



Notice of meeting of

West & City Centre Area Planning Sub-Committee

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

Date: Thursday, 17 August 2006

Time: 3.00 pm

Venue: The Guildhall, York

AGENDA

1. Declarations of Interest

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

2. Minutes (Pages 3 - 14)

To approve and sign the minutes of the meeting of the West & City Area Planning Sub-Committee held on 20 July 2006 and 1 August 2006.

3. Public Participation

At this point in the meeting members of the public who have registered their wish to speak regarding specific planning applications, other agenda items or matters within the remit of the Sub-Committee can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is Wednesday 16 August at 5.00pm.

4. Plans List

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

- a) **46 Kyme Street, York, YO1 6HG (06/01262/FUL)** (Pages 15 - 20)
- b) **Acomb Primary School, West Bank, York (06/01132/FUL)** (Pages 21 - 26)
- c) **Site to rear of 30-41 Millfield Gardens, Nether Poppleton, York (06/01150/FUL)** (Pages 27 - 32)
- d) **27 Station Road, Copmanthorpe, York, YO23 3SY (06/01210/FUL)** (Pages 33 - 40)
- e) **2 Millers Yard, Gillygate, York, YO31 7EB (06/01226/FUL)** (Pages 41 - 50)
- f) **Warehouse 83A Front Street, York, YO24 3BR (06/01261/FULM)** (Pages 51 - 62)
- g) **St Mary's C of E Primary School, School Lane, Askham Richard, York, YO23 3PD (06/01406/GRG3)** (Pages 63 - 68)
- h) **Ali G Pizza, 11 Tower Street, York, YO1 9SA (06/01471/FUL)** (Pages 69 - 76)
- i) **Council Depot, Hazel Court, York, YO10 3DS (06/01484/GRG3)** (Pages 77 - 84)
- j) **4 Littlefield Close, Nether Poppleton, York, YO26 6HX (06/01529/FUL)** (Pages 85 - 90)
- k) **Lendal Hill House, Museum Street, York, YO1 7DT (06/01323/LBC)** (Pages 91 - 96)

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

Democracy Officer

Name: Rebecca Jarvis

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

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

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WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE**Thursday 17 August 2006****Index to items**

SITE	ITEM	VISIT
46 Kyme Street, York	4A	V
Acomb Primary School, West Bank, York	4B	V
Site To Rear Of 30 To 41 Millfield Gardens, Nether Poppleton	4C	V
27 Station Road, Copmanthorpe	4D	V
2 Millers Yard, Gillygate, York	4E	
83A Front Street, York	4F	V
St Marys C Of E Primary School, School Lane, Askham Richard	4G	V
Ali G Pizza, 11 Tower Street, York	4H	
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4 Littlefield Close, Nether Poppleton	4J	
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**WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE
SITE VISITS**

Wednesday 16 August 2006

Coach departs Memorial Gardens at 11:00hrs

TIME	SITE	ITEM
(Approx)		
11.15	Site To Rear Of 30 To 41 Millfield Gardens, Nether Poppleton	4C
11.45	St Mary's C Of E Primary School, School Lane, Askham Richard	4G
12.05	27 Station Road, Copmanthorpe	4D
12.45	Acomb Primary School, West Bank, York	4B
13.15	83A Front Street, York	4F
13.45	46 Kyme Street, York	4A

A. City of York Council

Minutes

MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	20 JULY 2006
PRESENT	COUNCILLORS BARTLETT (VICE-CHAIR), HORTON, LIVESLEY (CHAIR), MACDONALD, REID, SIMPSON-LAING, SUNDERLAND AND B WATSON
APOLOGIES	SUE GALLOWAY

6. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Reason for Visit	Members Attended
9 Slingsby Grove	In order for Members to familiarise themselves with the site given the objections received from local residents.	Cllrs Livesley, Macdonald, Reid, Horton, Bartlett, Sunderland and B Watson
146 Foxwood Lane	In order for Members to familiarise themselves with the site given the objections received from local residents.	Cllrs Livesley, Macdonald, Reid, Horton, Bartlett, Sunderland and B Watson
2 Church Street, Copmanthorpe	In order for Members to familiarise themselves with the site and at the request of Councillor Hopton.	Cllrs Livesley, Macdonald, Reid, Horton, Bartlett, Sunderland and B Watson
6 Church Street, Copmanthorpe	In order for Members to familiarise themselves with the site and at the request of Councillor Hopton.	Cllrs Livesley, Macdonald, Reid, Horton, Bartlett, Sunderland and B Watson
Croft Farm, Main Street, Hessay	In order for Members to familiarise themselves with the site and at the request of Councillor Hopton.	Cllrs Livesley, Macdonald, Reid, Horton, Bartlett, Sunderland and B Watson

3 Blake Street	In order for Members to familiarise themselves with the site given the objections received from local residents.	Cllrs Livesley, Macdonald, Reid, Horton, Bartlett, Sunderland and B Watson

7. DECLARATIONS OF INTEREST

Cllr Livesley declared a personal and prejudicial interest in plans item 4b – 32a Copmanthorpe Lane, Bishopthorpe (06/00565/FUL) as he was a personal friend of both objectors.

8. MINUTES

That the minutes of the Planning and Transport West and City Centre Sub Committee meeting on 22 June be approved and signed by the Chair as a correct record with the following amendments,

That minute 1 – Inspection of Sites be amended as Cllr Horton did not attend site visits at 14-18 Agar Street and Car Park adjacent Woolpack, The Stonebow and that the words, “by virtue of the proposed number of tables and Chairs on New Street” be removed from the first sentence of the reason on Plans Item 5J Café Nero, 16 Davygate (06/01099/FUL).

9. PUBLIC PARTICIPATION

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

10. 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.

a. 9 Slingsby Grove (06/00623/FUL)

Members considered a full application, submitted by Mr N Travis, for the erection of a detached dwelling. Officers updated the committee with reference to a tabled document from Cllr Holvey outlining his concerns which included, disruption for residents, creation of a building precedent, access and parking and a negative impact on the character of the area.

The applicant addressed the committee in support of the item.

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

REASON: the proposal complies with Policy GP1, GP10, H4A and L1c of the City of York Local Development Control Draft Local Plan.

b. 32a Copmanthorpe Lane, Bishopthorpe (06/00565/FUL)

Members considered a full application, submitted by Mr and Mrs Burlison, for the erection of a first floor pitched roof extension to create a two story dwelling house, single storey side extension and a front porch. This application had been deferred from the meeting on 22 June 2006 following the submission of revised plans showing different external materials.

Officers updated the committee that the neighbours had all now been consulted on the new plans and the revised drawings were tabled. In addition, photographic images produced by objectors were also tabled for members to consider. Officers reported that 4 additional letters of objection had been received which raised issues of overlooking and overbearing, loss of privacy and light, gable ends not in keeping, height and scale and the harm caused to the street scene. Bishopthorpe Parish Council had supplied further comments that the designs had changed little and that overbearing, overlooking, overshadowing and loss of light were still a concern.

The applicant addressed the committee and described her personal connection to the building as it had been designed by her grandfather and the extent to which they had attempted to redesign aspects to take account of objectors concerns. The applicants agent added that as the original white brick is no longer available a satisfactory compromise was now being suggested and that it was felt that the overall scheme was in keeping with the character of the area.

Mr Mellors, representing objectors and Bishopthorpe Parish Council addressed the committee and expressed concern about the process of the report getting to committee and the tabling revised drawings curtailing the extent to which the Parish Council had chance to comment on them. In addition, he expressed the view that there would be negative impact and overshadowing and over domination of other properties.

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

REASON: 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".

c. 3 Blake Street (05/02569/FUL)

Members considered a full application, submitted by The Helmsley Group, for the conversion and external alterations of two storey storage building

and construction of new third storey to form two dwellings to the rear of 3-5 Blake Street.

Officers reported that they had been asked to table photographs from the resident at 6 Stonegate Court and those photographs were tabled. Officers also drew Members attention to a model of the scheme that was presented by the applicant for their information. Officers updated the committee that objections had included reference to loss of light and reduction in daylight although the analysis had been received which demonstrated that the development would not create significant change to existing light levels.

Ms Venour, the owner of 7 Stonegate Court, addressed the committee (in relation to this application and 05/02271/LBC) on behalf of herself and the owners of 6 Stonegate Court and tabled photographs to demonstrate the intrusion that the development would make and raised concerns about the loss of light, impact on the courtyard and the loss of the sky line. She also raised concerns that an estate agent was already marketing the development for sale.

Mt Atkinson, the agent for the applicant addressed the committee (in relation to this application and 05/02271/LBC) and described the choice of materials and the sustainable nature of the development in the historic core of the city. The agent explained that the development would have an impact on existing residents views but would not cause a reduction in light to existing properties.

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

REASON: As the proposal complies with policies E4 and H9 of the North Yorkshire County Structure Plan (alteration No. 3 Adopted 1995) and policies HE2, H4a, H12, E3b, GP3 and L1c of the City of York Local Plan Deposit Draft, and national policy guidance as contained in Planning Policy Guidance Notes No. 3 “Housing”, No. 13 “Transport” and No. 15 “Planning and the Historic Environment.”

d. 3 Blake Street (05/02271/LBC)

Members considered an application for a listed building consent, submitted by The Helmsley Group, for the internal and external alterations to demolish existing single storey structures and alteration of existing shopfront at No.5 Blake Street. (05/02271/LBC)

RESOLVED: That the application for Listed Building Consent be approved.

REASON: As the planning application 05/02569/FUL complies with planning policy.

e. Croft Farm, Main Street, Hessay (06/00810/FUL)

Members considered a full application, submitted by Mrs J Sanderson, for the conversion of a barn to a dwelling and the erection of a garage and carport.

The agent for the applicant clarified that a bat survey had been completed at this site which had concluded that although bats are around they are not roosting in this property.

RESOLVED: That the application be approved.

REASON: As it is considered to conserve and enhance the character and appearance of an agricultural building and meets PPG2 guidance and policies GP1, GB2 and NE7 of the City of York Development Control Draft Local Plan.

f. 2 Church Street, Copmanthorpe (06/00981/FUL)

Members considered a full application submitted by H Richardson for the erection of 1 detached two storey dwelling to the front of 2-5 Church Street.

Mrs Richardson, the applicant addressed the committee in support of the application and explained some of the historical use and arrangements of the site and her plans for restoration and development of it.

RESOLVED: That the application be refused.

REASON: By virtue of the conflict with policies HE2, GP10 and GP1 of the City of York Development Control Draft Local Plan, North Yorkshire County Structure Plan Policy E4 and the Copmanthorpe Village Design Statement.

g. 6 Church Street, Copmanthorpe (06/01050/OUT)

Members considered an outline application submitted by Mr and Mrs David Smith for a single detached dwelling.

RESOLVED: That the application be refused.

REASON: As the application is considered to be unacceptable and contrary to GP1, GP10 and HE2 of the City Of York Development Control Draft Local Plan, Policy E4 of the North Yorkshire County Structure Plan and the Copmanthorpe Village Design Statement.

h. 146 Foxwood Lane (06/00944/FUL)

Members considered a full application, submitted by Mick Callum for a single storey flat-roofed extension to rear.

Officers updated the committee that there had been 6 further objections received which expressed concerns about aggravating existing parking problems, overdevelopment, loss of privacy and amenity and missing drainage details. In addition, there was a letter received from a previous owner stating that the garage was for the sole use of the house.

Mr Scott, a neighbour addressed the committee in objection to the application and stated that he had spoken to the previous owner of the application site who had confirmed that the permission for the garage had been granted as long as it continued to be a garage. He raised further concerns about omission on the drawings such as no elevation shown, boundary line is incorrect and the street lighting is not located in the correct place. He stated that there will be loss of privacy to 144 and a general fear of overlooking and loss of amenity and acerbating parking problems.

RESOLVED: That the application be approved in line with the conditions and recommendations in the report with the addition that the application must provide secure cycle storage.

REASON: As the application complies with planning policy and would not cause harm to residential amenity.

Cllr David Livesley

Chair of West and City Planning Sub Committee
The meeting started at 3.00 pm and finished at 6.00 pm.

MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	1 AUGUST 2006
PRESENT	COUNCILLORS HORTON, LIVESLEY (CHAIR), MACDONALD, REID, SUNDERLAND, B WATSON AND HALL (SUBSTITUTE FOR BARTLETT)
APOLOGIES	COUNCILLORS BARTLETT, SUE GALLOWAY AND SIMPSON-LAING

11. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Reason for Visit	Members Attending
89 The Mount, York	In order for members to familiarise themselves with the site.	Cllrs Livesley, Macdonald, Hall, Horton and B Watson
41 Station Road, Upper Poppleton	In order for members to familiarise themselves with the site.	Cllrs Livesley, Macdonald, Hall, Horton, Reid and B Watson

12. DECLARATIONS OF INTEREST

At this point in the meeting Members were asked to declare any personal or prejudicial interests which they had in the business on this agenda.

Cllr Reid declared a prejudicial interest in plans items 3a and 3b (89 The Mount) as she was a member of the licensing sub-committee that determined a licensing application for a provisional statement for this site.

13. PUBLIC PARTICIPATION

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

14. 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.

**14a. Shepherd Homes Ltd, 89 The Mount, York, YO24 1BL
(06/01341/FULM)**

Members considered a full application for use as a hotel including single storey and two storey pitched roof extensions (with rooms in the roof) and erection of new two storey (with rooms in the roof) pitched roof bedroom block, submitted by Stephen Rodwell.

Officers updated the committee that they had received an additional concern from a resident regarding noise and disturbance from deliveries, but that there were already proposed conditions to restrict delivery times.

Officers also informed the committee that Condition 17 needed to be replaced with a condition requiring the submission of a detailed methods of works statement.

Mr Gill addressed the committee in support of the application but requested safeguards on noise and privacy, in particular that deliveries did not start until 8.00am instead of 7.30am, and that lighting be kept at a low level to reduce glare.

Mr Phillips, the agent for the applicant, addressed the committee in support of the item and confirmed that they could manage deliveries being received after 8am and agreed that lighting could be kept at a low level so as not to shine into neighbours' or residents' windows.

The meeting was adjourned for 5 minutes to investigate what licensing conditions had been imposed on the site in relation to outside events and entertainment. Officers then updated the committee on the conditions that had been imposed by the licensing sub-committee on the premises.

Cllr Macdonald subsequently moved and Cllr Horton seconded a motion to remove condition 25 and on being put to the vote the motion was declared lost.

RESOLVED: That the application be approved in accordance with the conditions and informatives outlined in the report with the exception of the following:

- (i) Condition 17 be replaced with the following:
"Prior to the commencement of any works on site, a detailed method of works statement shall be submitted to and agreed in writing by the local planning authority. This statement shall include the precautions to be taken to ensure the safety of the general public, the method of securing the site, access to the site and the route to be taken by vehicles transporting the demolition and construction material, and the hours during which demolition, construction and deliveries to and from the site will be permitted".

- (ii) Condition 19 be amended to replace “within six months of” with “three months prior to”.
- (iii) Condition 23 be amended to replace 0730 with 0800 hours.
- (iv) Condition 25 be amended to delete “unless first agreed in writing with the local planning authority”.
- (v) Condition 26 be amended to include the additional sentence “Any lighting at the rear of the building shall consist of low level down lighters only so as not to cause glare or nuisance to the occupiers of adjacent residential properties”.
- (vi) The first paragraph of the Demolition and Construction Informative be amended to read “The developers attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974, as follows:”

REASON: As the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to principle of hotel use; design issues, impact on character and appearance of the conservation area; impact on mature trees; traffic, parking and access issues; impact on residential amenity; sustainability; other issues, e.g. disabled access, archaeology, drainage, crime prevention.

