:

CYGP1 Design
CYHE3 Conservation Areas
CYH7 Residential extensions
CYNE7 Habitat protection and creation

CYL1C	Provision of New Open Space in Development
CYH4	Housing devp in existing settlements
CYH8	Conversion to flats/HMO/student accom

3.0 CONSULTATIONS

3.1 Internal

Environmental Protection Unit (EPU)

- There is a chance that contamination is present on site. This should be investigated and remediation implemented if required. All such works would need to be agreed with by the Local Planning Authority.
- Sound attenuation measures are required on the front elevation to protect the amenity of residents from noise associated with traffic.

Urban Design and Conservation (UDC)

- Request that bat roost features are incorporated into the design to enhance biodiversity.
- Requested that the original plans were amended, to allow the whole of the front elevation to be setback from the front building line, as the bricks could not match exactly. It was also requested that more attention was paid to the detailing on the south elevation as this would be prominent in the street scene / conservation area.

Highway Network Management - pending

3.2 External

Planning Panel - suggest that conditions are attached requiring the refurbishment of the existing HMO before the proposed extension is occupied.

Publicity

One letter in objection, on behalf of the owners / operators of the neighbouring site to the south. The following reasons are given:

- The revised plan does not address the previous reason for refusal
- Ground floor side elevation window - safety concern given the proximity of this window to the neighbouring industrial use
- Possible overlooking through ground floor window on side elevation

4.0 APPRAISAL

4.1 Key issues

Principle of development

Design / character and appearance of the conservation area

Residential amenity

Highways

Flood risk
Habitat creation

Policies

4.2 Relevant national policies are PPS1: Delivering Sustainable Development, PPG3: Housing, PPG13: Transport and PPS9: Biodiversity and Geological Conservation. From the North Yorkshire County Structure Plan H9 referring to the promotion of residential development in and around town centres and E4 referring to the protection of areas of historic interest are relevant.

4.3 GP1 refers to design. It states that development proposals must, respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with the surrounding area; provide and protect amenity space; provide space for waste storage; ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or overdominance. Policy HE3 states that within Conservation Areas, proposals will only be permitted where there is no adverse effect on the character or appearance of the area.

4.4 H4a relates to applications for housing on land not allocated for such in the Local Plan. H4a states that proposals for land not already allocated on the proposals map will be granted permission where: the site is within the urban area and is vacant, underused or it involves infilling, redevelopment or conversion of existing buildings; the site has good accessibility to jobs, shops and services; and it is of an appropriate scale and density to surrounding development and it would not have a detrimental impact on existing landscape features.

4.5 Although the application proposes a new build opposed to a conversion, policy H8 can be considered as relevant as it sets the criteria for when planning permission will be granted for a house in multiple occupancy. H8 states planning permission will only be granted where:

- The dwelling is of sufficient size (4 bed) and the internal layout is shown to be suitable for the proposed number of households or occupants and will protect residential amenity for future occupiers
- Adequate car and cycle parking are incorporated
- It would not create an adverse impact on neighbouring residential amenity, particularly through noise disturbance or residential character of the area by virtue of the conversion alone or cumulatively with a concentration of such uses.

4.6 L1c states developments for all housing sites will be required to make provision for the open space needs of future occupiers. For sites of less than 10 dwellings a commuted sum payment will be required for off site provision.

4.7 The application site falls within an area where the risk of flooding is moderate to high. As such the developer is obliged to produce an assessment of additional flood risk as a consequence of the development and measures to mitigate such risk in accordance with GP15a.

4.8 NE7 relates to habitat creation. It states that in new developments, measurements to encourage the establishment of new habitats should be included as part of the overall scheme.

Principle of development

4.9 The application proposes infilling in an existing residential area. The location is sustainable, in a built up area, near to the city centre and transport links. As such the site is acceptable for residential use in principle as it accords with the thrust of national guidance in PPG3 that seeks to redevelop and make efficient use of land. Also PPG13 that seeks to reduce car dependence and encourage access by walking and cycling, or public transport, between housing, jobs, local services and local amenities.

Design / conservation area

4.10 This application is a resubmission. The previous application was refused as the design of the front elevation was considered to be detrimental to the appearance of the Heworth Green and East Parade conservation area. Prior to the application being resubmitted the agent has engaged in pre application discussion with UDC and has revised the scheme since submission in accordance with UDC comment in 3.1.

4.11 The application proposes what would be a 2-storey (2nd floor accommodation in the roof) side extension with front dormer, situated at the end of a row of terraced dwellings. The front building line would be setback and the ridge of the roof set down to make the extension appear subordinate. The windows and doors by virtue of their location, shape and detailing are an acceptable match to the row of terraced units on which the extension would be attached. The roof would be finished in slate, to match the host dwelling. The bricks to be used on the development can be agreed via condition to ensure a satisfactory appearance. The terraced dwellings adjacent the host are constructed in a light brick on the front elevation, with a red brick on the side elevation of 22a Huntington Road. On the other side of Huntington Road a mix of brick colours are present in the street scene where front elevations vary in height and design. A change in contrast would be acceptable to differentiate between new and old.

4.12 The front wall proposed by virtue of its materials, design and height would be in keeping with that in the street and would create defensible space for the dwellinghouse.

4.13 Bin and secure covered cycle storage would be provided at the rear of the dwelling.

4.14 Overall the proposed development is considered to be acceptable in terms of design. The side extension would appear subordinate and in keeping with the shape and detailing of the row of terraces on which it would be attached. As such it is considered to be an acceptable addition to the street scene and conservation area.

Residential amenity

4.15 There is limited amenity space proposed on site. To mitigate this the applicant has agreed to provide a financial contribution of £860 toward open space, in accordance with policy L1c of the Local Plan.

4.16 Outlook from habitable rooms is via the front elevation, apart from at second floor level where the bedroom would have a second window on the side elevation. This arrangement would offer acceptable levels of light and outlook. The layout proposes adequate space for each room and facilities for prospective occupiers. EPU have proposed a noise mitigation measure, requiring specific noise levels to be achieved internally when windows are closed. The details of which shall be required by condition. Overall acceptable living conditions would be achieved for prospective residents .

4.17 The proposed development by virtue of its location and design would cause no undue overlooking, nor would it be overdominant or overbearing.

4.18 By virtue of the scale of the development and its location it is considered that the additional number of occupants would not have a significant detrimental impact on the amenity of nearby residents. The development proposes two additional bedrooms with their own kitchen and living / dining room. The extension would appear as an individual dwelling were it not for the access into the existing dwelling at first floor level.

Highways

4.19 There is no off street parking proposed. On street parking in the area is controlled by a residents parking scheme. Respark permits would be available to future residents if required. An adequate number of secure covered cycle parking spaces are to be provided to the rear of the dwelling.

4.20 The absence of off street parking and reliance upon on street parking was considered to be acceptable in terms of highway safety by Highway Network Management previously. This scheme proposes fewer rooms and the host is located on a bus route to the city centre.

4.21 Overall the scheme is considered to be in line with the sustainable approach recommended by PPG13 Transport (paragraph 13).

Flood risk

4.22 The applicant has submitted a flood risk assessment. Provided the proposals are implemented, adequate measures to mitigate the threat from flooding are being taken.

Habitat creation

4.23 The application site is close to the River Foss thus there is considerable potential for the development of bat roost features in the building. Bat bricks shall be

incorporated into the development to enhance bat roosts in accordance with NE7 and PPS9.

Other matters

4.24 The existing dwelling is not in such a state that could warrant any action against the owners. As such it would be unreasonable and unspecific to request the refurbishment / tidying up of the existing HMO as part of any approval.

4.24 It is considered that the use of a safety grille on the ground floor side window shall protect it from the adjoining use. Overlooking would not occur as the window will be obscure. Should the adjoining use not agree with the scheme / arrangement, the permission could not be implemented as this part of the application site is within their ownership.

5.0 CONCLUSION

5.1 It is considered the application accords to the relevant planning policy. Approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

Revised plans (00) 04 and 05 rev D received 30.9.2006
Flood risk assessment received 4.10.06

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

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

- 2 TIME2 Development start within three years
- 3 The roof slates to be used externally shall match those of the existing building in colour, size, shape and texture. The bricks to be used externally shall be submitted to and agreed in writing by the Local Planning Authority prior to development commencing. A sample panel of the brickwork to be used on the building shall subsequently be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: To achieve a visually acceptable form of development and so that the Local Planning Authority may be satisfied with the finished appearance of the external walls prior to the commencement of building works in view of the sensitive location.

- 4 The area shown as communal cycle storage as shown on drawing (00) 04 shall be covered, made available for use prior to occupation of the development hereby approved and retained for the storage of cycles at all times, unless an alternative arrangement is agreed in writing by the Local Planning Authority.

Reason: To promote sustainable modes of transport in accordance with policy GP4a of the City of York Draft Local Plan.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no door, window or other opening additional to those shown on the approved plans shall at any time be inserted in the development hereby approved without prior written consent of such details by the Local Planning Authority.

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

- 6 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 workers and future occupants of the site.

- 7 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.

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.

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.

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 workers on site, future occupiers of the site and the integrity of any proposed underground services.