14b. Shepherd Homes Ltd, 89 The Mount, York, YO24 1BL (06/01345/LBC)

Members considered an application for internal and external alterations including the erection of a part one part two storey pitched roof extension; demolition of northeast wing (no.89A) and part of the coach House and erection of two storey pitched roof building in the grounds; all in connection with use as a hotel, submitted by Stephen Rodwell.

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

REASON: As the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the effect on the special architectural and historic importance of the listed building.

14c. 41 Station Road, Upper Poppleton, York, YO26 6PX (06/00662/FUL)

Members considered an application for the erection of a single dwelling with garage and stable block, submitted by Mr and Mrs Deighton.

Officers updated the committee that under paragraph 3.4, comments were received from residents of 39 Station Road and not 41 Station Road. Officers circulated a plan showing the Green Belt boundary in the Development Control's current plan and the settlement limit in the Poppleton Village Design Statement.

Members raised concerns about whether the site was still within the Green Belt and agreed to defer the application to allow officers to further investigate the Green Belt boundary at the site.

RESOLVED: That the application be deferred.

REASON: To investigate the Green Belt status of the site.

14d. The Raylor Centre, James Street, York, YO10 3DW (06/01171/FULM)

Members considered an application for the erection of 6 no. industrial/warehouse units (Use class B1, B2, B8) (Amendment to the footprint and design from previously approved permission 05/02414/FULM), submitted by H B Raylor and Co Ltd.

Officers updated the committee that the following additional condition had been imposed on the previous permission but had been omitted by mistake in this application:

"No part of the development hereby permitted shall be occupied until the following highway works-

"The provision of a real time bus information display to the nearest outbound bus stop on Lawrence Street at its junction with James Street."

have been carried out in accordance with a specification to be agreed in writing with the Local Planning Authority, or alternative arrangements have been made to ensure the same.

Reason: In order to encourage employees to travel to the site by public transport in accordance with the advice contained in Planning Policy Guidance Note 13: "Transport", and with Policy T20 of the City of York Draft Local Plan.

INFORMATIVE;

The alternative arrangements referred to in the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution to be paid towards the implementation of the highway works. The obligation should provide for a financial contribution calculated at £7 000."

Mr Batterby, the agent for the applicant, addressed the committee in support of the item and answered Members' questions.

Members requested the following height (HT1) condition be included on the planning permission:

“Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 7 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

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

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

REASON: As the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to policy issues, and the absence of any significant change in circumstances since the original granting of planning permission.

COUNCILLOR D LIVESLEY

Chair

The meeting started at 12.05 pm and finished at 1.55 pm.

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COMMITTEE REPORT

Committee: West and City Centre **Ward:** Micklegate
Date: 17 August 2006 **Parish:** Micklegate Planning Panel

Reference: 06/01262/FUL
Application at: 46 Kyme Street York YO1 6HG
For: Two storey pitched roof rear extension (Retrospective)
By: Mr And Mrs I Nixon
Application Type: Full Application
Target Date: 17 August 2006

1.0 PROPOSAL

1.1 The application seeks planning permission, retrospectively, for a two storey rear extension. The rear outshoot projects some 4.4 metres (m) from the rear of the dwelling and is 2.1m in width. The eaves height is level with the host dwelling. The roof is lean-to, rising toward the side boundary with No.48, to some 900mm above eaves level. The extension is constructed in brick, slightly lighter than that of the dwelling. There are two windows on the side elevation, facing the outshoot at No.44. The windows are a reasonable match to those on the host dwelling.

1.2 The application relates to a terraced house, located in a row of similar house types. The three dwellings to the north west each have extensions of a similar size and design to that applied for in this case. The host previously had a single storey extension. This was demolished and replaced by the two storey addition the subject of the application.

1.4 The application site is within the Central Historic Core Conservation Area, located some 50 to 60m from the city walls.

1.5 The application is brought before members at the request of Councillor Fraser.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

City Boundary York City Boundary 0001

2.2 Policies:

CYHE2
 Development in historic locations

CYGP1
 Design

CYH7
 Residential extensions

CYHE3
 Conservation Areas

CYHE10
Archaeology

3.0 CONSULTATIONS

3.1 Internal

Urban Design and Conservation

- Conservation architect - No comment
- Archaeological - No objection

Highway Network Management

- No objections

3.2 External

Application publicised by site notice (expiry 26.7), press (27.7) and neighbour notification (18.7). 3 letters in objection have been received.

The following reasons have been put forward in objection to the proposal:

- Built without permission
- Loss of light to nearby dwellings
- Unsightly, out of keeping with conservation area - also consider views from city walls
- Overlarge extension which takes up large proportion of rear garden
- Overlooking / loss of privacy
- Approval would set precedent for similar extensions
- Loss of value to other dwellings

4.0 APPRAISAL

4.1 Key issues

- Design
- Amenity
- Character and appearance of the conservation area
- Other matters

4.2 Relevant policy

In order for the extension to be acceptable, it is required to comply with the relevant policies listed in 2.2. GP1 and H7 regard design, appearance and impact. The design and materials should be sympathetic to the main dwelling and the locality of the development. The scale should be appropriate, with no undue adverse impact on residential amenity. Furthermore, the extension should not result in an unacceptable loss of private amenity space within the curtilage of the dwelling. Policy HE2 and HE3 are relevant as the site is within the Central Historic Core Conservation Area. They seek to preserve the character and appearance of the conservation area.

4.3 Design

The design of the extension is considered to be acceptable in its locality, where three similar extensions are in close proximity. Although the bricks are clearly newer in comparison to the host, these shall weather over time and would blend in to an acceptable level. The window details are in keeping with those on the dwelling and are acceptable. The roof appears

subordinate and the materials reasonably match. Overall the extension fits in with the appearance of the street and the conservation area and thus the design is considered to be acceptable.

4.4 Residential amenity

With regards to amenity, it is accepted there is impact. What is to be determined is whether there would be demonstrable harm upon such interests that warrants the refusal of the application.

By virtue of the location of the extension and orientation of the sun, from east to west, from looking at a location plan one can determine that the only units that would suffer from a material change in levels of overshadowing, or loss of light would be those on Kyme Street, Nos.44, 46 (the host) and 48.

The extensions at 44 and 46 have developed a restricted space between the two, thus levels of light gained into the ground floor rooms is reduced and increased overshadowing will occur. It is considered there would still be adequate levels of light available to the rear of these dwellings. On balance, the increased overshadowing does not warrant refusing the application. The impact on No.48 is not so great as it is open to the south east. As such this dwelling would only be overshadowed late in the evening. Again the detrimental impact is considered not to be excessive.

It is common in terraced areas such as the host site to extend into the rear yard, thus creating additional internal space / facilities, yet reducing the amount of outside space. There was previously a single storey rear outshoot to the dwelling on a similar footprint to the two storey extension. As such, no reduction in rear amenity space has occurred.

There is no unacceptable overlooking caused by the extension. As built the row of narrow terraces allow overlooking from first floor level into the rear areas of attached dwellings. The first floor window on the side elevation of the extension is orientated so it does not look into the opposite window at No.44. That window is obscure glazed; it serves a bathroom. It can be conditioned that no new openings are added to prevent overlooking into No.48 or toward dwellings on Newton Terrace.

4.5 Character and appearance of the conservation area

The extension would only be viewed from the back alley of Kyme Street, and the rears of dwellings on Newton Terrace. From the city walls, it may be possible to see the extension briefly from a single point when looking down the alley. This would only be when there were no leaves on the mature trees between which screen the site otherwise. The separation between the walls and host site at this point is around 60m. Overall, the view available from the city wall would be insignificant and does not raise concern.

There is considered to be a neutral impact on the character and appearance of the conservation area.

4.6 Other matters

Although the extension has been erected without planning permission, the scheme should be considered on its own merits, looking at the impact it has.

Property value is not a material planning consideration.

5.0 CONCLUSION

5.1 Although it is considered there has been some impact on adjacent residential amenity, the level is not so harmful as to warrant the refusal of this application. The extension is not considered to harm the character and appearance of the conservation area. Approval is therefore recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 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 south east or south west elevation of the extension.

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

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 amenity, design and the character and appearance of the Central Historic Core Conservation Area. As such, on balance the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GP1, H7, HE2, HE3 and HE10 of the City of York Local Plan Deposit Draft.

Contact details:

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



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

Site Plan : 46 Kyme Street York

SCALE 1:1250

DRAWN BY JB

DATE 7/8/2006

Originating Group

Project

Drawing No.

Organisation

SP 5



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COMMITTEE REPORT

Committee: West and City Centre
Date: 17 August 2006

Ward: Holgate
Parish: No Parish

Reference: 06/01132/FUL
Application at: Acomb Primary School West Bank York YO24 4ES
For: Erection of fencing and gates to the Nursery Drive and West Bank entrances and adjacent to garages on Carrick Gardens.
By: City Of York Council
Application Type: Full Application
Target Date: 17 July 2006

1.0 PROPOSAL

1.1 The application is for the erection of wire mesh fencing and gates to the Nursery Drive and West Bank entrances and adjacent to the garages on Carrick Gardens.

1.2 There will be a fence only adjacent to the garages on Carrick Gardens of 2.4 metres in height. At present there is a 2 metre wire mesh fence on this site. There will be fencing and gates to the Nursery Drive and West Bank entrances, which will be 2.4 metres in height. At the Nursery Drive entrance there is an approx. 1 metre high steel fence and gates. The existing gates and fencing at the West Bank entrance are set back from the roundabout, this application is for the gates and fencing to be across the road before vehicles get to the roundabout.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

Schools Acomb Primary 0182

2.2 Policies:

CYGP1
Design

CYGP3
Planning against crime

3.0 CONSULTATIONS

3.1 PUBLICITY DATES/PERIODS

Neighbour Notification - Expires 17/08/2006
Site Notice - N/A
Press Advert - N/A
Internal/External Consultations - Expires 17/08/2006

8 WEEK TARGET DATE 17/07/2006

3.2 INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT - No objections

3.3 EXTERNAL CONSULTATIONS/REPRESENTATIONS

SAFER YORK PARTNERSHIP - Support application

School has received advice on security as a result of them suffering from on-going problems of trespass and criminal damage. Proposed fencing and gates are only 1.8m in height (officer note - revised to 2.4 m in height) this is too low for school security purposes. Secured by Design Guidance (SCHOOLS) advises the following:- Boundary fencing will commonly abut public space, therefore aesthetics must be taken into account. It should be a minimum of 2m in height, vandal resistant and robust, grounded on a hard surface, be difficult to scale and have an anti climb topping. It should also allow clear natural surveillance. Local conditions may require certain boundary treatments, but all shall restrict unauthorised access and exit as far as possible, particularly where natural surveillance of the boundary is difficult to achieve. Railings, expanded metal and weld mesh fencing (to BS.1722) are examples, which achieve the above. The use of robust defensive planting in conjunction with the fence line can help meet aesthetic (planning) requirements and provide additional protection. Gate specification should match the fencing, be lockable, have anti-lift hinges and avoid features, which assist climbing. The type of locking mechanism proposed (sliding bolt) will unfortunately provide a foothold for the would-be trespasser to climb over easily. Difficult to design out this feature, however, alternatives could include lockable drop down bolts or fitting locks to the top and bottom of the gates rather than one in the middle. Fitting a robust chain and padlock is another alternative but can be unsightly.

2 LETTERS OF OBJECTION

- Fencing and gates should be at the front of the school and not on West Bank as it would be safer
- The roundabout enables vehicles to turn and park safely, very little room for this to happen on West Bank, creating traffic problems
- Concerned about the removal of a hedge along their boundary on West Bank, hedge a deterrent to accessing the school
- Gateposts and fencing may help to gain access to the site

4.0 APPRAISAL

4.1 RELEVANT SITE HISTORY

None

4.2 ADDITIONAL PLANNING POLICY

4.3 KEY ISSUES

1. Visual impact on the school and the area
2. Impact on neighbouring properties

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.

VISUAL IMPACT ON THE SCHOOL AND THE AREA

The fencing will be wire mesh rather than a solid fence which reduces the visual impact. The gates would be green vertical round bar with bow top rather than solid gates again reducing the visual impact of the gates. The proposed fence adjacent to the garages on Carrick Gardens would replace an existing 2 metre high fence. The increase in height to 2.4 metres is not considered to impact negatively on the street scene. The visual impact of fencing and gates of 2.4 metres in height at the West Bank and Nursery Road entrances to the school would not be a positive impact on the street scene. The gates are considered to be very tall and prominent, however the intended security benefits are considered to outweigh the visual prominence.

The gates and fencing will be seen by more people on West Bank which is an open plan suburban street and is the main entrance point for the school. Highways Network Management confirms that the roundabout on West Bank is not a publicly adopted highway although it has the appearance of being so. The roundabout is presently used for turning and has parking spaces for the school radiating from the roundabout. The siting of the proposed fence and gates do not appear to be a natural place to position gates and a fence and appears rather odd. The existing fence and gates are set back from the roundabout but do little for security by virtue of its low height.

IMPACT ON NEIGHBOURING PROPERTIES

The impact on the neighbouring properties to the gates and fences would be limited. Putting gates across the entrance to the roundabout may cause vehicle manoeuvring problems for the occupants of 1 Parkside Close when trying to reverse out of their driveway which is adjacent to the proposed gates. Highways Network Management do not have concerns regarding this issue and therefore it could not be used as a reason for refusal.

5.0 CONCLUSION

5.1 The proposed erection of fencing and gates to the Nursery Drive and West Bank entrances and fencing adjacent to the garages on Carrick Gardens would comply with planning policy, and the amenity requirements of the area, and would not harm highway safety. Approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 The fence and gates should be no more than 2.4 metres in height from the existing ground level.

Reason: To protect the visual amenity of the street scene

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

Details submitted with application form, and details submitted 9 June 2006 ;

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

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

**7.0 INFORMATIVES:
Notes to Applicant**

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference the residential amenity of the neighbours, the visual amenity of the dwelling and the locality, and highway safety. As such, the proposal complies with Policies GP1 and GP3 of the City of York Development Control Local Plan (2005).

Contact details:

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



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

Site Plan : Acomb Primary School West Bank York

SCALE: 1:2500

DRAWN BY: JB

Originating Group:

Project

Organisation

DATE 7/8/2006

Drawing No.
SP 10



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COMMITTEE REPORT

Committee:	West and City Centre	Ward:	Rural West York
Date:	17 August 2006	Parish:	Nether Poppleton Parish Council

Reference:	06/01150/FUL
Application at:	Site To Rear Of 30 To 41 Millfield Gardens Nether Poppleton York
For:	Change of use of part of agricultural land to residential gardens for 30-41 Millfield Gardens and 35 and 37 Hillcrest Avenue
By:	Mr Tim Hanser
Application Type:	Full Application
Target Date:	18 July 2006

1.0 PROPOSAL

1.1 The application seeks permission for the change of use of agricultural land to garden to the rear of 30-41 Millfield Gardens, Nether Poppleton.