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

Reason: To protect the health and safety of workers on site, occupiers of the site and the integrity of any proposed underground services.

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

Reason: to protect the amenity of nearby residents.

- 10 All windows in bedrooms and lounges with a facade onto Huntington Road shall be insulated so as to provide sound attenuation against external noise of not less than 35dB(A) with windows shut and other means of ventilation provided. The detailed scheme shall be approved by the local planning authority and fully implemented before the use hereby approved is constructed.

Reason: to protect the amenity of the occupants of the proposed dwellings.

- 11 No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The Open space shall thereafter be provided in accordance with the approved scheme or the 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 £860.

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

**7.0 INFORMATIVES:
Notes to Applicant**

1. REASON FOR APPROVAL

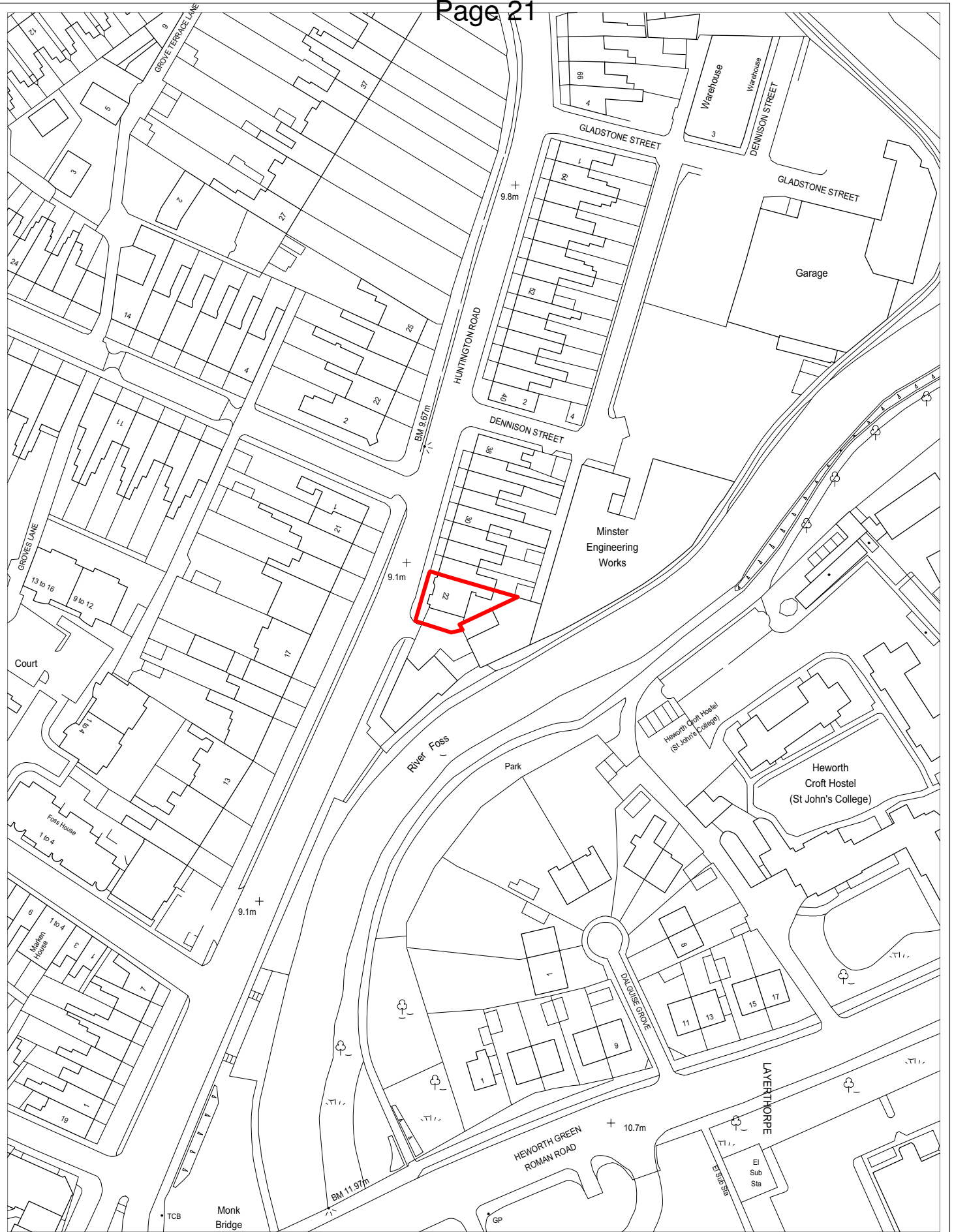
In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the character and appearance of the conservation area, residential amenity and highway safety. As such the proposal complies with Policies E4 and H9 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GP1, H4, H5, H8, HE3 and L1c of the City of York Local Plan Deposit Draft.

2. The remedial strategy referred to in condition 7 should have due regard for UK adopted policy on risk assessment and shall be developed in full consultation with the appropriate regulator(s).

Contact details:

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

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22A HUNTINGDON ROAD - 06/1992/FUL

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 Originating Group

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COMMITTEE REPORT

Committee: West & City Centre **Ward:** Bishopthorpe
Date: 16 November 2006 **Parish:** Bishopthorpe Parish
Council

Reference: 06/01822/FUL
Application at: The Palace Bishopthorpe Road York YO23 2QE
For: Erection of new lift shaft enclosure in lightwell and alterations at roof level
By: The Church Of England Church Commissioners
Application Type: Full Application
Target Date: 11 October 2006

1.0 PROPOSAL**1.1 BACKGROUND**

1.1.1 The Church of England Church Commissioners recently instigated the production of an Access Statement in regard to the development of Bishopthorpe Palace. This report was prepared with a view to assessing the level of performance and the service provided from the Palace in accessibility terms, from a point of view of service provision to the visiting public and use of the premises for conferences, as well as relative to employment of office staff and the Archbishop's own residence.

1.1.2 The Church of England Church Commissioners wish to ensure full inclusive access, for all users of the Palace, to include people with disabilities and impairments, as much as possible to all areas of the building, based on the likely level of use by visitors, guests, staff, the Archbishop and his family and also private visitors.

1.1.3 In addition to the issue of accessibility other works are proposed to strengthen the building, bring it up to modern standards in terms of insulation, fire retention measures and heating requirements. The intention behind the proposals is to make better use of the inherited complex of buildings. This also means upgrading the performance of the structure for habitation and for the environment and carrying out essential repairs.

1.2 PROPOSAL

1.2.1 The main alterations to the palace are as follows:

- The formation of a direct link at upper level between the north range and the central block;
- The introduction of a lift to improve access to all main levels; and
- Other minor external works including the alteration of a door to window to create a public point of access for visitors and the secondary glazing of a number of windows.

1.3 SITE AND HISTORICAL BACKGROUND

1.3.1 The Palace is positioned on the banks of the River Ouse within a 9 acre site which incorporates lawned gardens, the Warren Pond (to the north) and a variety of specialist mature trees. Also included within estate are several ancillary buildings the Gateouse, Stable Block, Brewhouse Cottage and Gardener's Cottage. The Palace buildings serve a number of important ecclesiastical functions, being both offices and a home for the Archbishop and his family. In addition they house conference facilities which are open to the wider public

1.3.2 The earliest section of the Palace dates from circa 1250-5 and was built by Archbishop Walter De Gray (at this stage only the Chapel and Great Hall). Later extensions were added to include the north range (added 1480) and a main range, west elevation, which was added in 1769. Since this time the palace has been modified and extended to suit the preceding prelates specific requirements and preferences. At present the Palace still provides office accommodation for the Archbishop and associated staff, but also includes conference facilities.

1.3.3 The Palace is Grade I Listed with Grade II* listed buildings adjacent including the Stable Block and Gate Lodge. The house consists of a medieval main range running north to south and parallel to the river, with a large addition of 1766-9 on its west side. At the north end of the main range and facing the garden is a late medieval range C.1480, running east to west, with a Regency Block C1835 added to the north-west of the north front and two blocks built against the south side C1650.

1.3.4 The building has been altered and modified many times and is summarised as follows:-

- 1241 - C12 Manor house demolished;
- 1250-5 - Chapel and undercroft built together with gardens and fishpond for Archbishop Walter De Gray. Great Hall constructed (originally) with Archbishops rooms above;
- 1316 - Village known as Bishopthorpe;
- 1364-5 - New lower chamber added;
- 1480-1500 - North Range added by Archbishop Rotherham;
- 1500 - New East window to chapel added;
- 1647 - Palace sold to Commonwealth. 2 No. wings built on south side of north range. A period of disrepair followed;
- 1660 - Great Hall rebuilt with rooms above and chapel restored by Archbishop Frewen. Further period of disrepair followed;
- 1720 - Hall and dining room altered by Archbishop William Dawes;
- 1757-61 - Alteration to great hall windows. Roche Abbey stone/marble laid on floor. Eaved ceiling over north range created by John Carr;
- 1761-3 _ Peter Atkinson (partner of J.Carr) erected stables followed by Gate Lodge in 1763-5 and extensive buildings to west of the main range for Archbishop Drummond using stone from Cawood Castle;

- 1835 - Regency work including rooms above the chapel plus large block to NW side of north range for Archbishop Vernon Harcourt;
- 1840 - Iron Girders added to strengthen great hall ceiling and rooms above removed;
- 1867 - Gas from York brought to Bishopthorpe;
- 1891-1908 - Alterations by Archbishop MacLogan by Messers J Demaine of Walter Brierley;
- 1894 - 48 x 27.5' wide room added in part of Mulberry yard (removed 1952);
- 1892 - Chapel restored;
- 1900 - Palace reaches maximum extent;
- 1922 - Rooms named after Archbishops;
- 1929-42 - Electric light installed for Archbishops temple;
- 1965 - Staircase in gallery leading to dismantled rooms above great hall removed;
- 1970 - Repairs to palace by Willian Anelay Ltd;
- 1972-3 - North range altered to improve and reduce the size of the Archbishops residence.

1.4 This application is reported to sub committee at the request of Cllr Brian Watson.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Bishopthorpe 0015

Floodzone 3 Flood Zone 3

Listed Buildings Grade 1; Bishopthorpe Palace And Chapel Bishopthorpe Road

2.2 Policies:

CYGP1
Design

CYHE2
Development in historic locations

CYHE3
Conservation Areas

CYHE4
Listed Buildings

3.0 CONSULTATIONS

3.1 INTERNAL.

3.1.2 The Council's Conservation Officer supports the scheme but advised the imposition of a number of conditions to protect the integrity of the listed building. This follows extensive discussions between the agents of the Church and English Heritage.

3.1.3 The Council's Archaeological Officer commented that this site lies outside the AAI. However, identifies the site as being a very sensitive archaeological site. The core of the site represents the 13th century palace built by Archbishop de Gray and extended by subsequent Archbishops.

3.1.4 A Historic Buildings Assessment (HBA) was submitted by Field Archaeology Specialists as part of the planning application. This gives a detailed archaeological and historical account of the site as well as a detailed assessment of the fabric of the Palace.

3.1.5 The Archaeological Officer further commented that the main impact on sub-surface archaeological deposits will come through the works associated with the construction of the lift for the building. The HBA concluded that the site of Bishopthorpe Palace has a relatively high archaeological potential. Therefore it was deemed necessary to have an archaeological watching brief on all groundwork's for this development.

3.1.6 Environmental Protection Unit: Advise the imposition of conditions relating to recommended hours for carrying out construction work, contaminated material and an informative relating to the carrying out of works on site.

3.1.7 Highway Network Management: No comments received.

3.2 EXTERNAL.

3.2.1 Bishopthorpe Parish Council made the following comments:-

- A roof garden is proposed. A condition should be attached to restrict the height of planting to avoid visibility on the skyline of the building; and
- The Conservation Area Panel and the Georgian Society should be consulted on this matter.

3.2.2 Neighbours: 2 Site notices were displayed at the entrance to the Palace to advertise the Listed Building application and the full planning application. No comments have been received from any other interested party or neighbours.

4.0 APPRAISAL

4.1 KEY ISSUES

- Effect on character and appearance of the existing listed building and Bishopthorpe Conservation Area.

4.2 PLANNING POLICY

4.2.1 PPS1: Planning for Sustainable Development aims to protect the quality of the natural and historic environment. 'The Planning System: General Principles', the companion document to PPS1, advises of the importance of amenity as an issue.

4.2.2 PPG 15: Planning And The Historic Environment. Central Government advice in relation to listed building control contained within this document states in paragraph 3.3 that whilst the listing of a building should not be seen as a bar to all future change, the starting point for the exercise of listed building control is the statutory requirement on local planning authorities to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses" (Section 16 of the "Planning (Listed Buildings and Conservation Areas) Act 1990"). This reflects the great importance to society of protecting listed buildings from unnecessary demolition and from unsuitable and insensitive alteration and should be the prime consideration for authorities in determining an application for consent.

4.2.3 PPG15 recognises that generally the best way of securing the upkeep of historic buildings and areas is to keep them in active use (para 3.8), and that many listed buildings can sustain some degree of sensitive alteration or extension to accommodate new or continuing uses (para 3.13). Paragraph 3.15 states that achieving a proper balance between the special interest of a listed building and proposals for alterations and extensions is demanding and should always be based on specialist expertise, and often demands a flexible and imaginative approach by all the parties involved.

4.2.4 The importance of listed buildings is reflected in Policy E4 of the Approved North Yorkshire Structure Plan, which states that buildings and areas of special townscape, architectural or historic interest (e.g. listed buildings) will be afforded the strictest protection. Policy HE4 of the City of York Draft Local Plan relates specifically to listed buildings and states that consent for development in the immediate vicinity of listed buildings, demolition, internal and external alteration, and changes of use will only be granted where there is no adverse effect on the character, appearance or setting of the building.

4.2.5 PPG16: Archaeology and Planning. This PPG sets out the government's policy on archaeological remains on land and how they should be preserved or recorded both in an urban setting and in the countryside. It gives advice on the handling of archaeological remains and discoveries through the development plan and development control systems, including the weight to be given to them in planning decisions and planning conditions. Explanation is given of the importance of archaeology and of procedures in the event of archaeological remains being discovered during development.

4.2.6 POLICY E4 OF THE APPROVED NORTH YORKSHIRE STRUCTURE PLAN (the statutory development plan for the area) states that buildings and

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

4.2.7 DRAFT LOCAL PLAN POLICY CYGP1 states that development proposals will be expected to (i) respect or enhance the local environment, (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials; (iii) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment; (iv) retain, enhance and/or create urban spaces, public views, skyline, landmarks and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view; and (v) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.2.8 DRAFT LOCAL PLAN POLICY HE2 of the City of York Deposit Draft Local Plan (Fourth Set of Changes), approved for development control purposes on 13 April 2005 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.

4.2.9 DRAFT LOCAL PLAN POLICY HE4 states that consent will only be granted for development to a listed buildings where there is no adverse effect on the character and setting of the building. Supporting text of this policy further states that, it is important that extensions preserve and enhance the special architectural or historic character of conservation areas and complement the character of listed buildings. Alterations will be expected to be of an appropriate design, using traditional natural materials. The proposal should also be in scale with the original building and respect its character.

4.3 EFFECT ON CHARACTER AND APPEARANCE OF THE EXISTING LISTED BUILDING:

4.3.1 LINKING THE 2 MAIN RANGES

4.3.2 Forming a direct link between the two main ranges at upper level A direct link does not exist at present. The new link, associated with the creation of the lift shaft, will increase the use of the attic spaces and help to separate private and public circulation routes. Existing partition walls would be altered and a new opening would be formed in an external wall, otherwise there is little alteration to achieve this benefit.

4.3.3 FORMATION OF EXTENAL LIFTSHAFT

4.3.4 The majority of spaces within the Palace are inaccessible to people with poor mobility. The two ranges/wings of the Palace are at different levels and strategically the lift must be located where the two main wings meet. The historic buildings assessment shows that the proposed area contains 18th

and 19th century fabric representing the infilling of an earlier yard. The remaining small service yard would be incorporated into the scheme to accommodate the lift and the reconfigured staircases. The external door and fan-light would be removed to achieve satisfactory head heights. Drainage would be diverted. The 20th century "flying" staircase would also be removed. The work would involve digging a lift pit in an archaeologically sensitive area (to be covered by conditions).

4.3.5 Policy HE4 of the draft local plan states that extensions should be subservient to the existing building and should not conflict with the form, profile or detail of the building. Unfortunately the lift tower is quite high as additional space is required for the lift "over-run", which is a required safety feature. Alternative roof forms, and alternative cladding options have been discussed with the Council's Conservation Officer, to determine whether the effective bulk of the tower could be reduced. However the solution of the brick clad "box", with a simple parapet, appears to be the least intrusive form. The parapet height would be similar to existing ridge heights- between the lowest and the highest. The relatively small size of the lift tower and its proposed location within the angle of the two wings would reduce its impact outside the building. Furthermore the lift shaft could only be seen through a narrow gap when standing close to the building within the entrance courtyard. As a consequence it is considered that the lift shaft would not have a detrimental influence upon the listed building or the Bishopthorpe Conservation Area and is therefore acceptable.

4.3.6 MINOR ALTERATIONS

4.3.7 In addition to the above alterations a number of localized items of repair and maintenance have been specified. This includes the alteration of an existing to a door, to allow the public access (on occasion) and the minor alteration to a number of windows. It is also proposed to form a roof terrace for use by the Archbishop and his family above the central section of the Palace. The roof terrace would be obscured from view. It is considered that these works would not have a detrimental impact upon the listed building or the character and appearance of the Bishopthorpe Conservation Area. There are no issues concerning amenity of adjacent neighbours due to the expansive grounds which the Palace is set within.

5.0 CONCLUSION

5.1 It is considered that the proposals continue the legacy of alterations by successive occupiers of the palace - the historic buildings assessment report states that "the density of building campaigns is astonishing". The aforementioned proposals are considered justified and they would not appear to adversely affect the special historic and architectural interest of the building or the character and appearance of the Bishopthorpe Conservation Area.