1.2 The application is being brought to committee as one of the property owners works for the City Council.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

2.2 Policies:

CYGB1
Development within the Green Belt

CYNE1
Trees, woodlands, hedgerows

3.0 CONSULTATIONS

INTERNAL

3.1 Highway Network Management - No implications

3.2 Landscape Officer - The existing field boundary hedge (mostly Hawthorn with some incidental shrubs and trees) forms a distinct well-defined green edge and containment to the village. Once the existing hedge is incorporated into back gardens one can assume that over time, much of it would be lost. Whilst theoretically each resident could retain the existing hedge and remove a tiny section to allow access to the additional land and use it for agricultural purposes, e.g. an allotment. This is highly unlikely and virtually impossible to enforce in reality. I appreciate it would be possible to create a new hedge along the new boundary. This would then be entirely within the ownership of individual residents; therefore it may be difficult to collectively control all the individual boundaries, which may result in for example the introduction of a range of high fencing types. Presumably the existing hedge is currently in shared ownership between residents and the landowner, which ensures its long-term retention under agricultural management. Conversely, the additional garden length

would allow space for the introduction of more planting along the garden boundary such as trees and larger shrubs, which would be advantageous.

3.3 City Development - The proposed use of land as a garden does not fall within any of the prescribed uses and would thereby be contrary to the terms of Policy GB1. The character and appearance of the land is likely to be changed by the change of use of agricultural land to domestic gardens, for example, by introducing residential elements such as boundary fencing, garden structures and furniture, lawns and other uncharacteristic planting, which would alter the character and appearance and affect the openness of the Green Belt. The proposed development is contrary to PPG2 and policy GB1 of the City of York Local Plan.

3.4 Environmental Protection Unit - No objections but request a condition regarding contaminated land

EXTERNAL

3.5 Nether Poppleton Parish Council - No objections

3.6 Neighbours - Objections received from 27 and 29 Millfield Gardens on the following grounds:

- Would affect amenities of privacy and uninterrupted views of agricultural fields and outlying views of York and the Minster
- Alterations in the land usage could result in new development
- Would result in views of other peoples gardens making it more suburban
- May give rise to larger extensions to the buildings
- Possible loss of existing Hawthorne hedge
- Possible development of buildings within the gardens may upset the balance of wildlife
- Any land take from the greenbelt should be seen as an extension towards the ring road and A19 and discouraged
- Agricultural land should be retained to prevent any further development of the land

Letter received from no.27 Millfield Gardens stating that any permission granted should state for residential gardens only.

4.0 APPRAISAL

4.1 Key Issues

- Impact upon greenbelt
- Very special circumstances
- Retention of boundary hedge

4.2 Planning Policy Guidance note 2 'Green Belts' sets out the purposes of including land within Green Belts and establishes specific categories of development that are appropriate within Green Belts. All other development is deemed inappropriate and therefore harmful to the Green Belt. For such development to be acceptable in Green Belts very special circumstances must be demonstrated to show that the harm is outweighed by other considerations. Policy E8 of the North Yorkshire County Structure Plan establishes a Green Belt around the City of York. The boundaries of the Green Belt are detailed on the Proposals Map of the City of York Local Plan Deposit Draft (CYLPDD) and this site clearly falls within the Green Belt. Policy GB1'Development in the Green Belt' of the CYLPDD follows the advice contained in PPG2 in stating that permission for development will only be granted where : the scale, location and design would not detract from the open character of the Green Belt,; it would not conflict with the purposes of including land within the Green Belt;

and it would not prejudice the setting and special character of the City, and is for a type of development listed as appropriate development including agriculture, forestry, mineral extraction, small-scale facilities for outdoor sport and recreation, limited extensions on existing dwellings, limited infilling or the re-use of existing buildings, park and ride, mineral extraction or highways work. All other forms of development are considered to be inappropriate and very special circumstances would be required to justify where the presumption against development should not apply. Policy NE1 'Trees, Woodlands and Hedgerows' seeks to protect trees that are of landscape, amenity or nature conservation value by, inter alia, refusing development proposals that would result in their loss and by seeking appropriate protection measures when they are proposed for removal. Appropriate replacement planting will be sought where trees are proposed for removal.

4.3 The application site consists of a 15m strip of agricultural land which lies to the rear of properties 30-41 Millfield Gardens and 35 and 37 Hillcrest Avenue, adjacent to their rear gardens. It is proposed to change the use of this land to additional garden area in connection with the properties. The applicant has stated that they are willing to comply with conditions preventing the placing of sheds and hot tubs on the site in order to retain the character of the land. A post and rail fence is proposed to the new boundary with the field and the applicant has stated that new hedging could be planted along this boundary.

4.4 In order to access the new land holes will have to be punched through the existing boundary hedge. This hedge was felt to make an important contribution to the area when permission was granted in 1994 and accordingly a condition was placed in the permission stating that 'Any trees, shrubs and/or hedges on or around the site shall not be felled, lopped or removed without the prior written consent of the Local Planning Authority.' As such if permission were to be granted a further application would be required to indicate exactly which sections of hedge were to be removed in order to access the new land. The existing hedge is a strong defensible boundary between the built up area of this section of Millfield Gardens and the greenbelt and its partial loss may weaken this boundary.

4.5 The main issue relates to the appropriateness of the use within the greenbelt. Paragraph 3.4 of PPG2 states the type of development which is acceptable in the Green Belt and paragraph 3.12 goes on to discuss how operations on the land (making a material change in the use of the land) would be inappropriate unless it maintained the openness and did not conflict with the purposes of including land in the Green Belt. Paragraph 3.2 of PPG2 states that inappropriate development is, by definition, harmful to the Green Belt and it is for the applicant to show why permission for such development should be granted. Very special circumstances, which might justify such development, will not exist unless the harm to the Green Belt (and any other harm) is clearly outweighed by other considerations. There are not considered to have been any very special circumstances outlined by the applicant.

4.6 It is considered that the fencing off of this large area and the fencing required between each individual property would be detrimental to the open character of the greenbelt and would conflict with the purpose of including land within the greenbelt. In addition the insertion of domestic lawns and planting would alter the character greatly.

5.0 CONCLUSION

5.1 It is considered that the change of use of agricultural land within the greenbelt to residential garden does not fall within any of the prescribed uses outlined above and would thereby be contrary to the terms of Policy GB1. The character and appearance of the land is likely to be changed by for example, introducing residential elements such as boundary fencing, garden structures and furniture, lawns and other uncharacteristic planting, which would alter the character and appearance and affect the openness of the Green Belt. Furthermore, the loss of sections of the boundary hedge which would be necessary to

access the land would be detrimental to this strong and defensible boundary to the greenbelt. As such Officers recommend refusal.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

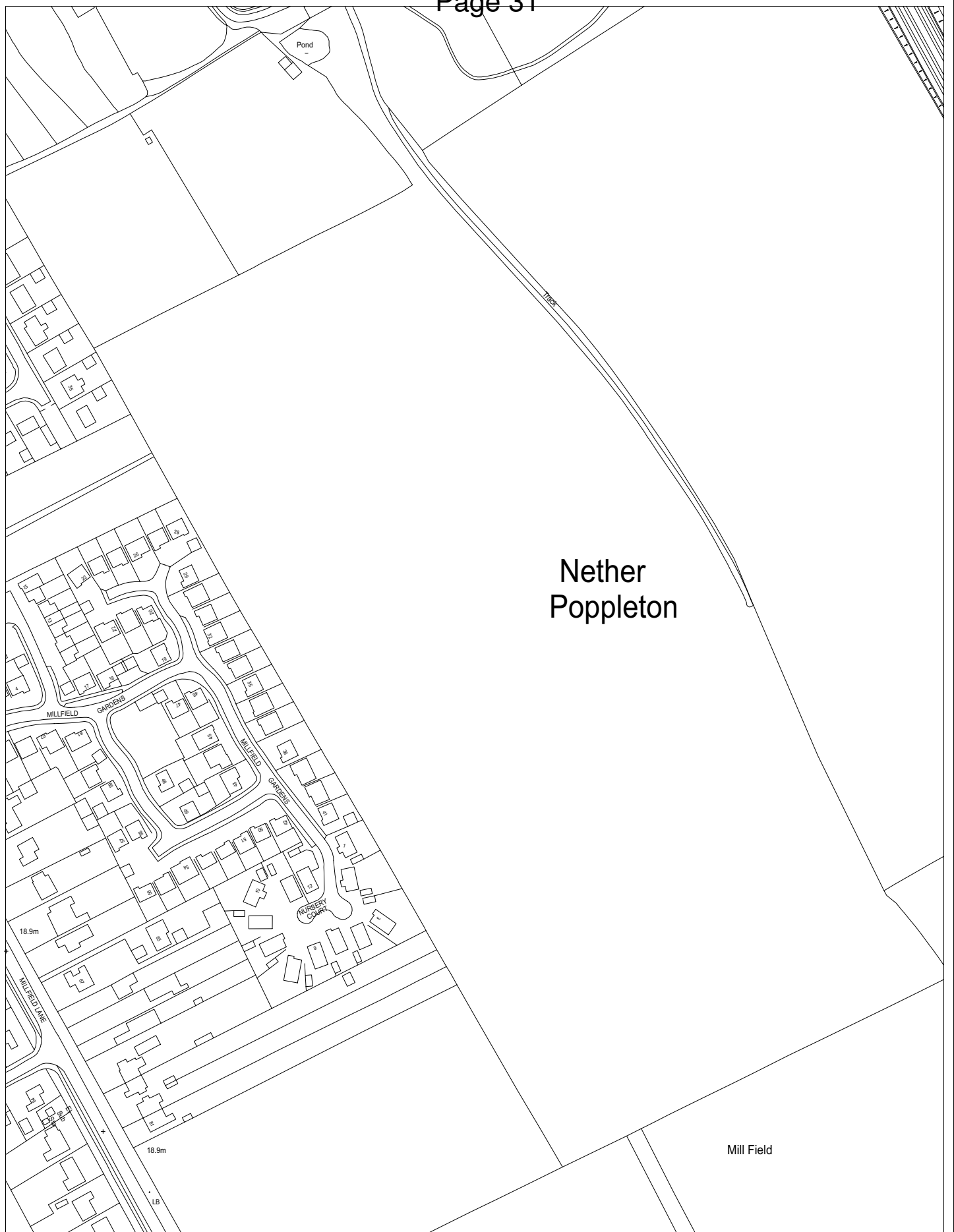
- 1 In the opinion of the Local Planning Authority the change of use of agricultural land to residential garden does not constitute appropriate development within the Green Belt and would harm the openness of the Green Belt and conflict with the purpose of including land within the Green Belt. The application therefore fails to accord with Policy GB1 of the City of York Council Draft Deposit Local Plan and Planning Policy Guidance 2.
- 2 If permission were granted for the change of use it would necessitate the removal of sections of the existing mature hedge in order to access the land. This would be detrimental to the character of the area and the boundary with the greenbelt and would be contrary to Policy NE1 of the City of York Council Draft Deposit Local Plan which states that, inter alia, hedgerows which are of landscape, amenity, nature conservation or historical value will be protected by refusing development which will result in their damage or loss.

7.0 INFORMATIVES:

Contact details:

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

Tel No: 01904 551668



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

Site Plan : Site to Rear of 30 to 41 Millfield Gardens Nether Poppleton York



SCALE 1:2500

DRAWN BY JB

DATE 7/8/2006

Originating Group

Project

Drawing No.

Organisation

SP 9

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COMMITTEE REPORT

Committee: West and City Centre
Date: 17 August 2006

Ward: Rural West York
Parish: Copmanthorpe Parish Council

Reference: 06/01210/FUL
Application at: 27 Station Road Copmanthorpe York YO23 3SY
For: Conservatory to side
By: Mr Stericker
Application Type: Full Application
Target Date: 25 July 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).

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 28/06/2006
 Site Notice - N/A
 Press Advert - N/A
 Internal/External Consultations - Expires 28/06/2006

8 WEEK TARGET DATE 25/07/2006

3.2 INTERNAL CONSULTATIONS

LANDSCAPE ARCHITECT - This 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 threat to trees. The loss of trees would be detrimental to character and amenity of locality. Concern about construction access to the conservatory if it is added on to the new bungalow after it is built.

3.3 EXTERNAL CONSULTATIONS/REPRESENTATIONS

COPMANTHORPE PARISH COUNCIL - Object

The proposed conservatory should have been included as part of the original application. Yet again, planning consent is given and the developer subsequently seeks to make amendments which will increase the size of the property. Happened too many times in Copmanthorpe notably Orchard Garth where almost every property has been altered subsequent to the granting of the original permission. The original application, following amendments, finally had regard to the effect on neighbouring properties in St Giles Way. This application detracts from the concept. It will also result in a further loss of trees, which we believe are protected by TPO. Much green space has already been lost.

3 LETTERS OF OBJECTION

- Condition 12 of the previous planning permission states no additional windows to protect the privacy of the surrounding residents; the proposed conservatory would contravene Condition 12
- During previous planning application planning committee felt that plot 1 was too close to the boundary with 20 and 22 St Giles Way a conservatory would effectively bring the property back to the boundary with a resultant reduction in privacy
- The trees do provide some screening between the properties
- Will not enhance an already crowded development

4.0 APPRAISAL

4.1 RELEVANT SITE HISTORY

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, the height would be 3 metres but including the detailing to the roof ridge would be 3.4 metres high. 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 on the dwelling. The application form states that only one tree will be removed. The removal of one tree is not considered to impact the visual amenity of the area or 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 would be screened by the tall boundary wall which would prevent any overlooking, there is still a 1 metre gap between the proposed conservatory and the boundary wall. The bungalow seems to be 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.

5.0 CONCLUSION

5.1 The proposed conservatory to the side would comply with planning policy, and the amenity requirements of the area. Approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

Drawing Number 1A received 30 May 2006;

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

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

- 2 TIME2 Development start within three years

- 3 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, and highway safety. 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

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

Site Plan : 27 Station Road Copmanthorpe York

SCALE: 1:1250	DRAWN BY: JB	DATE 7/8/2006
Originating Group:	Project	Drawing No.
Organisation		SP 8



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COMMITTEE REPORT

Committee: West and City Centre **Ward:** Guildhall
Date: 17 August 2006 **Parish:** Guildhall Planning Panel

Reference: 06/01226/FUL
Application at: 2 Millers Yard Gillygate York YO31 7EB
For: Change of use from offices (B1 Use) to clinic/consulting rooms (D1 Use) at No 2 Millers Yard and non-residential educational/ training use (D1) at No 4 Millers Yard.
By: Mr D Glasper
Application Type: Full Application
Target Date: 26 July 2006

1.0 PROPOSAL

1.1 This application is presented to the West and Central Planning Sub-Committee at the request of Councillor Simpson-Laing due to access issues to the yard from Gillygate.

1.2 The application concerns two separate properties (Nos. 2 and No 4) that form part of an " L" shaped courtyard development. There is a pedestrian and vehicular access situated between Nos. 25 and 29 Gillygate. The premises were formerly a bakery, cafe and offices and are currently in partial use as offices, with No 1 being a dwelling at the south west end of the development. Miller's Yard also provides access to the rear of the Exhibition Hotel on Bootham. No 4 is attached to the boundary wall of an existing three/four storey dwelling at No 29 and its garage. The Gillygate frontage comprises the Barclay Lodge Hotel, two shops and a terrace of 4 storey houses. The car parking spaces within Miller's Yard are not associated with the buildings but a pedestrian access leads to the adjacent Bootham Row car park. The yard also contains cycle stands.