5.1.1 The proposed alterations and modifications to the Archbishop's Palace are considered acceptable. The proposal therefore satisfies policy E4 of the

Approved North Yorkshire Structure Plan, policies GP1, HE2, HE3 and HE4 of the City of York Draft Local Plan and National Planning Guidance PPS1 and PPG15.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out only in accordance with the approved plans 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 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (a watching brief on all ground works by an approved archaeological unit) in accordance with a specification supplied by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: The site lies within an Area of Archaeological Importance and the development will affect important archaeological deposits which must be recorded during the construction programme.

- 4 All demolition and construction works and ancillary operations, including deliveries to and dispatch 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 neighbouring residents.

- 5 Any contaminated material detected during site works shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development of the site.

Reason: To protect human health and the wider environment.

- 6 The development hereby permitted shall not commence until details and/or samples of all external materials to be used in the external construction of the proposed buildings, including materials to be used for the lift shaft and for general repair work and also the new flue vents required for the chimney, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development has an acceptable external appearance and is in keeping with the visual amenity and character of the area.

7.0 INFORMATIVES: Notes to Applicant

1. In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to Bishopthorpe Palace which is a listed building and the Bishopthorpe Conservation Area. As such the proposal complies with policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and policies GP1, HE2, HE3 and HE4 of the City of York Local Plan Deposit Draft.

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

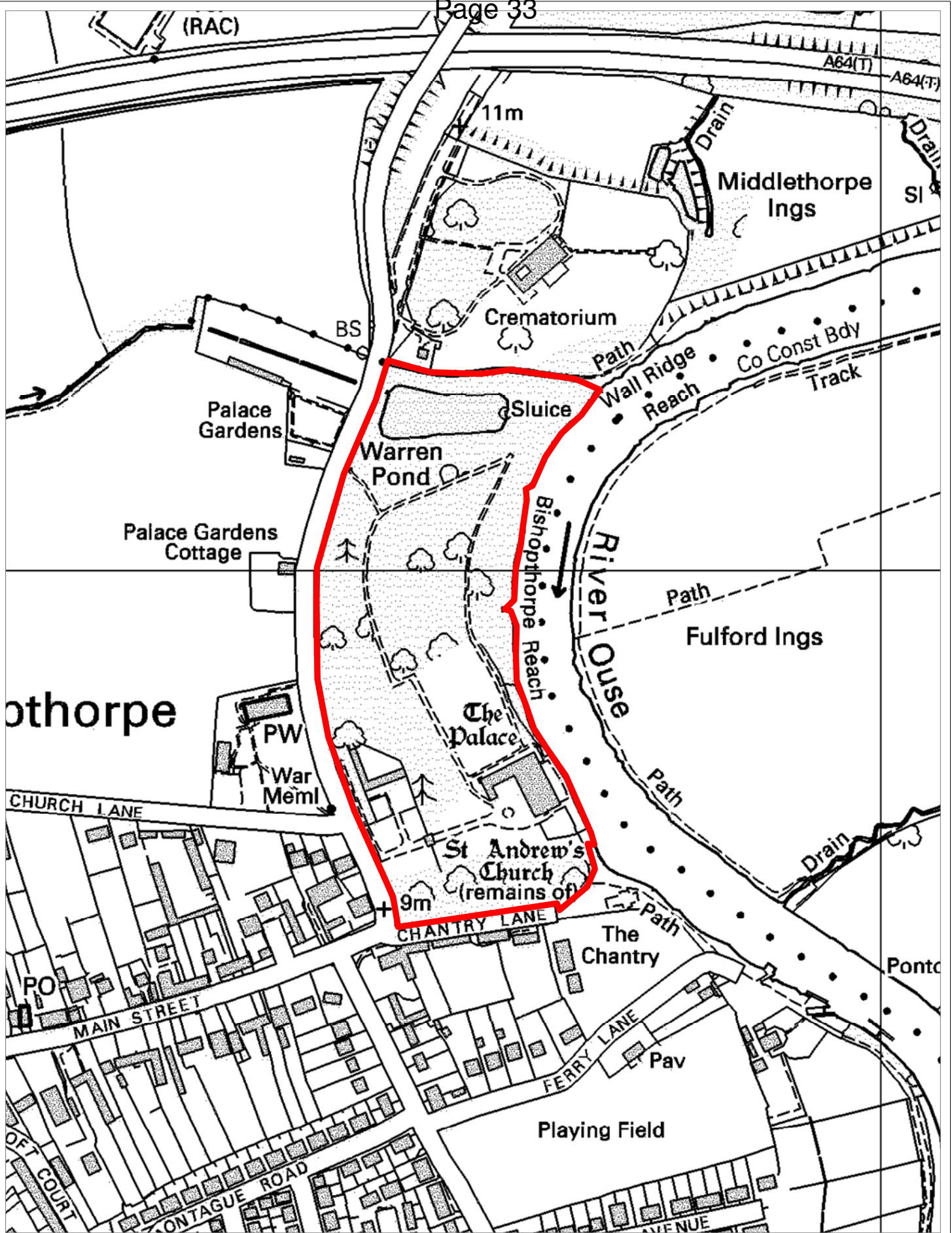
- The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".
- 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.
- 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.
- 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.
- Any asbestos containing materials shall be removed by licensed contractors to a licensed disposal site.
- There shall be no bonfires on the site.

3. Archaeological Watching Brief - The archaeological condition (ARCH 2) shall apply to all above ground works where existing structure would be disturbed during the course of alteration. Opening up shall be carried out in a careful and

controlled manner. Below ground works for the lift and drainage are already covered within the conditions of the planning application.

Contact details:

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



BISHOPTHORPE PALACE, BISHOPTHORPE ROAD - 06/01822/FUL



SCALE 1:4000
 Originating Group

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COMMITTEE REPORT

Committee: West & City Centre **Ward:** Bishopthorpe
Date: 16 November 2006 **Parish:** Bishopthorpe Parish Council

Reference: 06/01823/LBC
Application at: The Palace Bishopthorpe Road York YO23 2QE
For: External and Internal alterations including works to create a self-contained apartment and office accommodation for staff, new lift and link structure and alterations at roof level.
By: The Church Of England Church Commissioners
Application Type: Listed Building Consent
Target Date: 13 October 2006

1.0 PROPOSAL**1.1 BACKGROUND**

1.1.1 The Church of England Church Commissioners recently instigated the production of an Access Statement in regard to the development of Bishopthorpe Palace. This report was prepared with a view to assessing the level of performance and the service provided from the Palace in accessibility terms, from a point of view of service provision to the visiting public and use of the premises for conferences, as well as relative to employment of office staff and the Archbishop's own residence.

1.1.2 The Church of England Church Commissioners wish to ensure full inclusive access, for all users of the Palace, to include people with disabilities and impairments, as much as possible to all areas of the building, based on the likely level of use by visitors, guests, staff, the Archbishop and his family and also private visitors.

1.1.3 In addition to the issue of accessibility other works are proposed to strengthen the building, bring it up to modern standards in terms of insulation, fire retention measures and heating requirements. The intention behind the proposals is to make better use of the inherited complex of buildings. This also means upgrading the performance of the structure for habitation and for the environment and carrying out essential repairs.

1.2 PROPOSED WORKS

1.2.1 The main alterations to the palace are as follows:

- The formation of a direct link at upper level between the north range and the central block;
- The introduction of a lift to improve access to all main levels; and
- Other minor external works including the alteration of a door to window to create a public point of access for visitors and the secondary glazing of a number of windows.

1.3 ADDITIONAL INFORMATION

1.3.1 The Listed Building application is accompanied by a historic buildings assessment report dated July 2006. This report uses various sources of documentary information and on-site investigations to establish the historical development and structural evolution of the site. The document illuminates our understanding of the buildings as seen today and it has provided essential information against which the "significance" of proposed changes could be assessed.

1.3.2 In addition a number of pre-application meetings were held on site by the agent, and these involved English Heritage's historic buildings inspector, Diane Green, and the structural engineer, Gez Pegram (Alan Wood & Ptns) and the Council's Conservation Officer (Janine Riley). These meetings enabled more thorough consideration of the options available. The resultant scheme appears to achieve the main objectives whilst minimizing potential adverse impacts on the building.

1.4 SITE AND HISTORICAL BACKGROUND

1.4.1 The Palace is positioned on the banks of the River Ouse within a 9 acre site which incorporates lawned gardens, the Warren Pond (to the north) and a variety of specialist mature trees. Also included within estate are several ancillary buildings the Gateouse, Stable Block, Brewhouse Cottage and Gardener's Cottage. The Palace buildings serve a number of important ecclesiastical functions, being both offices and a home for the Archbishop and his family. In addition they house conference facilities which are open to the wider public

1.4.2 The earliest section of the Palace dates from circa 1250-5 and was built by Archbishop Walter De Gray (at this stage only the Chapel and Great Hall). Later extensions were added to include the north range (added 1480) and a main range, west elevation, which was added in 1769. Since this time the palace has been modified and extended to suit the preceding prelates specific requirements and preferences. At present the Palace still provides office accommodation for the Archbishop and associated staff, but also includes conference facilities.

1.4.3 The Palace is Grade I Listed with Grade II* listed buildings adjacent including the Stable Block and Gate Lodge. The house consists of a medieval main range running north to south and parallel to the river, with a large addition of 1766-9 on its west side. At the north end of the main range and facing the garden is a late medieval range C.1480, running east to west, with a Regency Block C1835 added to the north-west of the north front and two blocks built against the south side C1650.

1.4.4 The building has been altered and modified many times and is summarised as follows:-

- 1241 - C12 Manor house demolished;

- 1250-5 - Chapel and undercroft built together with gardens and fishpond for Archbishop Walter De Gray. Great Hall constructed (originally) with Archbishops rooms above;
- 1316 - Village known as Bishopthorpe;
- 1364-5 - New lower chamber added;
- 1480-1500 - North Range added by Archbishop Rotherham;
- 1500 - New East window to chapel added;
- 1647 - Palace sold to Commonwealth. 2 No. wings built on south side of north range. A period of disrepair followed;
- 1660 - Great Hall rebuilt with rooms above and chapel restored by Archbishop Frewen. Further period of disrepair followed;
- 1720 - Hall and dining room altered by Archbishop William Dawes;
- 1757-61 - Alteration to great hall windows. Roche Abbey stone/marble laid on floor. Eaved ceiling over north range created by John Carr;
- 1761-3 _ Peter Atkinson (partner of J.Carr) erected stables followed by Gate Lodge in 1763-5 and extensive buildings to west of the main range for Archbishop Drummond using stone from Cawood Castle;
- 1835 - Regency work including rooms above the chapel plus large block to NW side of north range for Archbishop Vernon Harcourt;
- 1840 - Iron Girders added to strengthen great hall ceiling and rooms above removed;
- 1867 - Gas from York brought to Bishopthorpe;
- 1891-1908 - Alterations by Archbishop MacLogan by Messers J Demaine of Walter Brierley;
- 1894 - 48 x 27.5' wide room added in part of Mulberry yard (removed 1952);
- 1892 - Chapel restored;
- 1900 - Palace reaches maximum extent;
- 1922 - Rooms named after Archbishops;
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- 1965 - Staircase in gallery leading to dismantled rooms above great hall removed;
- 1970 - Repairs to palace by Willian Anelay Ltd;
- 1972-3 - North range altered to improve and reduce the size of the Archbishops residence.

1.5 This application is reported to sub committee at the request of Cllr Brian Watson

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Bishopthorpe 0015

Floodzone 3 Flood Zone 3

Listed Buildings Grade 1; Bishopthorpe Palace And Chapel Bishopthorpe Road

2.2 Policies:

CYHE4
Listed Buildings

3.0 CONSULTATIONS

3.1 INTERNAL.

3.1.2 The Council's Conservation Officer supports the scheme but advised the imposition of a number of conditions to protect the integrity of the listed building. This follows extensive discussions between the agents of the Church and English Heritage.

3.1.3 The Council's Archaeological Officer commented that this site lies outside the AAI. However, identifies the site as being a very sensitive archaeological site. The core of the site represents the 13th century palace built by Archbishop de Gray and extended by subsequent Archbishops.

3.1.4 A Historic Buildings Assessment (HBA) was submitted by Field Archaeology Specialists as part of the planning application. This gives a detailed archaeological and historical account of the site as well as a detailed assessment of the fabric of the Palace.

3.2 EXTERNAL.

3.2.1 Bishopthorpe Parish Council made the following comments:-

- A roof garden is proposed. A condition should be attached to restrict the height of planting to avoid visibility on the skyline of the building; and
- The Conservation Area Panel and the Georgian Society should be consulted on this matter.

3.2.2 English Heritage made the following comments:-

- A scheme of archaeological evaluation should be carried out in accordance with the recommendations of the historic Buildings Assessment. An archaeological watching brief should also be carried out during works for all areas of fabric disturbance;
- Works to doors should be conditioned;
- Drawing G2292-217 refers to a new ceiling rose. If the rose is existing it should be retained and repaired unless modern in date. If a new ceiling rose is justified details need to be approved and agreed; and
- A number of queries were raised regarding windows. Firstly the window indicated on drawing G2292-235, it is not clear which window is to have fire resisting glass. Secondly the need for secondary double glazing in the private first floor kitchen and the en-suite second bedroom was questioned. English Heritage were concerned that these windows would appear different from the rest of the windows from outside the building.

3.2.3 Council for British Archaeology made the following comments:-

- The principle of conversion from residential usage to offices and vice-versa is acceptable subject to detailing;

- No objections were raised to the change of an existing window to a door (to serve a conference room) in the north range;
- No objections to the roof garden as long as it is done sympathetically;
- Every effort should be made to make the lift shaft as unobtrusive as possible. Further thought should be given to the overall height, size and casing with a view to possibly reducing the dimensions;
- More survey work should be undertaken in the areas affected by development, particularly the undercroft, prior to work commencing as their significance must be fully understood; and
- If permission is granted a watching brief is necessary whilst work is undertaken. The resulting report should be achieved accordingly.

3.2.4 Georgian Group: No comments received.

3.2.5 The Victorian Society: No comments received.

3.2.6 Society For Protection Of Ancient Buildings: No comments received.

3.2.7 Ancient Monuments Society: No comments received.

3.2.8 Neighbours: 2 Site notices were displayed at the entrance to the Palace to advertise the Listed Building application and the full planning application. No comments have been received from any other interested party or neighbours as of 01/11/06

4.0 APPRAISAL

4.1 KEY ISSUES

- Effect on special historic and architectural interest of the listed building.

4.2 PLANNING POLICY

4.2.1 PPG15: PLANNING AND THE HISTORIC ENVIRONMENT.

Central Government advice in relation to listed building control contained within this document states in paragraph 3.3 that whilst the listing of a building should not be seen as a bar to all future change, the starting point for the exercise of listed building control is the statutory requirement on local planning authorities to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses" (Section 16 of the "Planning (Listed Buildings and Conservation Areas) Act 1990"). This reflects the great importance to society of protecting listed buildings from unnecessary demolition and from unsuitable and insensitive alteration and should be the prime consideration for authorities in determining an application for consent.

4.2.2 PPG15 recognises that generally the best way of securing the upkeep of historic buildings and areas is to keep them in active use (para 3.8), and that many listed buildings can sustain some degree of sensitive alteration or extension to accommodate new or continuing uses (para 3.13). Paragraph 3.15

states that achieving a proper balance between the special interest of a listed building and proposals for alterations and extensions is demanding and should always be based on specialist expertise, and often demands a flexible and imaginative approach by all the parties involved.

4.2.3 The importance of listed buildings is reflected in Policy E4 of the Approved North Yorkshire Structure Plan, which states that buildings and areas of special townscape, architectural or historic interest (e.g. listed buildings) will be afforded the strictest protection. Policy HE4 of the City of York Draft Local Plan relates specifically to listed buildings and states that consent for development in the immediate vicinity of listed buildings, demolition, internal and external alteration, and changes of use will only be granted where there is no adverse effect on the character, appearance or setting of the building.

4.2.4 POLICY E4 OF THE APPROVED NORTH YORKSHIRE STRUCTURE PLAN (the statutory development plan for the area) states that buildings and areas of special townscape, architectural or historic interest (e.g. conservation areas, listed buildings) will be afforded the strictest protection.

4.3 EFFECT ON SPECIAL HISTORIC AND ARCHITECTURAL INTEREST OF THE LISTED BUILDING:

4.3.1 PPG 15 para 3.4 requires applicants to justify their proposals. The reason behind the various changes is addressed as follows:-

4.3.2 REORDERING OF ACCOMMODATION: The ecclesiastical offices are currently located in the central block and are remote from the conferencing facilities. Relocating them into the north range would combine both sets of support services and improve access, security and control of these working public areas. Vacant rooms on the "mezzanine" floor of the north range would be brought back into use. Changes to the fabric would mostly be associated with an area of the north range which was enlarged in the 19th century. Work would involve localized floor strengthening and the creation of a new reception point. A previously subdivided area on the ground floor would be returned to one space again to form a new conference room.

4.3.3 Space would be released over the central block to enable the Archbishop to reoccupy the symbolic heart of the palace as living accommodation. The partitions being removed from this area are of little value having been erected in the 1970s. The state rooms and the chapel would remain as existing. It is therefore considered that the proposed re-ordering of accommodation is acceptable.

4.3.4 LINKING THE 2 MAIN RANGES: Forming a direct link between the two main ranges at upper level A direct link does not exist at present. The new link, associated with the creation of the lift shaft, will increase the use of the attic spaces and help to separate private and public circulation routes. Existing partition walls would be altered and a new opening would be formed in an external wall, otherwise there is little alteration to achieve this benefit.