1.3 It is intended that the buildings be converted into a therapy/health centre for complementary health care and to establish a college of excellence, training individuals in Chinese Medicine and Complementary Therapy. The supporting Mission Statement states that the aim is to provide a wide range of health related activities, treatment and tuition. No 2 Millers Yard would consist of treatment rooms and a small office. No 4 consists of 2 attached buildings. No. 4a is a single storey building with fixed rooflights on the courtyard elevation. It is intended that this building would be used as a training room. No 4b would provide a larger communal/ reception area on the ground floor with the upper floors used for training and educational use. This part of the building was initially proposed as a gymnasium but this use was deleted following concerns about the impact that such a use would have on the surrounding residential property. The applicants also advise that the Centre would bring self-employed people to work out of the premises, as once a person has been trained as a practitioner at the centre they would then be able to hire out rooms to take their own sessions.

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

1.5 There is an extant planning permission to change the use of Nos. 2-5 Millers Yard from offices to 4 No. dwellings. This application (Planning Ref. 04/02103/FUL) was approved by the City Centre Sub-Committee on 1 July 2004 and has not been implemented.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

2.2 Policies:

CYHE3
Conservation Areas

CYT4
Cycle parking standards

CYGP1
Design

CYE3B
Existing and Proposed Employment Sites

3.0 CONSULTATIONS

3.1 INTERNAL

Environmental Protection Unit- Following changes to the applicant proposals there are concerns that the noise associated with the operation of ventilation equipment affecting the amenity of local residents; noise during any demolition, construction and refurbishment work; and concerns that the use of the conference facilities may affect the amenity of local residents. Conditions are accordingly recommended to overcome these concerns.

Highway Network Management- No objections but further cycle parking should be installed to give a total of 8 Sheffield stands if Members are minded to approve the application.

Urban Design and Conservation- No comment.

3.2 EXTERNAL

Guildhall Planning Panel- No objections

The application was advertised by a press advert, a site notice, and by letters to neighbouring properties and no representations have been received to date.

4.0 APPRAISAL

4.1 KEY ISSUES

- Land use
- Impact on the visual amenity of the conservation area/ property
- Car parking/ Highway safety/ Pedestrian safety
- Impact on the living conditions of the neighbours

4.2 RELEVANT SITE HISTORY

00/01861/FUL Change of use of bakery/ cafe and offices to general offices PER 27.9.2000

00/02103/FUL Change of use from offices to 4 dwellings including partial demolition and erection of two single storey extensions. PER 1.7.2005

4.3 POLICY CONTEXT

The POLICY CONTEXT for this application is contained in the City of York Draft Local Plan-Incorporating the Proposed 4th Set of Changes; the adopted development plan policies contained in the North Yorkshire County Structure Plan; and government guidance contained in Planning Policy Guidance Note 15 and Planning Policy Statement 1 " Delivering Sustainable Development ". The following policies are relevant to this application.-

POLICY T4 requires appropriate standards of cycle parking within new developments.

Policy E3 aims to protect existing land or premises in employment use to ensure that there is a sufficient supply of sites for employment use to meet both immediate and longer term requirements over the plan period. Planning permission for other uses will only be granted where there is a sufficient supply of employment land to meet requirements, no environmental harm would result, there would be significant benefits to the local economy from the alternative use, and the use is ancillary to an employment use.

Policy HE3 of the Local Plan reflects the guidance contained in Planning Policy Guidance Note No. 15 " Planning and the Historic Environment " in requiring Local Planning Authorities to consider the role played by the site and its proposed change of use in the historic character and visual appearance of the conservation area. The prime consideration is to ensure that the proposal would not detract from the character and appearance of the conservation area as a whole. Any new development will only be permitted where there is no adverse effect on the character and appearance of the conservation area. This reflects development plan Policy E4 of the North Yorkshire County Structure Plan.

Policy GP1 and Planning Policy Statement 1 " Delivering Sustainable Development " expects proposals to respect the local environment, avoid harm to neighbours, and encourage sustainable developments.

4.4 LAND USE It is considered that the loss of this small office site in the city centre has been established in the previous application that allowed conversion to residential use. As the existing employment use would be transferred to spare office space within the Exhibition Hotel, it is considered that the retention of the premises for employment use would not be required to meet the immediate and long-term employment requirements in the City. The intention of Policy E3 is to protect larger employment and office premises. The introduction of small scale consulting rooms in this development would be compatible with surrounding land uses, especially the adjoining residential property at No 2 Millers Yard. The introduction

of training and educational uses to No 4 would also re-use an existing structure, and it is considered that subject to conditions that would protect adjoining residential property, that the uses on this scale would not conflict with the office and residential use within the site, and the surrounding retail and residential uses. The proposed change of use of the buildings would therefore comply with Policies E3 of the Local Plan. No external changes are proposed but it should be noted that a small change to the external area would be required as cycle provision would have to be increased to meet cycle parking standards. It would appear that this could be accommodated without harming the local environment.

4.5 VISUAL IMPACT The buildings, which were formerly a bakery, cafe and offices, are of a domestic scale and appearance with an attractive courtyard frontage. They could be converted to the proposed uses with minimal alterations have no impact on the character of the conservation area. Planning policy would support the re-use of the buildings. As such would comply with planning policies HE3 of the Local Plan and Policy E4 of the Structure Plan.

4.6 CAR PARKING /ACCESS /PEDESTRIAN SAFETY The proposal does not include any on- site car parking. There are approximately 12 car parking spaces within the courtyard and these car parking spaces would not be associated with the proposed change of use. Neighbouring residents and businesses use this current provision. It is likely that the nature of the uses would generate more visitors by car than the existing office use but it is anticipated that Bootham Row car park that adjoins the site would accommodate this increase in traffic. Public transport facilities are available close and it is considered that the absence of off-street car parking would be acceptable in this city centre location. The existing level of cycle parking would be required to be increased to 8 spaces to meets the standard for the development, and this could be controlled by an appropriate planning condition if Members wish to grant planning permission. Pedestrian access to the car park and vehicular access to the rear of the public house would be maintained without harming pedestrian safety as there should be no change to the existing layout of Millers Yard .

4.7 LIVING CONDITIONS Nos. 2 and 4 abut residential properties raising concerns about the impact that the proposed uses would have on the occupiers of these properties. The uses of No 2 as 3 treatment rooms and an office would be unlikely to have a detrimental impact on the adjoining dwelling at No. 1 Millers Yard but it is considered that weekend use should be restricted to no later than 21.00 hours on a Saturday and 18.00 hours on a Sunday. Millers Yard is a pleasant courtyard situated behind Gillygate and it would be reasonable to expect that residents could anticipate a quieter time over these evening hours.

The main concern relates to the change of use of No. 4.as this property is a substantial building that abuts approximately 15.5metres of the rear garden and garage of the dwelling at 29 Gillygate. This would be a larger facility where the applicants intend to have activities that would have the potential to disturb the occupiers of this property. The proposed first floor lecture room would be in close proximity to the rear elevation of the dwelling. The single storey " training " room would be used for a variety of activities and would abut the office at No. 3 Millers Yard and a detached garage at the back of the rear garden at No 29 Gillygate. The two buildings that comprise No. 4 would allow groups of people to meet for training and educational use, and the comings and goings close to this residential property could be harmfully intrusive and more noticeable in the evening. It is therefore suggested that the hours of operation over the evenings of the weekends be reduced. Similarly, it is anticipated that a range of therapies would be carried out within No 4 and some may be noisier than others. It is therefore considered that conditions should be imposed on any planning approval to ensure that noise break-out would not have an adverse impact. This relates to the uses themselves, the comings and goings associated with the uses, any additional equipment or measures that may be required as a result of the uses (e.g. ventilation), or any changes that may result in a more noisy activity.

According to the client's description of the intended activities, it would appear that the proposed uses would appear not to be noisy in their own right and would be compatible with the existing office and residential use in Millers Yard. The properties are situated close to the city centre where background noise levels would be expected to be high at certain times. It is considered that conditions would be required to limit the type of activities carried out within the buildings, limit the hours of operation, and avoid noise break-out to protect the living conditions of adjacent and nearby neighbours if Members were disposed to approve this application.

5.0 CONCLUSION

5.1 It is considered that the proposed change of use of Nos. 2 and 4 would be acceptable in terms of their impact upon the visual amenity of the conservation area. The uses would allow the partially vacant premises to be occupied, enhancing the vitality and viability of the area. The loss of smaller scale office premises would not be significant, the existing employment use would be retained in the area, and a further 5 people would be employed as a result of the proposal. It is considered that the proposal would not increase traffic generation to a level that would harm highway safety. The proposal would be in a sustainable location, largely compatible with surrounding developments and the existing complementary therapies that operate on Gillygate. It would be reasonable to restrict the use of the buildings to the specified use and to control the use by conditions to ensure that noise breakout does not harm the living conditions of the occupiers of the abutting residential properties. The proposal would comply with planning policy and approval is recommended.

6.0 RECOMMENDATION: Approve

1 TIME2

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

Drawings received on 31.5.2006

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

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

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

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

4 The consulting use hereby permitted shall be confined to the following hours:

Monday to Friday	08:00 to 23:00
Saturday	09:00 to 21:00
Sundays and Bank Holidays	10:00 to 18:00

Reason: to protect the amenity of local residents from noise during operation

- 5 The conference facility at No 4 Miller's Yard hereby permitted shall be confined to the following hours:

Monday to Friday	08:00 to 20:00
Saturday	08:00 to 19:00
Sundays and Bank Holidays	10:00 to 16:00

Reason: to protect the amenity of local residents from noise during operation

- 6 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible outside of the site boundary when in use, shall be submitted to the local planning authority for approval. These details shall include maximum (L_{Amax}(f)) and average sound levels (L_{Aeq}), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use and shall be appropriately maintained thereafter.

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

- 7 HWAY18

- 8 The site shall not be used for any purpose other than that approved, and no other use (including any use within the same use class as defined by the Town and Country Planning (Use Classes) Order 1987 as amended) shall be carried out without the formal consent of the local planning authority.

Reason: Any use other than that approved might be detrimental to the amenities of nearby property.

7.0 INFORMATIVES:

Notes to Applicant

1. CONSTRUCTION/ DEMOLITION PRACTISES

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

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

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

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

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

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

6 There shall be no bonfires on the site.

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

3. 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 vitality and viability of the city centre, the visual amenity and historic character of the conservation area, the residential amenity of the neighbours, and highway and pedestrian safety. As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies HE3, T4, and E3 of the City of York Draft Local Plan; Planning Policy Guidance Notes No. 15 " Planning and the Historic Environment " and Planning Policy Statement No.1 " Delivering Sustainable Development. "

Contact details:

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

Site Plan : 2 Millers Yard Gillygate York

SCALE 1:1250

DRAWN BY JB

DATE 7/8/2006

Originating Group

Project

Drawing No.

Organisation

SP 7



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COMMITTEE REPORT

Committee: West and City Centre **Ward:** Westfield
Date: 17 August 2006 **Parish:** No Parish

Reference: 06/01261/FULM
Application at: Warehouse 83A Front Street York YO24 3BR
For: Conversion of chapel to 10 no. residential apartments, external alterations including new front canopy, new and replacement windows, bin and cycle stores (resubmission)
By: Corner Developments (Faxton) Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 5 September 2006

1.0 PROPOSAL

1.1 The proposal is to convert the former chapel at 83A Front Street to 10 residential units: 6 one-bedroomed and four two-bedroomed. This is achieved mainly within the existing shell of the building. However selective demolition of the rear is proposed to create some amenity space. External alterations to the building include new replacement windows, a new front canopy and cycle/bin stores. The existing forecourt is utilised to provide four car parking spaces. The application is a re-submission of an earlier scheme. It incorporates revisions that became necessary following consultations and discussions with officers.

1.2 The application site is a former Methodist Chapel, within the Acomb conservation area. Until recently it was used as a carpet warehouse and shop. It is now empty, and beginning to suffer from dampness and decay. The building has a relatively narrow frontage to Front Street (about 10m wide) but is deep, stretching back about 30m to within a short distance of Chapel Terrace. It is important to the character of the conservation area, because of its architecture and social history; making it something of a landmark in the area.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest Acomb Area 0007

Air safeguarding Air Field safeguarding 0175

Conservation Area Acomb 0031

City Boundary York City Boundary 0001

2.2 Policies:

CYGP1
Design

CYGP13
Planning Obligations

CYHE2
Development in historic locations

CYHE3
Conservation Areas

CYH4A
Housing Windfalls

CYL1C
Provision of New Open Space in Development

CYS9
No loss of local or village shops

CYGP4A
Sustainability

CYED4
Developer contributions towards Educational facilities

3.0 CONSULTATIONS

INTERNAL

3.1 Highway Network Management

No objections. Comments made on the withdrawn application apply: only 4 car parking spaces are provided. However, this is acceptable because of proximity to local services and transport links into the City.

3.2 City Development

No objections. The loss of the carpet showroom is not considered to be detrimental to local needs. The site is near Acomb District Centre and several bus routes. The best way of up-keeping historic buildings is to keep them in an appropriate use.

3.3 Education Planning

Committed sum required of £10,164.

3.4 Lifelong Learning and Culture

Because there is no on-site open space provision, committed sums should be paid, in line with the latest formula.

3.5 Environmental Protection

No objections, subject to conditions for construction times, internal noise levels for new residents, and contamination.

3.6 Urban Design and Conservation

Pleased at the revised side elevation windows in this re-submission, which will keep the ecclesiastical aesthetic of the building. Requested amended front canopy design (now provided). Re-submission has same intensity of development, but the chapel is in poor condition, with extra-ordinary costs to its repair and conversion. Were hoping for on site amenity space for all flats, and less vulnerable position for cycle/bin stores. However the scheme does seek to strike the balance to achieve viability yet retain the viability of the building.

EXTERNAL

3.7 Police Architectural Liaison Officer

No comments to make; the re-submission scheme has addressed issue raised in the original submission.

3.8 Conservation Areas Advisory Panel

New porch as proposed would adversely affect the Conservation Area (NB this has now been revised further). Consider too many flats in the conversion, and that these should be limited to one or possibly two units per floor. Conversion should not encroach into the attic space and the existing windows should be retained.

3.9 Neighbours (expired 17 July) -

One letter received from the adjoining property at Front Street, objecting because
(i) loss of privacy to the flat above the shop and to a rear communal mezzanine area,
(ii) the new boundary wall on the east side would restrict vehicle access to garages at the rear of No.83,
(iii) this same wall, because it projects forward of the front of the chapel, would make deliveries to No.83 difficult and could compromise pedestrian safety
(iv) lack of parking provision.

Site Notice (expired 12 July) - no comments received.

Press Advert (expired 15 July) - no comments received.

4.0 APPRAISAL

4.1 Key Issues

- Principle of conversion to residential use.
- Effect upon character of building and Conservation Area.
- Residential amenity in the scheme.
- Effect upon amenities of neighbours.
- Parking Provision.
- Contributions towards education and open space provision.