- 4.3.5 FORMATION OF EXTENAL LIFTSHAFT: The majority of spaces within the Palace are inaccessible to people with poor mobility. The two ranges/wings of the Palace are at different levels and strategically the lift must be located where the two main wings meet. The historic buildings assessment shows that the proposed area contains 18th and 19th century fabric representing the infilling of an earlier yard. The remaining small service yard would be incorporated into the scheme to accommodate the lift and the reconfigured staircases. The external door and fan-light would be removed to achieve satisfactory head heights. Drainage would be diverted. The 20th century "flying" staircase would also be removed. The work would involve digging a lift pit in an archaeologically sensitive area (to be covered by conditions).
- 4.3.6 Policy HE4 of the draft local plan states that extensions should be subservient to the existing building and should not conflict with the form, profile or detail of the building. Unfortunately the lift tower is quite high as additional space is required for the lift "over-run", which is a required safety feature. Alternative roof forms, and alternative cladding options have been discussed with the Council to determine whether the effective bulk of the tower could be reduced. However the solution of the brick clad "box", with a simple parapet, appears to be the least intrusive form. The parapet height would be similar to existing ridge heights-between the lowest and the highest. The relatively small size of the lift tower and its proposed location within the angle of the two wings would reduce its impact outside the building. Furthermore the lift shaft could only be seen through a narrow gap when standing close to the building within the entrance courtyard. As a consequence it is considered that the lift shaft would not have a detrimental influence upon the listed building or the area in general and is therefore acceptable.
- 4.3.7 UPGRADING INSULATION AND FIRE MEASURES: English Heritage raised concerns regarding alterations to existing windows in the Palace. The agents responded by stating that about 40% of the windows at the first floor level are already fitted with secondary double glazing. The proposals are to upgrade and extend this secondary glazing throughout the Archbishop's private accommodation. This is at the direct request of the Archbishop himself so as to combat heat loss from the proposed apartment and to be seen to be taking reasonable steps towards good conservation of energy within the historic structure. The agents state that 'in principle that this is not an unreasonable request and in our opinion will not have an adverse affect on the visual appearance of the building. Indeed we intend to detail the secondary glazing elements to match the arrangement of the fenestration in each room'.
- 4.3.8 It is considered that as a number of windows already have secondary glazing, therefore the opportunity could be taken to improve internal detailing which would reduce their visual impact upon the visual appearance of the Palace. Measures also include replacement underdrawing of parts of the ceiling in the undercroft.
- 4.3.9 Improvements for fire protection are necessary to protect escape routes. In general existing doors will be upgraded rather than replaced. The door schedule has been supplied and can be read in conjunction with the specification. The

effect of double glazing within the principal elevation can be satisfied with the imposition if appropriate condition/s.

4.3.10 STRENGTHENING OF SOME FLOORS: Measures to strengthen the floors will mostly be hidden within the floor zones and walls, though the work itself will be intrusive as a consequence special attention will need be paid to protection of decorative ceilings. However generally the existing structural elements would be strengthened rather than replaced. Concerns about the removal of the floor zone infilling in order to reduce loadscan be satisfied by the imposition if appropriate condition/s.

4.3.11 BOILER RELOCATION: The existing oil fired boiler is located in the undercroft. It has been raised as high as possible a number of times over recent years to try to prevent damage from flooding. However it is still not above flood level and as a consequence it fails when the Palace is flooded. Drying out of the building is consequently prolonged as the boiler also needs to dry out before it can be refired. The relocation of the boiler into the ground floor former library space caused some concern. However, this space appears to have been subdivided in the 20th century to form a private reception area, and it contains toilets and an inserted modern staircase. Parts of the ceiling have been reformed to architecturally reinforce the new layout, and the area accommodating the staircase has necessarily had the floor removed. It is therefore considered that the integrity of the space has already been lost and whilst the staircase remains in this location it would be impossible to restore the room. It should also be noted that there is no other viable location for the boiler at this level.

4.3.12 In addition to the above alterations a number of localized items of repair and maintenance have been specified. These are based on the findings of the quinquennial inspection. With regards to comments raise by English Heritage with regard to the ceiling rose identified in drawing G2292-217, the agents state that there is not an existing rose in the conference room. At present a modern wall splits the space in 2 and there is an existing ceiling and cornice on one half and a suspended ceiling in the other half. There is no evidence of a ceiling rose. The details of the ceiling rose can be adequately conditioned.

5.0 CONCLUSION

5.1 It is considered that the proposals continue the legacy of alterations by successive occupiers of the palace - the historic buildings assessment report states that "the density of building campaigns is astonishing". The aforementioned proposals are considered justified and they would not appear to adversely affect the special historic and architectural interest of the building.

5.1.1 The listed building consent application is accompanied by many large scale detailed drawings and a schedule of work. The comprehensive package of information has been helpful as a consequence reduces the number of conditions required. However some conditions are required where further information or clarification is required after investigative works on site.

5.1.2 The proposed alterations and modifications to the Archbishop's Palace are considered acceptable. The proposal therefore satisfies policy E4 of the Approved North Yorkshire Structure Plan, policy HE4 of the City of York Draft Local Plan and National Planning Guidance PPG15.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

Reason: To ensure compliance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out only in accordance with the approved plans 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 The development hereby permitted shall not commence until details and/or samples of all external materials to be used in the external construction of the proposed buildings, including materials to be used for the lift shaft and for general repair work and also the new flue vents required for the chimney, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development has an acceptable external appearance and is in keeping with the visual amenity and character of the area.

- 4 Prior to the commencement of works hereby approved, details of the making good of the conference room ceiling indicated as CG18 of drawing number G2292-217, shall be submitted for written approval by the Local Planning Authority and the approved. The details shall then be implemented in their entirety to the satisfaction of the Local Planning Authority and in accordance with the written approved details. Such details to be included as any repair work to existing cornicing and ceiling rose/s and any other associated repair work

Reason: To retain the character of the Listed Building

- 5 Prior to the commencement of works hereby approved, the new partitions to be erected within the former Laundry room indicated as CG09 of drawing number G2292-226, shall be submitted for written approval by the Local Planning Authority and the approved. The details shall then be implemented

in their entirety to the satisfaction of the Local Planning Authority and in accordance with the written approved details. No construction work shall infringe upon the domed ceiling and should therefore stop short.

Reason: To retain the character of the Listed Building

- 6 All existing finishes within the Palace shall remain in-situ. Where it is not practicable to line and redecorate rooms without reducing the quality of the finish, details shall be submitted for written approval by the Local Planning Authority and the approved. The details shall then be implemented in their entirety to the satisfaction of the Local Planning Authority and in accordance with the written approved details.

Reason: To retain the character of the Listed Building

- 7 All works required to make good within the interior and also the exterior of the Palace shall be carried out to a high standard by a contractor approved in writing by the Local Planning Authority. Such remedial works shall use materials and incorporate details to match the existing surroundings, i.e. mortar mix and thickness to match existing brickwork.

Reason: To retain the character of the Listed Building

- 8 Where all new walls/partitions./screens are being introduced they should be formed/scribed around existing details.

Reason: To protect the internal fabric and features of the listed building.

- 9 All doors, windows and any other whole elements which are to be removed from the Palace must be carefully removed, labelled with their existing location and stored in a steady state environment which has an ambient temperature i.e. not damp. The details of these associated works shall be recorded in the form of a report that shall be submitted to the Local Planning Authority within 3 months of the completion of these associated construction works

Reason: To protect the internal fabric and features of the listed building.

- 10 Prior to the commencement of works hereby approved, details of the linings to all new openings associated with the lift shaft, shall be submitted for written approval by the Local Planning Authority and the approved details shall then be implemented in their entirety to the satisfaction of the Local Planning Authority.

Reason: To retain the character of the Listed Building

- 11 Prior to the commencement of works hereby approved, details of a guard rail to protect the new roof deck, shall be submitted for written approval by the Local Planning Authority and the approved details shall then be implemented in their entirety to the satisfaction of the Local Planning Authority.

Reason: To retain the character of the Listed Building

- 12 No openings for apertures should be formed within the principal elevation of the Palace. Details of new apertures required for the dryer in the utility room and any other proposed apertures should be submitted for written approval by the Local Planning Authority prior to the commencement of work on site and the approved details shall then be implemented in their entirety to the satisfaction of the Local Planning Authority.

Reason: To retain the character of the Listed Building

- 13 All new ferrous handrails should be caulked in lead.

Reason: To retain the character of the Listed Building

- 14 The existing external double doors, indicated as D12 on drawing nr. G2292-802 and G2292-201 shall be retained. If it is deemed not practicable to retain these doors then written justification shall be submitted to the Local Planning Authority. If the justification is considered acceptable and approved in writing by the Local Planning Authority the approved details shall then be implemented in their entirety to the satisfaction of the Local Planning Authority.

Reason: To protect the internal fabric and features of the listed building.

- 15 Prior to the commencement of works hereby approved, details concerning all proposed secondary glazing shall be submitted in writing to the Local Planning Authority for approval and the approved details shall then be implemented in their entirety to the satisfaction of the Local Planning Authority. If it is deemed that the secondary glazing would have an adverse impact upon the visual appearance of the listed building other methods of heat retention should be sought, i.e. draught excluders.

Reason: To retain the character of the Listed Building

- 16 Prior to the commencement of works hereby approved, details of methods used to protect the drawing room ceiling during the course of floor strengthening, shall be submitted for written approval by the Local Planning Authority and the approved details shall then be implemented in their entirety to the satisfaction of the Local Planning Authority.