4.2 The relevant Draft Local Plan Policies are as follows:-

POLICY GP1 - DESIGN - in relation to this application, this policy requires proposals to (i) respect or enhance the local environment (ii) have a density and design that is compatible with neighbouring buildings, spaces and the character of the area (iii) provide and protect private and communal amenity space (iv) ensure that neighbours are not unduly affected by overlooking.

POLICY GP 4a - SUSTAINABILITY - requires proposals to have regard for principles of sustainable development for example accessibility by means other than the car; creating safe and specially inclusive environments; high quality design conserving and enhancing local character.

POLICY HE2 - DEVELOPMENT IN HISTORIC LOCATIONS - requires proposals in Conservation Areas to respect adjacent buildings, spaces, landmarks, and settings and have regard to local scale, proportion, detail and materials.

POLICY HE3 - CONSERVATION AREAS - within Conservation Areas, external alterations and changes of use will only be permitted where there is no adverse effect upon the character and appearance of the area.

POLICY H4a - HOUSING WINDFALLS - proposals for residential development, on land not allocated on the Proposals Map, will receive planning permission where (a) the site is within the urban area and is vacant, derelict or underused, or involves infilling, redevelopment or conversion (b) the site has good accessibility to jobs, shops and services by non-car modes (c) scale and density is appropriate to surrounding development.

POLICY L1C - PROVISION OF OPEN SPACE - commuted payments will be required for off-site open space provision, based upon local need and facilities.

POLICY S9 - LOSS OF LOCAL SHOPS - permission will only be granted for the loss of a local shop, where (a) a local need no longer exists (b) appropriate alternative facilities exist in the local area.

POLICY ED4 - DEVELOPER CONTRIBUTIONS TOWARDS EDUCATION FACILITIES requires that in considering proposals for new residential development any consequences for existing schools will be assessed in accordance with the SPG - Developer Contributions to Education Facilities.

PRINCIPLE OF CONVERSION TO RESIDENTIAL USE

4.3 The last use of the chapel as a carpet showroom was not essential to maintaining the viability of local shopping facilities. It is considered that its loss would not be detrimental to the needs of local residents. Acomb District Centre offers a wide variety of thriving shopping facilities.

4.4 Around the application site, Front Street contains a mixture of shopping and service uses, set in a strong residential context, to which residential use of the Chapel would contribute. Seeking an alternative commercial use for the building, if indeed one is forthcoming, would probably result in another "secondary" type of operation. This may not itself necessitate the same degree of alteration, or intervention, to the building as the proposed residential scheme: For example the latter involves inserting new floors and altering the windows. However, on the evidence to date, commercial uses have not led to enough basic investment in the building, to secure its long-term repair. The proposed scheme would avoid a possible continued decline in the fortunes of the building, and bring life back into it. The conversion would be in a highly sustainable location, with a good range of alternatives to car travel, being on main bus routes and close to shops and service facilities.

EFFECT UPON THE CHARACTER OF THE BUILDING AND THE CONSERVATION AREAS

4.5 The existing building has 3 main parts: its main frontage; then a middle and a rear section. All the building will be retained, except the roof and upper part of the rear section. The conservation officer does not object, because this section is of a much later date and is inferior architecturally. The benefit of the proposal is in creating a walled courtyard, offering some amenity space for three of the ground floor flats and additional cycle/ bin stores. Partial re-building also allows one of the residential units to face into the courtyard.

4.6 It is necessary to insert new floors into the chapel, to create the first floor units and the attic unit. This is acceptable in principle to the Conservation Officer and is a common way of achieving residential conversions of ecclesiastical buildings. However the new first floor slab

"cut across" the long, vertical windows that currently characterise the side elevations of the building. It became necessary to consider alterations to these windows, to achieve a practical and visually acceptable scheme overall. The chosen solution retains the ecclesiastical aesthetic of the building, and some its characteristic brick detailing, whilst allowing reasonable light and outlook for future occupants.

4.7 A revised plan has been submitted for the porch and window treatment, on the front elevation to Front Street, which is now considered to be acceptable.

4.8 The majority of the cycle and bin stores are proposed as external additions, either the side elevations of the chapel or in the narrow yard running along the west elevation. Whilst not ideal, there is little practical alternative with the scheme as proposed overall. On balance, officers consider that the building has sufficient presence to "carry" these additions without undue detriment to its appearance, Highway Network Management are satisfied with the arrangements.

4.9 During negotiations, officers discussed possible alternative internal layouts with the applicant, including a smaller number of individually larger flats. However officers are now satisfied that the scheme as proposed is appropriate for the building and its location. Any practical scheme for a residential conversion would need a similar intervention, both internally and externally into the building: inserting new floors and replacing windows. The proposal will secure the future of this distinctive building, enabling it to contribute more positively to the character of the Conservation Area, and the enclave of adjoining buildings for which it provides a focal point.

RESIDENTIAL AMENITY IN THE SCHEME

4.10 In a scheme of this nature, private amenity space is not normally expected. However the courtyard proposed at the rear of the building does create the benefit of private amenity space for the three ground floor units at the rear of the scheme, and an improved outlook. The internal layout of the two of the flats (units 3 and 9) has been amended to improve their outlook and relationship with neighbouring flats. Overall the scheme provides a variety of accommodation. Officers consider that, within the constraints of the building and its surroundings, a pleasant internal layout for the units is achieved. Good use is made of available window space to create a reasonable outlook and level of privacy for future residents.

EFFECT UPON AMENITIES OF NEIGHBOURS

4.11 The main issue is avoiding loss of privacy for neighbours, in these tightly knit surroundings. The existing building already has windows on all main elevations, which overlook adjoining dwellings. The difference now would be the more "lived in" nature of the scheme, with the windows being needed for residential outlook. In negotiations the applicant has agreed to introduce obscured glazing where necessary, to maintain privacy for neighbours. In particular this is necessary on the west elevation, adjoining No. 85 Front Street. In response to the objection from No. 83 (on the east side of the chapel) consideration will also be given to additional obscured glazing on this side of the building.

4.12 The rear of the chapel is close to the front façade of Chapel Terrace - only some 6.5 metres away. Demolition of the rear section of the chapel will provide a more open outlook especially for Nos. 3,4 and 5 Chapel Terrace. The existing rear elevation of the chapel is a blank wall. The scheme would in effect push back the main elevation of the chapel to 13.5 metres away from Chapel Terrace. New Windows are proposed in this elevation.

4.13 The occupants at No.83 Front Street draws attention to the proposed boundary wall restricting access to the rear of his premises. The wall and land it encloses is part of the ownership of the chapel, over which the occupant does not appear to have any rights of access.

PARKING PROVISION

4.14 The existing forecourt at the Chapel is used at present as an informal parking area. In the scheme, four "formal" car parking spaces are created. These are not ideally located, with vehicles reversing out onto Front Street. However Highway Network Management have accepted the arrangement, because it is existing car parking. Each flat is provided with a cycle store. The cycle provision is satisfactory.

CONTRIBUTIONS TOWARDS EDUCATION AND OPEN SPACE PROVISION.

4.15 Policy ED4 requires that in considering proposals for new residential development any consequences for existing schools will be assessed in accordance with the SPG - Developer Contributions to Education Facilities. The development is likely to result in additional demand for primary places at Acomb Primary School. A contribution of £10,164 towards the provision of additional school places is required.

4.16 Policy L1c of the Local Plan considers that all residents should have access to safe, attractive and useable public open space and the local plan strategy aims to promote accessible open space in new residential development. In this case, because there is no opportunity to provide on-site open space, a commuted sum payment would be acceptable. A contribution of £4028 towards local play, amenity and sports pitches would be appropriate. This is in accordance with and the Council's Supplementary Planning Guidance "Open Space in New Developments" and policy L1c.

5.0 CONCLUSION

5.1 Officers are able to support the proposal, subject to the conditions suggested. Though not listed, the Chapel is important to the character of the Conservation Area. It is a distinctive building and part of Acomb's social history. The proposed residential conversion will bring a new lease of life to the building and provide homes in a very sustainable location.

5.2 Officers believe the layout and design of the scheme is an appropriate solution, balancing the several constraints to maintaining the chapel's character, protecting the amenity of adjoining residents and creating a practical and attractive scheme.

5.3 On this basis, the scheme is considered to meet the requirements of the relevant Draft Local Plan Policies : GP1, GP4a, GP13, HE2, HE3, H4a, L1c and S9. An up to date upon outstanding details, and further conditions as necessary, will be given at the meeting.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- | | | |
|---|--------|--|
| 1 | TIME2 | Development start within three years |
| 2 | PLANS2 | Apprvd plans and other submitted details |

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

- i/ New doors and door openings
- ii/ Amendments to windows and window openings
- iii/ Entrance canopy
- iv/ Main entrance door and screen

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the appearance of the conservation area.

- 4 VISQ4 Boundary details to be supplied
- 5 VISQ7 Sample panel ext materials to be approved
- 6 VISQ10 Details of External services to be approved
- 7 HWAY19 Car and cycle parking laid out
- 8 NOISE1 Agree sound insulation
- 9 ARCH1 Archaeological programme required
- 10 NOISE8 Restricted hours of work
- 11 DEM1 No demolition before rebuilding contract
- 12 Any suspect contaminated materials detected during site works shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development of the site.

Reason: In the interests of the well being of future occupants.

- 13 Notwithstanding the information submitted with the application, before the commencement of works upon the site, agreement shall be reached in writing with the Local Planning Authority to identify those windows where obscured glazing is required. Thereafter the detailed size and design of the obscured glazing shall be agreed in writing before installation takes place. The agreed scheme shall then be retained as agreed at all times.

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

- 14 No development shall commence unless and until details of provision for public open space facilities and a scheme to ensure adequate additional foundation school places within the local catchment area or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The open space and education provision shall thereafter be provided in accordance with the approved scheme or the alternative arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: To comply with the provisions of Policy L1c of the City of York Draft Development Control Local Plan, incorporating the 4th set of changes (April 2005); and as the education provision within the catchment area of the development has insufficient capacity to take more pupils, such that additional places are required in the interests of the sustainable development of the city in accordance with Policy ED4 of the City of York Draft Local Plan and the Council's Supplementary Planning Guidance 'Developer Contributions to Education Facilities' dated January 2005.

INFORMATIVE

The 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 and education provision. The obligation should provide for a financial contribution calculated at £14,192.

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

15 LAND1 IN New Landscape details

16 The existing bricks shall be reclaimed and reused in the reconstructed walls.

Reason: In the interests of the character and appearance of the conservation area.

17 A photographic survey shall be undertaken to record the existing character and condition of the building. Photos shall be cross-referenced to a plan. The survey shall be compiled into an A4 size format with an introductory statement to identify the building, its location, date and purpose of the works. The survey shall be submitted to the local planning authority prior to the commencement of the development hereby approved.

Reason: To ensure that a record of the character of the building is retained given the importance of the building in the local area.

7.0 INFORMATIVES:

Notes to Applicant

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

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

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

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

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

5. There shall be no bonfires on the site.

2. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the character and appearance of the conservation area, the use of the premises for residential purposes, highway safety and the amenities of local residents. As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GP1, GP4A, GP13, HE2, HE3, HE4A, HE5A, L1C, ED4 and S9 of the City of York Development Control Local Plan.

Contact details:

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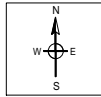
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9, St. Leonards Place, York, YO1 2ET
 Telephone: 01904 613161

Site Plan : Warehouse 83A Front Street York

SCALE: 1:1250	DRAWN BY: JB	DATE 7/8/2006
Originating Group:	Project	Drawing No.
Organisation		SP 6



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COMMITTEE REPORT

Committee: West and City Centre
Date: 17 August 2006

Ward: Rural West York
Parish: Askham Richard Parish Council

Reference: 06/01406/GRG3
Application at: St Mary's C of E Primary School School Lane Askham Richard York YO23 3PD
For: Retention of portable building for teaching accommodation
By: Learning, Culture And Children's Service
Application Type: General Regulations (Reg3)
Target Date: 5 September 2006

1.0 PROPOSAL

1.1 This application was submitted to seek approval for the retention of a temporary classroom building for 5 years, sited to the rear on the school playing field, however a request was made on 1 August 2006 to reduce this to a period of time up until 31 October 2006 to give more time for the applicant to consider whether its further retention is needed

1.2 The Application Site - St Mary's School is located on the western side of School Lane, close to the northern edge of the village of Askham Richard. The classroom unit is sited approximately 30 metres from the western edge of the school buildings. It has not been sited any closer due to the tarmaced play area immediately behind the school building. The other three sides of the playing field are screened by very high mature hedging and trees. The unit appears to be in need of some maintenance works and this will be raised with the school, however the school itself has not raised any issues. Though the main school building is within the Conservation Area, the temporary building lies just outside.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

Conservation Area Askham Richard 0017

City Boundary York City Boundary 0001

Schools St. Mary's CE Primary 0227

2.2 Policies:

CYGP1
 Design

CYGB2

Development in settlements "Washed Over" by the Green Belt

CYGP23

Temporary planning permission

3.0 CONSULTATIONS

3.1 Internal

Highway Regulation - No objection

Urban Design and Conservation - Request a shorter extension of time and state that the harm to the conservation area is limited by its location, such a solution could not be accepted in the long run as preserving or enhancing the conservation area

3.2 External

Askham Richard Parish Council - Object as the original approval was for a temporary period only and this time has now elapsed, and state the unit is used for storage purposes only and is very poor condition. Concern is also raised in relation to massive parking problems. The parish were originally consulted upon the request for a 5 year extension of time.

Response to neighbour consultation letters - None received up to 4 August 2006

4.0 APPRAISAL

4.1 Key Issues

1. Justification for the siting of a temporary building
2. Appropriateness of development and impact on the green belt
3. Impact on neighbouring properties
4. Traffic Issues

4.2 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.

4.3 DRAFT LOCAL PLAN POLICY CYGP23 states that Planning permission will be granted for the temporary use of land or the erection of temporary buildings for a limited period provided that: a) there would be no loss of amenity to the occupants of adjacent property as a result of the proposal; b) the applicant can demonstrate that there is no viable permanent alternative immediately available; and c) where appropriate, plans are to be brought forward for permanent development; and d) that the period for which consent is sought is the minimum required to allow the permanent development proposal to be implemented; or e) a trial period is necessary for the development, to allow an assessment of its character of effects.

4.4 DRAFT LOCAL PLAN POLICY CYGB2 states that within the defined settlements limits of villages in the Green Belt, planning permission for the erection of new buildings or the change of use, redevelopment or extension of existing buildings will be permitted provided: a) the proposed development would be located within the built-up area of the settlement; and b) the location, scale and design of the proposed development would be appropriate to the form and character of the settlement and neighbouring property; and c) the proposed development would constitute limited infilling and would not prejudice the openness or the purposes of the Green Belt.

4.5 ASKHAM RICHARD VILLAGE DESIGN STATEMENT recommends that due consideration be given to the landscape setting, architecture and space and the general character of the village during the planning process.

4.6 The school has endorsed a Travel Plan in 2004 aiming to reduce traffic congestion in the village and meetings are taking place to review and progress improvements, including the implementation of a Park and Stride scheme providing car parking at the local pub The Rose and Crown and talks with Askham Grange Prison to provide some staff parking facility.

4.7 Effect Upon Neighbouring Properties - The unit is screened from the nearest properties, De Mowbray Court, by a garage block, therefore it is not considered there will be any loss of amenity.