Reason: To retain the character of the Listed Building

- 17 Prior to the commencement of works hereby approved, a method statement detailing the sequence of works required for strengthening the floor above the Palace's drawing room, shall be submitted for written approval by the Local Planning Authority and the approved details shall then be implemented in their entirety to the satisfaction of the Local Planning Authority.

Reason: To protect the internal fabric and features of the listed building.

- 18 Prior to the commencement of works hereby approved, details of the specific locations where the lime-ash floor fill is to be removed (to reduce floor loading) in the north wing, shall be submitted for written approval by the Local Planning Authority and the approved details shall then be implemented in their entirety to the satisfaction of the Local Planning Authority.

Reason: To protect the internal fabric and features of the listed building.

- 19 Prior to the commencement of works hereby approved, details of exact position of the new air-intake louvres, shall be submitted for written approval by the Local Planning Authority and the approved details shall then be implemented in their entirety to the satisfaction of the Local Planning Authority. Openings to the principal elevation of the Palace should be avoided.

Reason: To retain the character of the Listed Building

- 20 Prior to the commencement of works hereby approved, details of the method of strengthening the floor to support the new boiler and new plant, shall be submitted for written approval by the Local Planning Authority and the approved details shall then be implemented in their entirety to the satisfaction of the Local Planning Authority. These works shall be designed to be reversible.

Reason: To protect the internal fabric and features of the listed building.

- 21 Prior to the commencement of works hereby approved, details of the internal gully to be provided for the new plant, shall be submitted for written approval by the Local Planning Authority and the approved details shall then be implemented in their entirety to the satisfaction of the Local Planning Authority.

Reason: To protect the internal fabric and features of the listed building.

- 22 Wiring of new luminaries in the chapel shall be concealed

Reason: To protect the internal fabric and features of the listed building.

- 23 Prior to the commencement of works hereby approved, details of any injection works, shall be submitted for written approval by the Local Planning Authority and the approved details shall then be implemented in their entirety to the satisfaction of the Local Planning Authority.

Reason: To protect the internal fabric and features of the listed building.

- 24 Prior to the commencement of works hereby approved, large scale details of the new door and door surround to be formed within the stable yard wall, shall be submitted for written approval by the Local Planning Authority and the

approved details shall then be implemented in their entirety to the satisfaction of the Local Planning Authority.

Reason: To retain the character of the Listed Building

- 25 Fireplaces located within rooms where construction/alteration work is being undertaken shall, at all times during such works, be protected from accidental damage and also damage from fixings whether exposed or hidden.

Reason: To protect the internal fabric and features of the listed building.

7.0 INFORMATIVES:

Notes to Applicant

1. In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the Palace which is Grade I Listed. As such the proposal complies with policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and policies GP1, HE2, HE3 and HE4 of the City of York Local Plan Deposit Draft.

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

- 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".
- 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.
- 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.

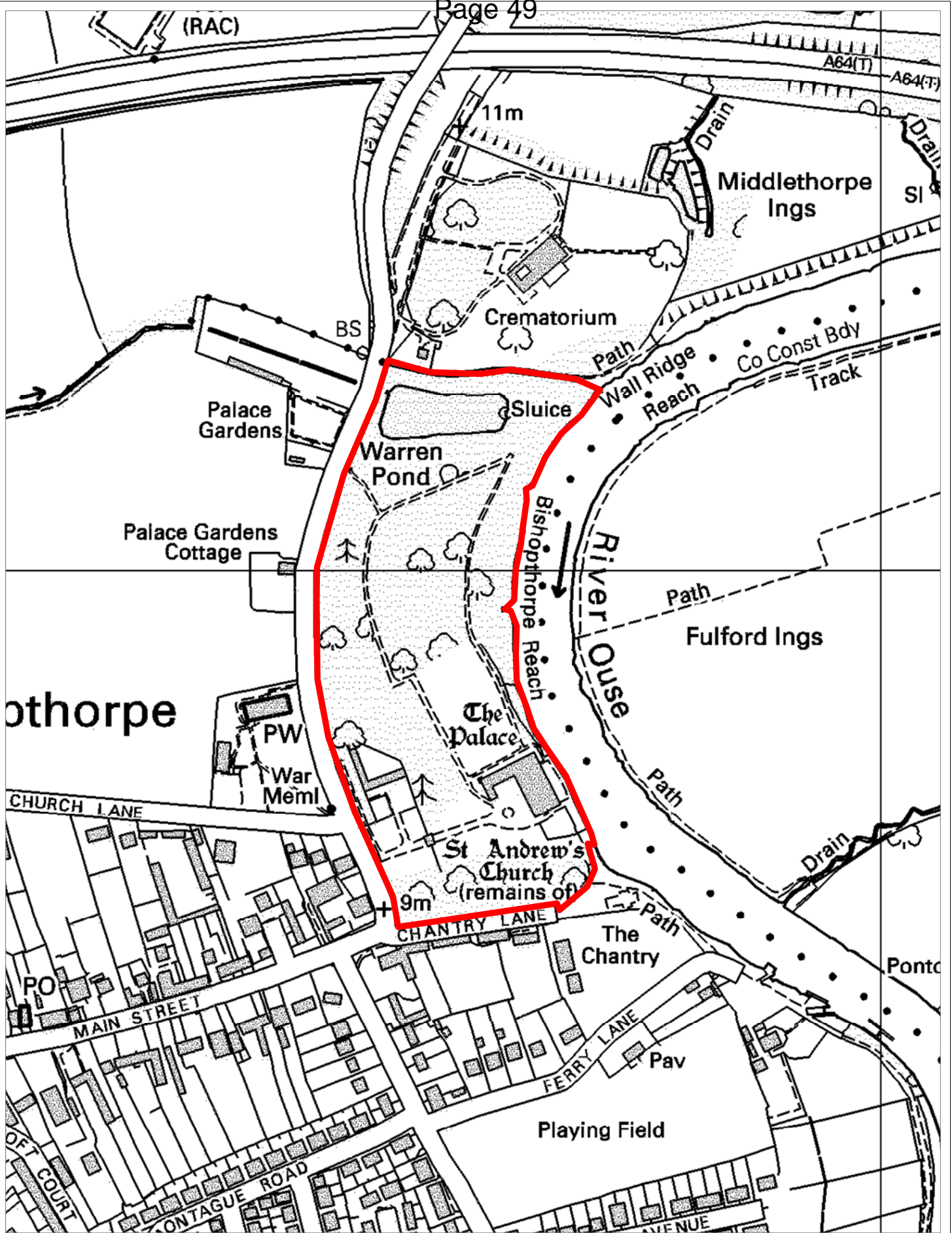
- All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.
- Any asbestos containing materials shall be removed by licensed contractors to a licensed disposal site.
- There shall be no bonfires on the site.

3. If any form of lighting is required to illuminate the external appearance of the Palace this will require Listed Building Consent and may also possibly require full planning permission depending upon the position, scale and design of the lighting arrangement. Should you decide that the Palace would benefit from external lighting for aesthetic or security purposes, I would advise you to contact the Council's

Conservation Officer, Janine Riley on 01904 551305, to discuss your proposals prior to submitting an application.

Contact details:

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



BISHOPTHORPE PALACE, BISHOPTHORPE ROAD - 06/01823/LBC

SCALE 1:4000
Originating Group

DRAWN BY PSL
Project

DATE 3/11/2006
Drawing No.

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

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COMMITTEE REPORT

Committee: West & City Centre **Ward:** Rural West York
Date: 16 November 2006 **Parish:** Copmanthorpe Parish
Council

Reference: 06/02263/FUL
Application at: 27 Station Road Copmanthorpe York YO23 3SY
For: Conservatory to side and erection of 0.5m high timber panel on
top of existing boundary wall (resubmission)
By: Mr S Stericker
Application Type: Full Application
Target Date: 12 December 2006

1.0 PROPOSAL

1.1 The application is for a conservatory to the side of a recently built bungalow (Approved as part of application 05/00765/FUL for 3 dwellings by Sub Committee 22/09/05).

1.2 A previous application for a conservatory on this site (06/01210/FUL) came before West and Centre Planning Sub Committee and was refused 17/08/06. This application differs from the previous in that the roof would be obscure glazing, and the erection of a timber panel on top of the existing wall.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYGP1
Design

CYH7
Residential extensions

3.0 CONSULTATIONS

3.1 PUBLICITY DATES/PERIODS

Neighbour Notification - Expires 15/11/2006

Site Notice - N/A

Press Advert - N/A

Internal/External Consultations - Expires 15/11/2006

8 WEEK TARGET DATE 12/12/2006

3.2 INTERNAL CONSULTATIONS

LANDSCAPE ARCHITECT - The development does not involve the immediate removal of any of the three trees on the site that are subject to a TPO (ref: CYC 207). The proposal does not lend itself to the retention or replacement of trees and shrubs, which provide amenity to the approved development and screening between properties on Station Road and St Giles Way. Concerned about the pressure to reduce or remove the protected trees in the future as they grow to shade the conservatory and shed seasonal fall. It is an unsuitable development due to inappropriate location of the building and the treat to trees. The loss of trees would be detrimental to character and amenity of locality.