4.8 Due to the siting of the building to the rear of the school and the screening around the site it is not considered there will be a detrimental impact on the Green Belt, the street scene or the adjacent Conservation Area given the temporary period being sought.

5.0 CONCLUSION

By allowing a classroom unit on a temporary basis only until 31 October 2006 this will provide sufficient time to assess whether the unit needs to be retained or removed. Approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- | | | |
|---|--------|-----------------------------------|
| 1 | PLANS1 | Approved plans |
| 2 | TEMP1 | IN Temporary consent for building |

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

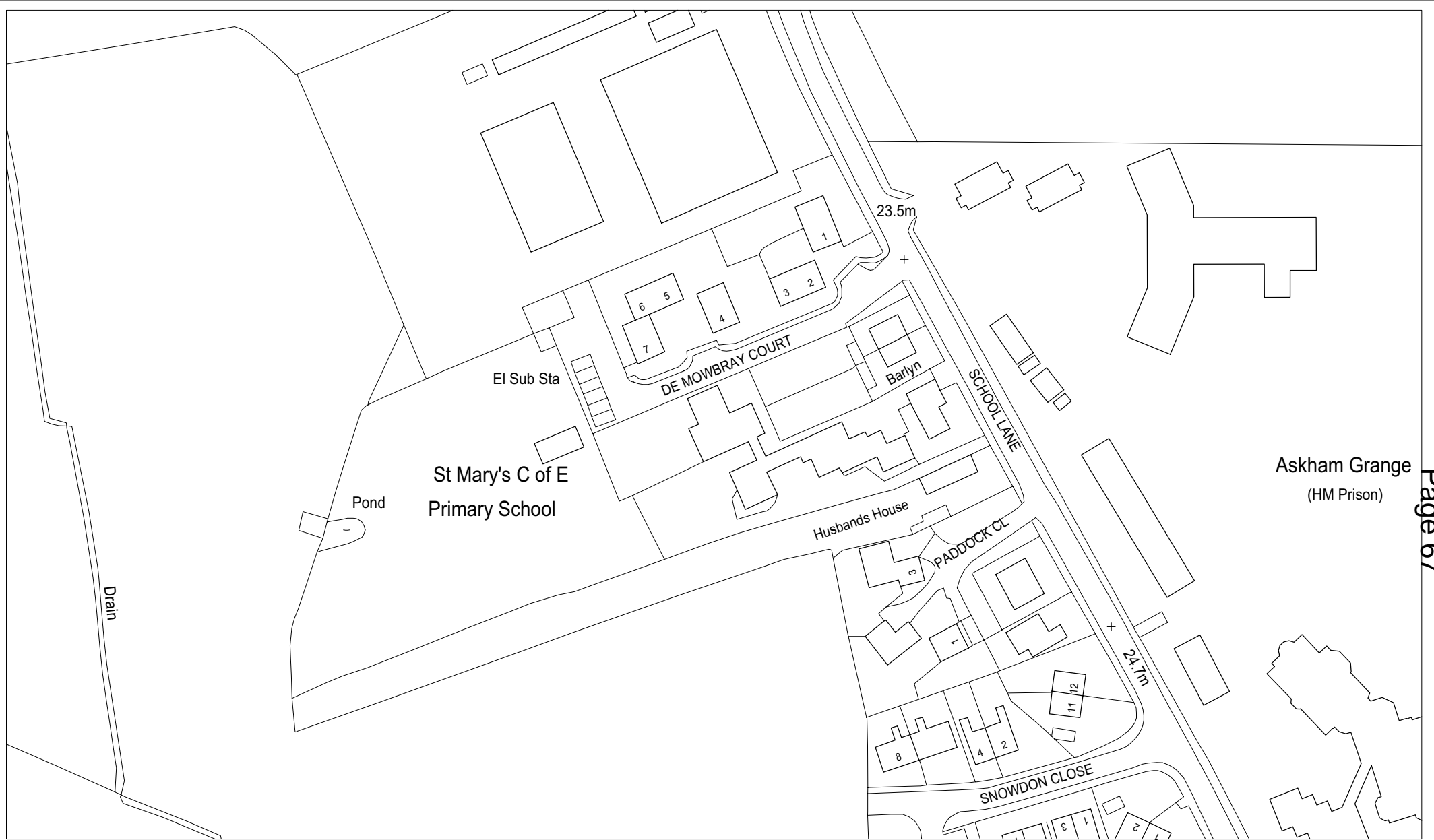
In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on residential amenity and the impact upon the green belt. As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995), National Planning Policy Guidance Note 2, Policies GP1,

GB2 and GP23 of the City of York Local Plan Deposit Draft and Askham Richard Village Design Statement

Contact details:

Author: Carolyn Howarth Development Control Assistant

Tel No: 01904 551344



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

Site Plan : St Marys C of E Primary School
School Lane Askham Richard York

SCALE: 1:1250

DRAWN BY: JB

Originating Group:
Organisation

Project

DATE 7/8/2006

Drawing No.
SP 4



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COMMITTEE REPORT

Committee: West and City Centre **Ward:** Guildhall
Date: 17 August 2006 **Parish:** Guildhall Planning Panel

Reference: 06/01471/FUL
Application at: Ali G Pizza 11 Tower Street York YO1 9SA
For: Variation of condition 2 of planning permission 7/05/737/ARI/TP to extend opening hours to 16.00 hours - 1.00 hours Monday-Thursday 16.00 hours - 02.00 hours Friday and Saturday and 16.00 - 1200 hours Sunday
By: Ali Gurgur
Application Type: Full Application
Target Date: 1 September 2006

1.0 PROPOSAL

1.1 The application is a re-submission of application 06/00112/FUL. It requests to vary condition 2 of application 7/05/737/ARI/TP which relates to the permitted opening hours. It is proposed that the premises be allowed to open between the following hours

16:00 to 01:00 the following day	Monday to Thursday
16:00 to 02:00 the following day	Fridays and Saturdays
16:00 to 24:00 (midnight)	Sundays

1.2 This application relates to an A5 use trading under the name 'Ali G Pizza'. The host site is located on Tower Street, which is within the Central Historic Core Conservation Area. The site is within a terrace of retail, restaurant and leisure activity at ground floor level. Of note, the Jade Garden and The Olive Tree restaurants to each side of the host and also Castle Snooker Club. There is a mix of offices and residential above. There are residential units nearby on Tower Place, South Esplanade and Peckitt Street. The snooker club recently had a planning application refused by members, against officer recommendation (2.3.2006), to extend its hours of opening until 03:00. It is required to close by 23:30 and 23:00 Sundays (in accordance with permission 02/01823). When restaurants were approved at 8-10A (98/1654) and 9 and 10 (03/366) they were required to close by 23:30 Mondays to Saturdays and by 23:00 Sundays. The Olive tree would be restricted by this. There is no planning restriction on the Jade Garden restaurant. It is currently required by licensing to close at 24:00.

1.3 At present the premises are permitted to trade between the following hours:

16:00 to 2330	Monday to Thursday,
16:00 to 24:00 (midnight)	Friday and Saturday, and
16:00 to 2300	Sunday

This is as a consequence of application 04/00102/ful to vary condition 2 of planning permission 7/05/737/ARI/TP.

1.4 The application is brought before members as a previous application to vary the opening hours of the premises was refused at planning committee on 2.3.2006. Since this time, the premises have gained a premises license (subject to conditions) under the Licensing Act 2003 to operate until the hours as proposed in this application.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

Listed Buildings Multiple (Spatial)

2.2 Policies:

CYHE3

Conservation Areas

CYS6

Control of food and drink (A3) uses

CYS7

Evening entertainment including A3/D2

3.0 CONSULTATIONS

3.1 Internal

Highway Network Management - No objection

Urban Design and Conservation - No comment

Environmental Protection Unit (EPU) - EPU has concerns regarding the impact on the amenity of the area. The site is located within the centre of York, but there are a number of residential properties located within the vicinity. The amenity of these residents has been taken into consideration when assessing this application.

A fast food takeaway is frequented by many customers for a short period of time. The constant movement of people into and out of the premise will create noise. Internal noise of the premises could be sufficiently contained, it is the noise made by customers as they arrive and leave the premises, particularly late at night which will have the greatest impact on local inhabitants. Nearby residents will experience raised voices, shouting and screaming that are often associated with customers frequenting these type of premises late at night. These short bursts of high noise levels are likely to disturb the sleep of local residents and have a detrimental impact on their quality of life.

The EPU does not consider that there is sufficient evidence in this case to recommend the refusal of this application. We would recommend that the application be granted a temporary approval to run for a 12 month period. This approval can then be reviewed taking into account any complaints that had been received and determine if the extended hours of operation should be permanently granted.

Safer York Partnership (Police architectural liaison officer) pending

3.2 External

Planning Panel - Object on the grounds that the extended hours would harm the living conditions of nearby residents.

Application publicised by neighbour notification (expiry date 3.8), press (7.8) and site notice (14.8). One letter in objection has been made to date.

The following objections to the application have been made

- Noise and disturbance as a consequence of extended hours

4.0 APPRAISAL

4.1 Key issues

- Crime and disorder
- Amenity
- Character and appearance of the Central Historic Core Conservation Area

4.2 Relevant site history

- Planning permission was refused in 1983 for a change of use from an ice cream parlour to a hot food takeaway on the basis that the proposed use would generate litter within an important historic area and that customers attracted to the premises late in the evening would be a source of noise nuisance and disturbance to nearby residents.
- Permission was granted on appeal subject to conditions restricting the permission to a 3 year temporary consent, restricting the hours of opening from 9:00 to 22:00 on any day and limiting the type of hot food sold to pizza only.
- The continued use of the premises as a takeaway was approved in 1987 subject to similar conditions restricting the hours and limiting the sale of hot food.
- A subsequent application to extend the opening hours to 24:00 (midnight) was refused in 1990 on the basis that the extension of hours at the premises would cause noise and disturbance to local residents.
- The removal of the condition restricting the type of food sold was approved at the City Centre Sub-Committee on 3.01.02.
- An application to open the hot food takeaway until 0200 hours on Saturday and Sunday mornings was refused by the Local Planning Authority on 11.06.03 on the grounds that the proposal would be detrimental to the amenity of nearby residents.
- An appeal was made against the decision (APP/C2741/A/03/1124677) and dismissed on 17.01.03. The inspector considered that the proposal was not acceptable, as there would be an undue adverse effect on residential amenity.
- Application to extend opening hours to 23:30 Mondays to Thursdays, to 24:00 Fridays and Saturdays and 23:00 Sundays approved (04/102)
- Application to extend opening hours to 24:00 Sunday to Thursday and to 02:30 the following day on Fridays and Saturdays refused by planning committee 2.3.06.

4.3 Summary of relevant planning policy

Planning Policy Statement 6: Planning for Town Centres (2005) paragraphs 2.23 to 2.26 provide advice on managing the evening and night-time economy. Local Authorities are encouraged to develop policies which encourage a range of complimentary evening and night-time economy uses which appeal to a wide range of age and social groups. Key issues are the cumulative impact on the character and function of the centre, anti-social behaviour, crime and the amenities of nearby residents. LPA's should also adopt an

integrated approach so that planning policies and proposals complement their Statement of Licensing Policy and the promotion of licensing objectives under the Licensing Act 2003.

Policies S6 and S7 of the City of York Draft Local Plan are relevant to hot food takeaways and the night-time economy. Of relevance to this application is the need to ensure such uses do not unduly adversely affect amenity. A method of controlling the detrimental effect on amenity can be controlling opening hours.

Public order and safety are referenced in policy S7. However such issues are now predominantly intended to be controlled by the Licensing Act 2003.

4.3 Appraisal

A premises license has been granted for the application site. This was subject to conditions that the site held CCTV tapes for a period of 28 days and that the premises became an active member of pub watch. It is more the role of the premises license, which can be revoked if necessary, to control crime and disorder. Furthermore, it is unlikely there is a direct link between premises selling food and crime and disorder. As such there is no grounds to refuse the application on the basis of crime or disorder issues.

Residential amenity is considered to be the key issue in determining this application. The previous application was refused on this basis and the EPU (see 3.1) comments raise concern. Section 4.2 demonstrates there is a substantial history of the host site attempting to extend its hours, particularly on a weekend whereby the restricted hours are detrimental to the viability of the premises.

In other applications for extensions of hours of hot food takeaways and restaurants / bars in the city centre, appeals have been allowed by the planning inspectorate, or temporary permissions granted to enable the LPA to monitor impact. In this case, there are residential units above ground floor level on Tower Street and also to the west toward the river. Footfall and noise levels on Tower Street, with and without the host premises trading would aid to ascertain impact. However, this information is not available at present for consideration. Currently the premises should close in line with the hours restricted by previous planning permissions. Representations, both from this and previous applications illustrate there is already a problem with residential amenity as a result of people travelling through Tower Street late at night and causing disturbance through noise. To a certain extent, this is to be expected in a city centre location. This may, or may not be exacerbated by allowing the host to open later in the evening. As such it may be reasonable to allow the later opening hours, on a temporary trial basis. This would allow the effect to be monitored by the Council's EPU with the operating hours reverting back to the previously approved hours if residential amenity is proven to be adversely affected.

The extension of hours is considered not to affect the character and appearance of the conservation area, or the setting of nearby listed buildings. Problems associated with litter could be dealt with by a condition requiring litter patrols to be carried out by the applicant.

5.0 CONCLUSION

5.1 It has been established by previous applications refused and a dismissed appeal that residential amenity is a concern. However the guidance in PPS6 is more recent than the appeal dismissed in 2003. PPS6 seeks to manage and promote the night-time economy and places an emphasis on consistency between planning permissions and licensing. Furthermore, members are reminded that since the most recent application was refused, the site has gained a premises license, to open until the proposed hours. As such a temporary consent to monitor the premises is considered to be a reasonable option. Consequently, if

there were evidence of a detrimental impact on residential amenity, there would be a substantial material planning reason for the premises to revert to the previous hours. Members may also wish to vary the hours applied for. Although not recommended by PPS6, as it would not be consistent with licensing, this could be done if it were considered that the later opening times during the week are excessive.

6.0 RECOMMENDATION: Approve

- 1 The use hereby permitted shall not be open to customers outside the following hours:

Monday to Thursday 16:00 to 01:00 the following day
Fridays and Saturdays 16:00 to 02:00 the following day
Sundays 16:00 to 24:00 (midnight)

The use shall adhere with these hours for a period of one year from the date of this permission after which the opening hours shall revert to the following hours:

Mondays to Thursdays 16:00 to 23:30
Fridays and Saturdays 16:00 to 24:00(Midnight)
Sundays 16:00 to 23:00

Unless planning permission has been obtained from the Local Planning Authority for the continuation of the hours hereby permitted.

Reason: In the interests of amenity, so the Local Planning Authority may assess the impact of this use, in accordance with policy S6 of City of York Draft Local Plan.

- 2 The premises operators shall carry out a litter patrol of Tower Street and the Clifford's Tower and St George's Field areas twice a day. One of the aforementioned patrols shall occur at the end of the operating hours specified in condition 1 on each day.

Unless an alternative agreement is agreed to in writing by the Local Planning Authority.

Reason: In the interests of protecting the general amenities of the area in accordance with policy S6 of the City of York Draft Local Plan.