3.3 EXTERNAL CONSULTATIONS/REPRESENTATIONS

COPMANTHORPE PARISH COUNCIL - No response to date

NEIGHBOUR CONSULTATIONS - No response to date, any received will be reported verbally to committee

4.0 APPRAISAL

4.1 RELEVANT SITE HISTORY

06/01210/FUL - Conservatory to side - Refused

The proposed conservatory by virtue of its design and proximity to the boundary of the property is considered to cause visual intrusion and loss of privacy to the occupiers of adjacent properties

05/00765/FUL - Erection of three detached houses (revised scheme) - Approved (Committee 22/09/05)

05/00272/FUL - Erection of three detached houses and one bungalow - Withdrawn

4.2 ADDITIONAL PLANNING POLICY

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

Copmanthorpe Village Design Statement, 2003

4.3 KEY ISSUES

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

4.4 ASSESSMENT

PLANNING POLICY

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

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

VISUAL IMPACT ON THE DWELLING AND THE AREA

The proposed conservatory would be attached to the side elevation of 27 Station Road. The proposed conservatory would be 4.5 metres in length and 3.5 metres in width, and the height would be 3.1 metres to the ridge. At its narrowest point the proposed conservatory would be 1 metre from the boundary. The eaves of the proposed conservatory are lower than the eaves of the dwelling. The boundary wall, and the trees to the front of the dwelling provide screening and would lessen their impact on the visual amenity of the area and the dwelling.

The proposed conservatory would not affect the trees with TPOs at present, however there is a concern that in the future the occupants of the dwelling may request works to the trees because of their impact of seasonal fall etc on the proposed conservatory. An informative could be placed on a planning permission alerting the existing/future occupants of 27 Station Road saying that any future application for works to the trees with TPOs would not be viewed favourably by the CYC. There is also concern about the works access to the site and its impact on the TPO trees this could be solved by a condition for hand digging of the foundations and a method statement of the proposed works would be required.

IMPACT ON NEIGHBOURING PROPERTY

It is not considered that the proposed conservatory would cause any loss of privacy to the occupants of 20 and 22 St Giles Way; the conservatory would be screened by the tall boundary wall and would be barely visible from 20 and 22 St Giles Way. In addition a proposed timber panel would be fixed to the top of the wall giving an additional 0.5 metres in height. The applicants also propose to plant a pyracantha

hedge to provide screening for themselves and the occupants of 22 St Giles Way. The proposal leaves room for only a tight hedge to provide screening and separation between the development and 22 St Giles Way, the screening effects of which should not be relied upon to determine the decision because the authority would realistically have no control of this element in the long term. The timber panel would prevent overlooking and loss of privacy from 22 St Giles Way together with the proposed roof of the conservatory being obscure glazing. There is a difference in the ground levels between 27 Station Road and the dwellings on St Giles Way. 27 Station Road is set down from the neighbouring dwellings on St Giles Road, the proposed conservatory would also be set down lessening any impact on the neighbouring dwellings. It is not considered to cause any loss of light by virtue of its height and distance to neighbouring dwellings and is in keeping with the Copmanthorpe Village Design Statement (2003), specifically design guidelines 1, 2 and 4 relating to extensions.

5.0 CONCLUSION

5.1 The proposed conservatory to the side and erection of 0.5m high timber panel on top of the existing boundary wall would comply with planning policy, and the visual and residential amenity requirements of the area. Approval is recommended.

6.0 RECOMMENDATION: Approve

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

Drawing Number 1B, received 17 October 2006;

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

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

- 2 TIME2 Development start within three years
- 3 VISQ1 Matching materials
- 4 The trees in the front garden which is subject to a tree preservation order (TPO) shall be protected during the development of the site by the following measures: -
Prior to commencement on site, of demolition, clearance, site preparation, building or other development operations, including the importing of materials and any excavations, protective fencing to BS5837 Part 8 shall be erected around the trees. Before commencement on site the protective fencing line shall be shown on a plan and agreed with the local authority and subsequently adhered to at all times during development to create exclusion zones.

None of the following activities shall take place within the exclusion zone: excavation, raising of levels, storage of any materials or top soil, burning, parking or manoeuvring of vehicles, mechanical cultivation. There shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

Reason: To ensure protection of existing trees before, during and after development which are covered by a Tree Preservation Order and/or make a significant contribution to the amenity of the area.

- 5 Prior to the commencement of the development hereby permitted a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement shall provide details of precautions to be taken to protect the safety of the trees, the access to the site and the route to be taken by vehicles and people transporting the construction materials. Construction activity shall be completed in accordance with the approved Statement.

Reason: to protect the amenity and safety of the trees close to the site.

- 6 During all construction works on site, including the provision of services, and the excavation of trenches for foundations hand excavation shall be undertaken. All roots, exceeding 5cm in diameter, shall be left bridging trenches and any pipes and cables shall be inserted under the roots.

Reason: In order to protect trees on the site from damage caused by mechanical diggers close to their roots.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

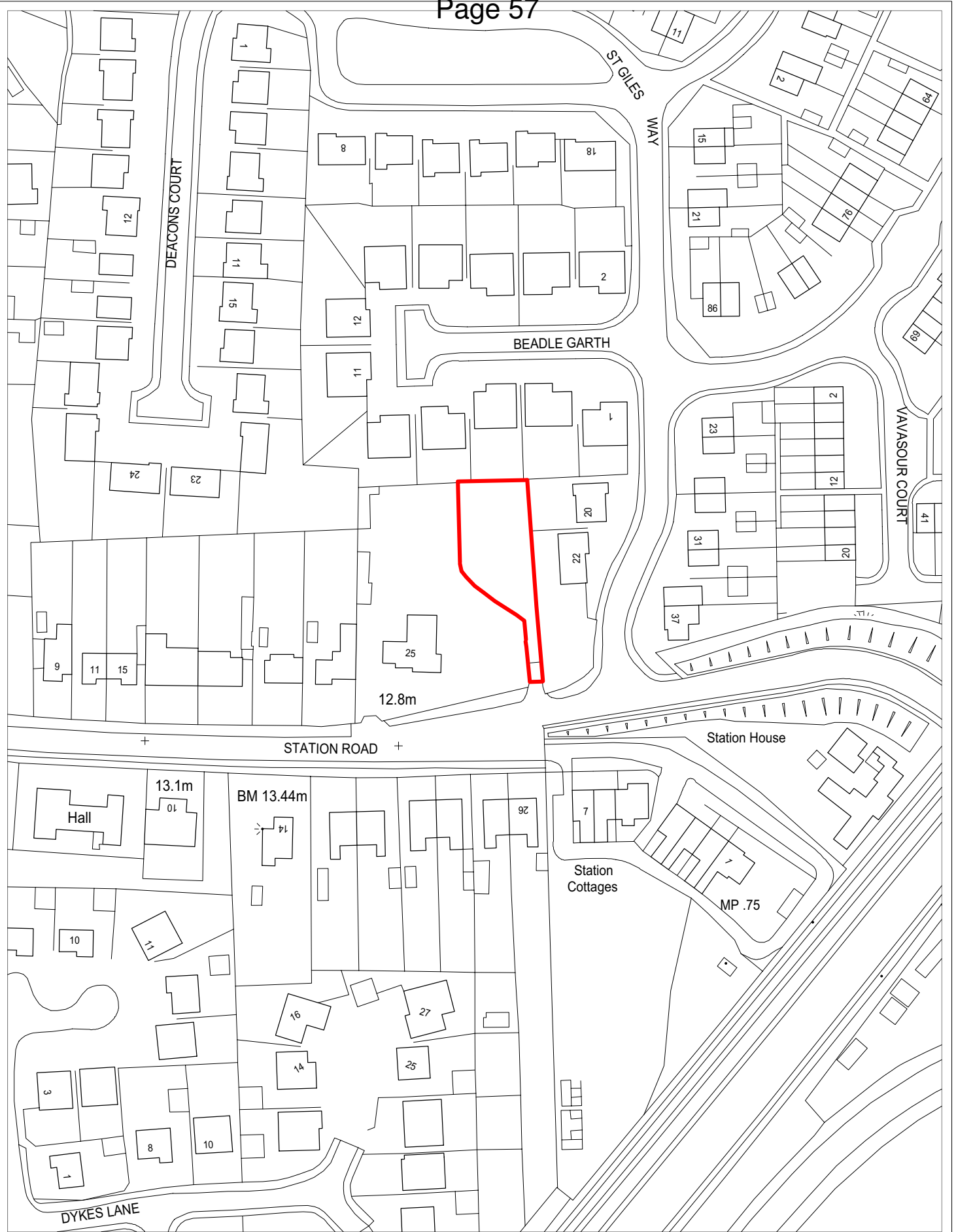
In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference the residential amenity of the neighbours, the visual amenity of the dwelling and the locality. As such, the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

2. Any future applications for works to the trees subject to a TPO (ref:CYC 207) due to their impact on the proposed conservatory is unlikely to be looked upon favourably.

Contact details:

Author: Victoria Bell Development Control Officer

Tel No: 01904 551347



27 STATION ROAD, COPMANTHORPE - 06/02263/FUL

SCALE 1:1250
 Originating Group

DRAWN BY PSL
 Project

DATE 3/11/2006
 Drawing No.

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