7.0 INFORMATIVES:

Notes to Applicant

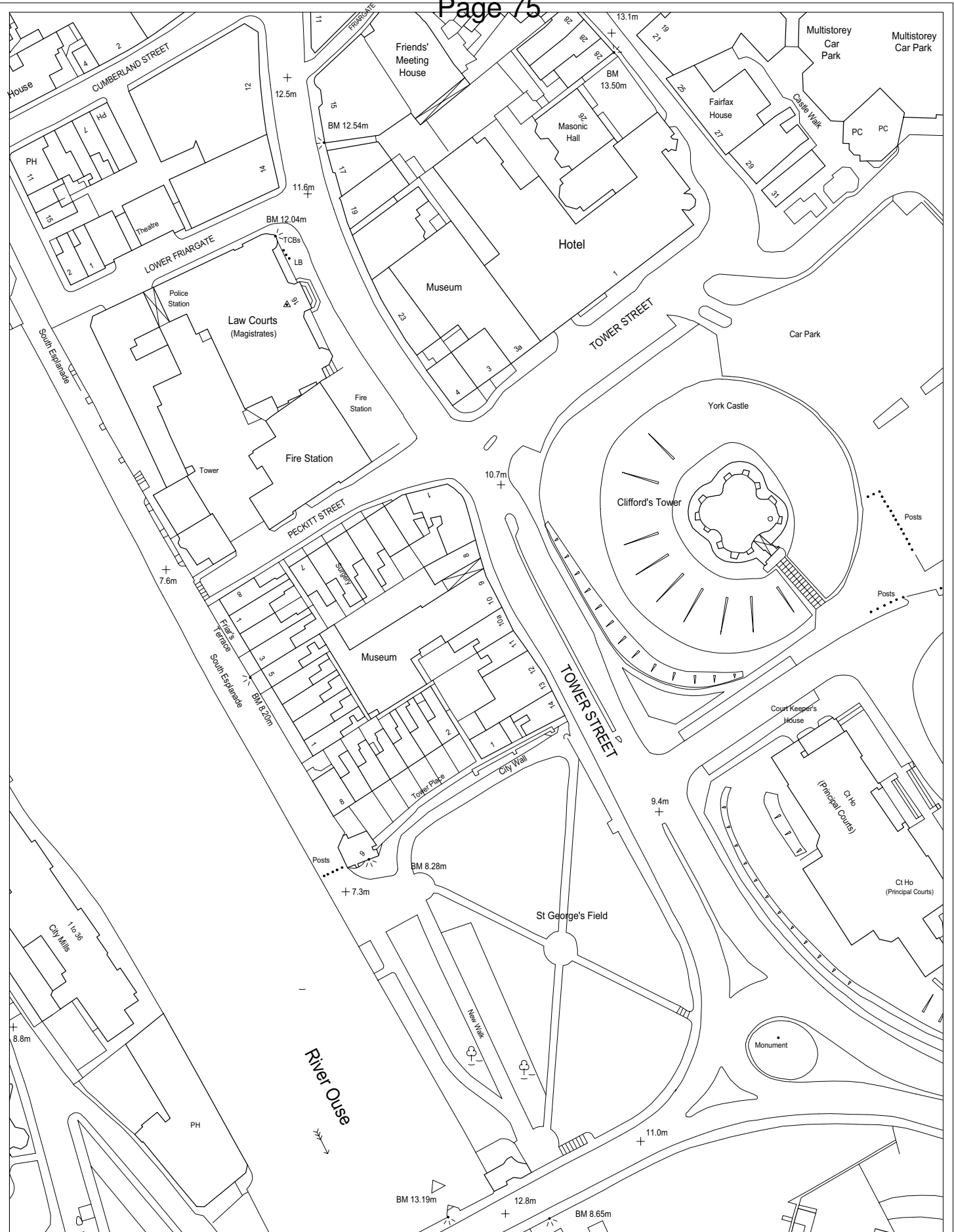
1. REASON FOR APPROVAL

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 amenity, crime and disorder and the character and appearance of the conservation area. As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies HE3, S6 and S7 of the City of York Local Plan Deposit Draft.

Contact details:

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

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

Site Plan : Ali G Pizza 11 Tower Street York

SCALE 1:1250

DRAWN BY JB

DATE 7/8/2006

Originating Group

Project

Drawing No.

Organisation

SP 3



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COMMITTEE REPORT

Committee: West and City Centre **Ward:** Guildhall
Date: 17 August 2006 **Parish:** Guildhall Planning Panel

Reference: 06/01484/GRG3
Application at: Council Depot Hazel Court York YO10 3DS
For: Erection of a 15 metre high wind turbine (re-submission)
By: City Of York Council
Application Type: General Regulations (Reg3)
Target Date: 30 August 2006

1.0 PROPOSAL

1.1 This application is for a 15kw wind turbine on a 15m mast to be sited in the centre of the car park of the Council's EcoDepot that is currently under construction. The turbine would generate electricity for use in the council depot and any surplus would be sold to the national grid. It is anticipated that the turbine would cover 18- 20% of the energy requirements of the site.

1.2 The council depot includes innovative designs, materials and technologies with the overall aim of reducing greenhouse gas emissions (GHG) that cause climate change. As the major contributor to GHG emissions will be its energy use, it was considered appropriate to include a wind turbine to produce energy from a renewable source. The turbine would work in tandem with other renewable energy technologies (Photovoltaic Cells on the Amenities Building and the Eco Office Building) to generate electricity and using the sun and a solar thermal system to heat water. These measures would contribute to York meeting its renewable energy targets as set by the Regional Assembly and endorsed in the draft regional Spatial Strategy.

1.3 An earlier proposal for a wind turbine on a 25m mast to be sited in the south western corner of the site was withdrawn following further consideration of this siting. The revised siting to this more central siting would maximise wind speeds and therefore improve efficiency. The application has been accompanied by a noise impact assessment report.

1.4 Members of the Centre and West Sub -Committee were invited to visit a similar example at a school in Kirklees, West Yorkshire. This was followed by a daytime and an evening session at the Environment Centre, St. Nicholas Fields where the proposals were on show and staff were available to explain the proposals to the public. The turbine would be the same make as the existing 9m x 2 Kw mast at the nearby Environment Centre in St Nicholas Fields.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

2.2 Policies:

CYGP4A
Sustainability

CYGP5
Renewable energy

CYGP1
Design

3.0 CONSULTATIONS

3.1 INTERNAL

ENVIRONMENTAL PROTECTION UNIT-

There are no objections to this proposal. A Noise Impact Assessment was carried out at the local authority's request to ensure that noise from the proposed turbine would not affect the amenity of nearby occupiers of premises. A visit was made to witness the type of noise made by a 15kW turbine on a 15 metre mast situated close to residential properties in West Yorkshire. The noise from that turbine was barely audible at a distance of 10 metres and was unlikely to be a source of noise nuisance to nearby residential properties. The assessment indicated that noise from the turbine would be unlikely to cause noise complaints from nearby residents, and the noise levels would be within acceptable limits as recommended by the World Health Organisation for the workers in office buildings close to the site. It is recommended that a condition be attached to any approval of planning permission to ensure that the turbine is maintained and serviced according to the manufacturer's instructions to prevent any decrease in its efficiency or increase in noise levels to the detriment of noise sensitive premises in the area.

HIGHWAY NETWORK MANAGEMENT- No objection

URBAN DESIGN AND CONSERVATION- No comments received.

3.2 EXTERNAL

Guildhall Planning Panel- No objections but would seek the safeguard of temporary planning permission so that the Local Planning Authority can monitor the visual and other impacts.

2 representations have been received expressing the following planning concerns-

- a. Would be an eyesore
- b. Not justified

4.0 APPRAISAL

4.1 Key Issues-

1. Appropriateness of the site for the intended use
2. Visual impact
3. Impact on surrounding properties from noise/ interference
4. Access
5. Local wildlife

4.2 Planning Policy Statement 22: Renewable Energy advises that the development of renewable energy supplies will make a vital contribution to the Government's energy policy as set out in the Energy White Paper. It is considered that the increased development of renewable energy resources is vital to facilitate the delivery of the Government's commitments on both climate change and renewable energy. The Energy White paper indicates that local and regional bodies should be involved to deliver the Government's objectives, including establishing regional targets for renewable energy generation. This statement is supported by " Planning for Renewable Energy- A Companion Guide to PPS22

4.3 The City of York Draft Local Plan Policy GP4a h) encourages new developments to incorporate measures to maximise the use of renewable energy resources. Policy GP5 also positively supports the principle of renewable energy facilities providing there is no significant adverse effect on the locality generally and on amenities that ought to be protected in the public interest. Policy GP1 seeks to ensure that residents living nearby are not unduly affected by noise and disturbance and any adverse visual impact from such developments.

LAND USE

4.4 The land area occupied by the proposed turbine would be a 5m-x5m area of the proposed car park and would not be a significant loss of car parking space in this large car park. The proposed wind turbine would add to the range of renewable measures that the Council is promoting on the site and would demonstrate the authority's commitment to meeting renewable energy targets. The proposal would therefore accord with Policies GP4a h) and GP5 of the draft Local Plan.

VISUAL IMPACT

4.5 The proposed turbine would be seen as a large structure within this commercial site, but would be masked to a degree by the finished scale of the buildings that are currently under construction. The mast of the proposed turbine would be fixed to a concrete foundation that would be flush with the surrounding land and the associated machinery would be below ground. The main impact from the height of the proposed turbine. The blades need to be far enough above ground to minimise turbulence and to maximise the energy capture of the wind turbine. The mast with the maximum blade extension would extend 19.8m. Some of the buildings will be 13 metres high and these would provide substantial screening of the structure. The concern that has been expressed in the representations that have been received has largely come from the residents that live in Fifth Avenue. The Eco Office at 9 metres to its ridge would act as a visual buffer for the residents in this particular area. Whilst it is acknowledged that the structure would have some visual impact as it would be visible above this building, it is considered that the impact would not be severely detrimental to the outlook from these residential properties. There is an existing view to the adjacent industrial buildings on James Street and the scale and range of the industrial buildings on the application site will further add to this industrial/ commercial outlook. It is considered that the turbine would be in character with the type of buildings on the site, would be compatible with the scale of the buildings on the site and in the locality, and would not be unduly prominent for occupiers of the nearby properties. As such it would comply with Policy GP1 of the Draft Local Plan.

NOISE

4.6 The site is situated on an industrial estate, would be part of a busy Council depot site that comprises workshops, lorry movements, offices etc, and lies adjacent to the new Hazel Court Household Waste site where there is a significant level of background noise. The site is also near the city centre and close to a main arterial road where traffic noise would add to the background noise levels. The current construction work on the James Street link road is likely to significantly add to the existing background noise levels in the area, and on

completion of the road it is likely there would be a further increase in background noise levels from the additional traffic noise that would use the new road.

4.7 Wind turbines are not silent and a Noise Impact Assessment has therefore accompanied the application. This demonstrates to the satisfaction of the Council's Environmental Protection Unit that the noise from the proposed wind turbine would not increase the background noise levels, would be unlikely to result in noise complaints from nearby residents, and levels would be within acceptable limits as recommended for workers in the office buildings close to the site. The wind turbine would have no gearbox and therefore no mechanical noise would be produced. The level of aerodynamic noise produced by the passage of blades through the air is generally unobtrusive, and is similar to the noise of wind in the trees. The rear gardens of the nearest residential property on Fifth Avenue would be over 70 metres from the proposed turbine. It is considered that at this distance there would be sufficient separation between the proposed turbine and these dwellings, the nearest noise-sensitive development. Coupled with the generally low operating turbine noise level in a high ambient background level, it is likely that turbine noise would be masked by wind-generated background noise.

INTERFERENCE OF TRANSMISSIONS AND SIGNALS

4.8 Any proposed impact on transmissions is a material concern that should be considered in the determination of this application. The mast would be a slim pole, shielded by the substantial industrial buildings on the site, and it is considered that would be unlikely to have a significant scattering effect on line of sight transmission signals. The agent has advised in his supporting information that the equipment would not interfere with telecommunications and TV signals. If the scattering of signal affects domestic TV and radio reception, experience has shown that this can be alleviated by the installation or modification of a local repeater station or cable connection. Similarly interference effects can be reduced.

ACCESS

4.9 The proposed location of the wind turbine would be easily accessed for construction traffic and traffic movements for maintenance would be light. The turbine would be set back from Hazel Court and James Street and would not affect highway safety as a distraction to highway users in this largely screened location at the head of a cul-de sac. The proposal would result in the loss of lorry parking space and it is considered that this would not compromise highway safety.

LOCAL WILDLIFE

4.10 The proposed site lies close to St Nicholas Fields Open Space, which contributes significantly to the quality of the local environment and provides an attractive habitat for local wildlife. No species or habitats of special importance have been identified that require special protection measures. The issue of 'bird strike' has been raised but it is advised in " Planning for Renewable Energy- A Companion Guide to PPS22 " that there is evidence to suggest that the risk of collision of birds with moving of the rotor blades is minimal for both migrating birds and for local habitats.

5.0 CONCLUSION

5.1 It is concluded that the proposed wind turbine would conform with development plan policies and would be a positive addition to the Council's contribution to using renewable energy. An extensive community involvement exercise was carried out through open sessions to view the plans and discuss the details with officers and the technical expert which resulted in the main concern being the visual impact that would result. It is considered that this relatively small scale wind project would not be overly intrusive in this location, would be compatible with the nature of the surrounding developments, and would not

significantly harm the outlook from the neighbouring housing. As no other material considerations would be harmed, it is considered that the application should be approved.

6.0 RECOMMENDATION: Approve under General Regs 3 Council Dev

1 TIME2

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

YD E500, Revision K

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

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

3 The turbine and associated plant or equipment shall be appropriately serviced and maintained after installation to ensure it meets the manufacturers specification with regards to minimisation of noise output.

Reason: to protect the amenity of nearby occupants of noise sensitive premises.

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:

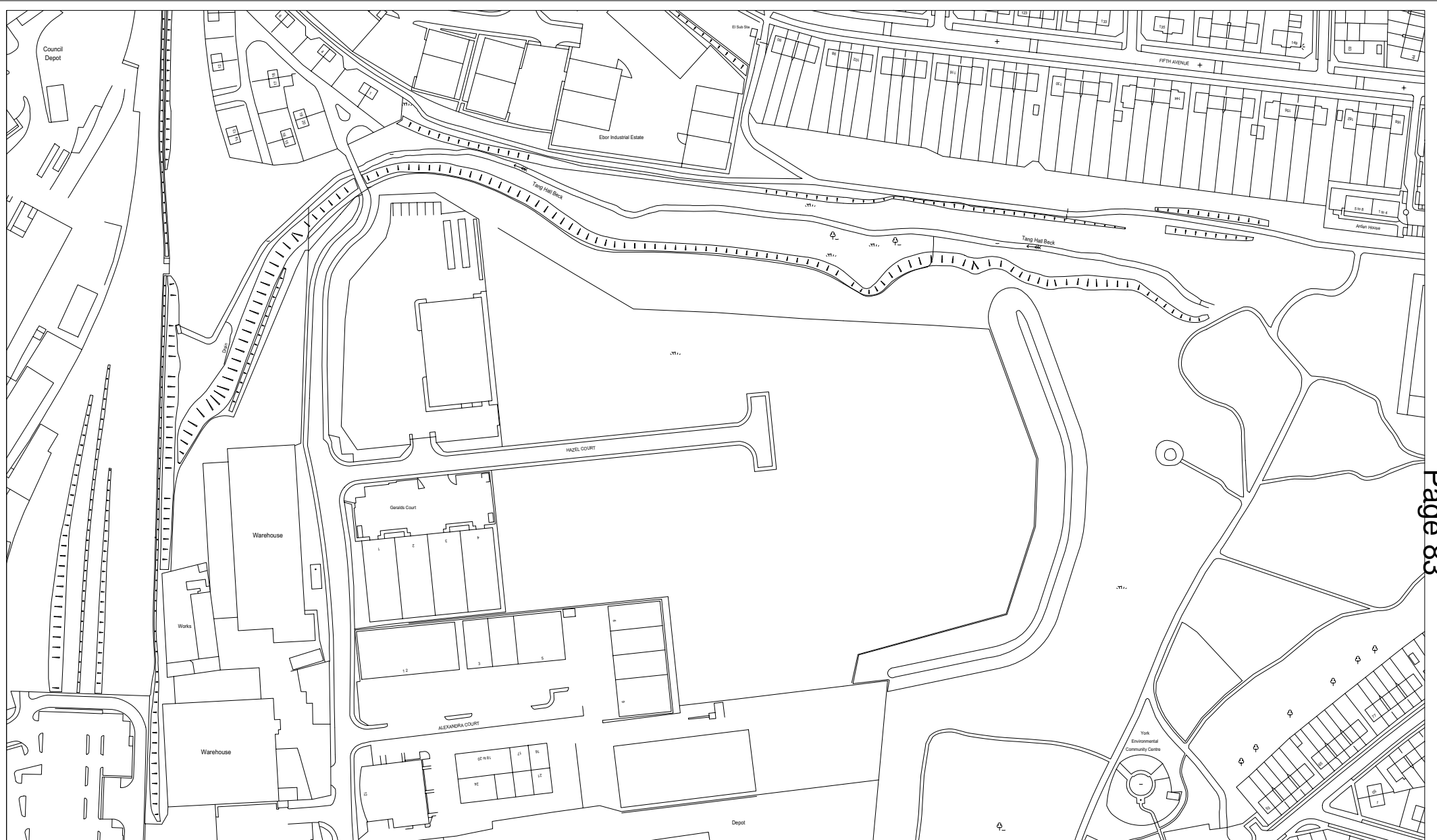
1. land use,
2. the residential amenity and living conditions of the neighbours and occupiers of nearby buildings,
3. the visual amenity of the locality,
4. highway safety, and
5. sustainable development

As such, the proposal complies with Policies GP4, GP5 and GP1 of the City of York Local Plan Deposit Draft; national planning guidance contained in Planning Policy Statement Notes 1 " Delivering Sustainable Development;" and No. 22 " Renewable Energy.

Contact details:

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

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

Site Plan : Council Depot Hazel Court York

SCALE: 1:2500

DRAWN BY: JB

Originating Group:

Project

Organisation

DATE 7/8/2006

Drawing No.

SP 2



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COMMITTEE REPORT

Committee: West and City Centre **Ward:** Rural West York
Date: 17 August 2006 **Parish:** Nether Poppleton Parish
Council

Reference: 06/01529/FUL
Application at: 4 Littlefield Close Nether Poppleton York YO26 6HX
For: Erection of 2 x 1.8m high double wooden gates
By: Alison Jayne Bradley
Application Type: Full Application
Target Date: 11 September 2006

1.0 PROPOSAL

1.1 The application is for the erection of 2 pairs of 1.8 metre high double wooden gates.

1.2 The application is reported to Sub Committee as the applicant is the wife of a Councillor.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

2.2 Policies:

CYGP1
Design

3.0 CONSULTATIONS

3.1 PUBLICITY DATES/PERIODS

Neighbour Notification - Expires 15/08/2006
Site Notice - N/A
Press Advert - N/A
Internal/External Consultations - Expires 15/08/2006

8 WEEK TARGET DATE 11/09/2006

3.2 INTERNAL CONSULTATIONS

HIGHWAYS NETWORK MANAGEMENT - No objections

3.3 EXTERNAL CONSULTATIONS/REPRESENTATIONS

No other representations were received within the consultation period

4.0 APPRAISAL

4.1 RELEVANT SITE HISTORY

6/116/208/PA - Erecting ground floor extension to form study, store, utility room and kitchen - Approved

4.2 ADDITIONAL PLANNING POLICY

Poppleton 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.

VISUAL IMPACT ON THE DWELLING AND THE AREA

The application is for 2 pairs of 1.8 metre high double wooden gates both with access to Littlefield Close. There are similar examples of gates and fences over 1 metre adjacent to a highway within the street. The boundary facing the road is marked by a tall conifer hedge, together with hedges on the opposite side of the street the gates are unlikely to impact further on the openness of the street. The gates would not impact negatively on the appearance of the dwelling or the street scene.

There would be very little impact on the neighbouring properties by the proposed gates with no material loss of light, or loss of vehicle visibility.

5.0 CONCLUSION

5.1 The proposed erection of 2 pairs of 1.8 metre high wooden gates would comply with planning policy, and the amenity requirements of the area, and would not harm highway safety. Approval is recommended.

6.0 RECOMMENDATION: Approve

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

Plans received 7 July 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

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference the residential amenity of the neighbours, the visual amenity of the dwelling and the locality, and highway safety. As such, the proposal complies with Policy GP1 of the City of York Development Control Local Plan (2005).

2. INFORMATIVE:

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

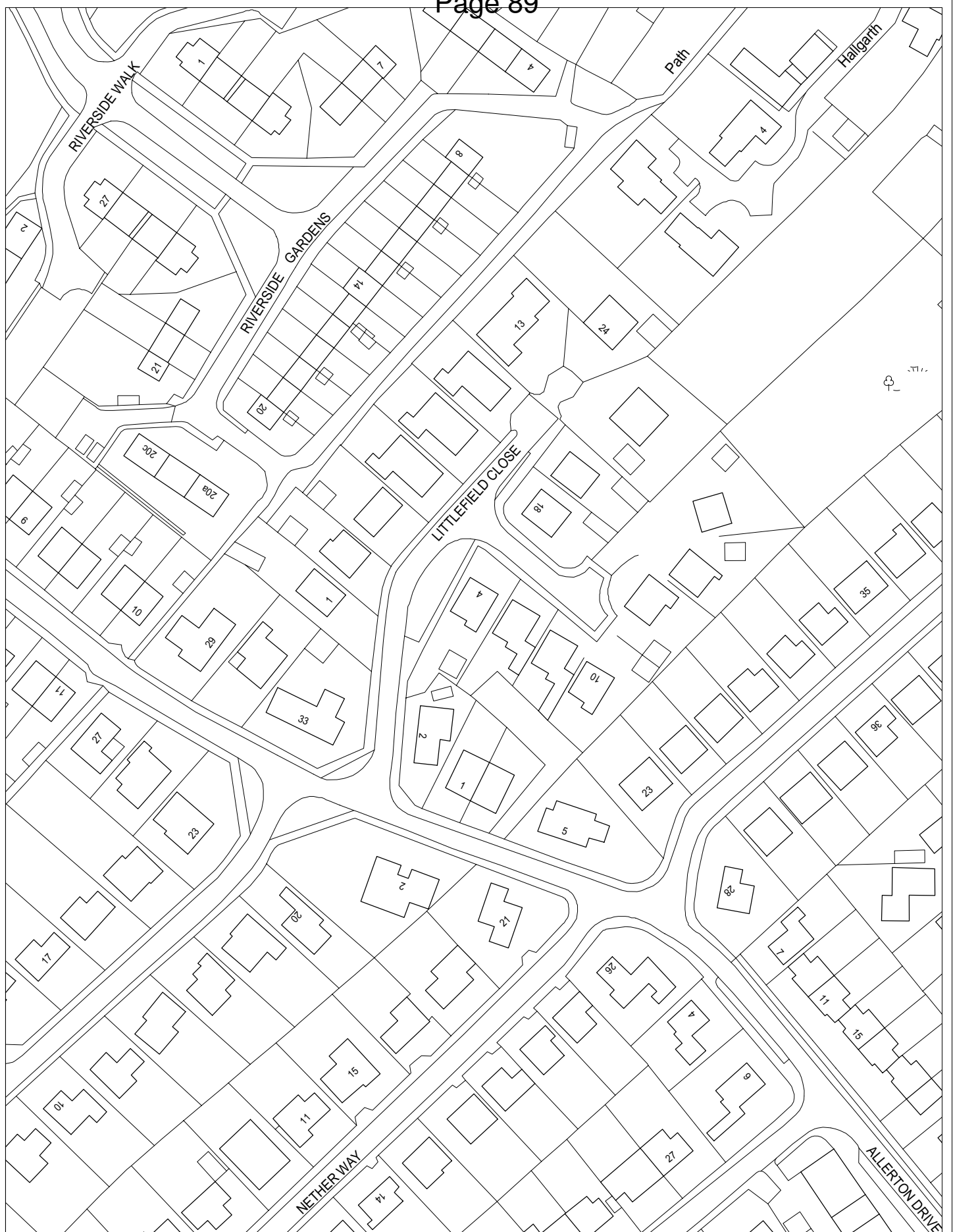
Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

Contact details:

Author: Victoria Bell Development Control Officer

Tel No: 01904 551347

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

Site Plan : 4 Littlefield Close Nether Poppleton York

SCALE 1:1250

DRAWN BY JB

DATE 7/8/2006

Originating Group

Project

Drawing No.

Organisation

SP 1



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COMMITTEE REPORT

Committee: West and City Centre **Ward:** Guildhall
Date: 17 August 2006 **Parish:** Guildhall Planning Panel

Reference: 06/01323/LBC
Application at: Lendal Hill House Museum Street York YO1 7DT
For: Erection of boundary railings and alterations to outbuilding to form storage area
By: Lendal Tower Venture
Application Type: Listed Building Consent
Target Date: 17 August 2006

1.0 PROPOSAL

1.1 In May 2005, consent was granted for four linked applications relating to the restoration of the complex of buildings at Lendal Tower. Consent was granted for the change of use of Lendal Tower to a single dwelling house and for the change of use of Lendal Hill House to form two dwellings. The engine house, which lies to the west of Lendal House and Lendal Hill House between which are private gardens, is to be the subject of a future application for redevelopment.

1.2 This application seeks listed building consent to subdivide the area of private garden between the Tower/Hill House Group and the engine house through the erection of boundary railings. Alterations to a small single storey outbuilding leaning to the engine house to form a garden room/ storage area for the use of the future occupants of Lendal Hill House and Lendal Tower, is also proposed.

1.3 Cllr B. Watson has requested that this application be considered at Committee.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

Listed Buildings Multiple (Spatial)

Scheduled Ancient Monuments Multiple (Spatial)

2.2 Policies:

CYHE4
Listed Buildings

CYHE9
Scheduled Ancient Monuments

3.0 CONSULTATIONS

3.1 Internal

Urban Design and Conservation - The subdivision of the garden was not part of the original approved scheme. However proposals appear lightweight and reasonable, subject to details. The small outbuilding though is currently associated with the engine house as it is firmly attached and also linked through by means of a door. To consider this part of the proposal, we would require the application to show (i) blocking up of this access, (ii) a written or drawn assessment of the engine house demonstrating why these proposals would not compromise any future reuse of the engine house.

3.2 External

Guildhall Planning Panel - Object. The proposed railings, their design, are out of character with the listed buildings where traditional wrought iron railings should be sought.

Consultation Period Expiry Date - 21st July 2005 - No comments received.

4.0 APPRAISAL

4.1 Key Issues

- impact upon the character and appearance of the listed building and scheduled ancient monument.

4.2 Draft Local Plan Policy HE4 refers to listed buildings and states that consent will only be granted for internal or external alterations or for development in the immediate vicinity of listed buildings where there is no adverse effect on the character, appearance or setting of the building. Draft Policy HE9 states that permission will not be granted for development which would adversely affect a scheduled ancient monument or its setting.

4.3 Lendal Tower is a stone tower dating from the 13th Century. It is Grade 1 listed and a Scheduled Ancient Monument. Lendal Hill House is built against the north east side of Lendal Tower. It is two storeys in height, excluding the attic, and is of dark red brick construction. It dates from the late eighteenth century and is a Grade II listed building.

4.4 West of Lendal Tower and Lendal Hill House is a separate block of two storey buildings, marked as offices on the Ordnance Survey plan. The block was built as an engine house about 1836, then converted to offices for the York New Waterworks Company in around 1854. They are also Grade II listed buildings and have some recent extensions. Between them and the Tower/Hill House Group is an area of private gardens.

4.5 In May 2005, consent was granted for four linked applications relating to the restoration of the complex of buildings at Lendal Tower. These applications comprised;

- (i) Lendal Tower - Change of Use to a single dwelling house
- (ii) Lendal Tower - Listed Building Consent
- (iii) Lendal Hill House - Change of Use to two dwellings
- (iv) Lendal Hill House - Listed Building Consent

In addition, an outline application was later submitted for the change of use and extension of the engine house to form a restaurant. However the Council deemed an outline application to lack sufficient detail to allow full and proper consideration of the proposal and as such requested a full application. This application has yet to be received.

4.6 This application seeks listed building consent to subdivide the area of private garden between the Tower/Hill House Group and the engine house through the erection of boundary railings and for alterations to a small single storey outbuilding leaning to the engine house to form a garden room/ storage area for the use of the future occupants of Lendal Hill House and Lendal Tower.

4.7 The proposed alterations to the outbuilding comprise the insertion of a doorway to the north eastern elevation, two door openings on the south east elevation together with the insertion of double doors on the south west elevation. The scheme to provide occupants with private amenity space involves the retention of a section of low wall with railings centred on the wall and boundary railings between the Lendal Tower and Lendal Hill House plots. The indicative plans for the railings detail steel powder coated black railings approximately 1000mm in height.

4.8 Additional information with respects to the outbuilding and its physical link to the engine house together with an indication of how the proposals for the outbuilding would not compromise any future reuse of the engine house, is required in order to properly assess this part of the proposal. This information has been requested and Members will be updated at the meeting.

4.9 The proposal to subdivide the garden, which was not included in the previous applications, is considered a reasonable proposal to provide privacy for future occupants of the development. In terms of design and materials, the Council's Conservation Architect considers that lightweight metal railings of a simple design i.e uprights with three rods across (similar to estate fencing) against which future owners would be encouraged to grow shrubs, would be the most appropriate solution. Given that the proposal does not relate to a principal front boundary, officers consider wrought iron railings to be too heavy and elaborate. A condition requiring large scale details of the proposed railings is recommended.

5.0 CONCLUSION

5.1 With reference to the proposal to subdivide the garden, Officers consider there would be no significant adverse impact on the setting of the listed building or on the scheduled ancient monument.

5.2 In terms of the proposal to alter the outbuilding, additional information is awaited. Subject to the receipt of satisfactory additional information relating to the blocking up of the physical link between the outbuilding and the engine house together with information relating to how the proposals for the outbuilding would not compromise any future reuse of the engine house, the application is recommended for approval as follows.

6.0 RECOMMENDATION: Approve

1 TIMEL1

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

Drawing No. 17 received on 22nd June 2006
Indicative Railing Layout received on 22nd June 2006

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

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

3 Notwithstanding the submitted details, large scale details of the railings and gates hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

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

7.0 INFORMATIVES:

Notes to Applicant

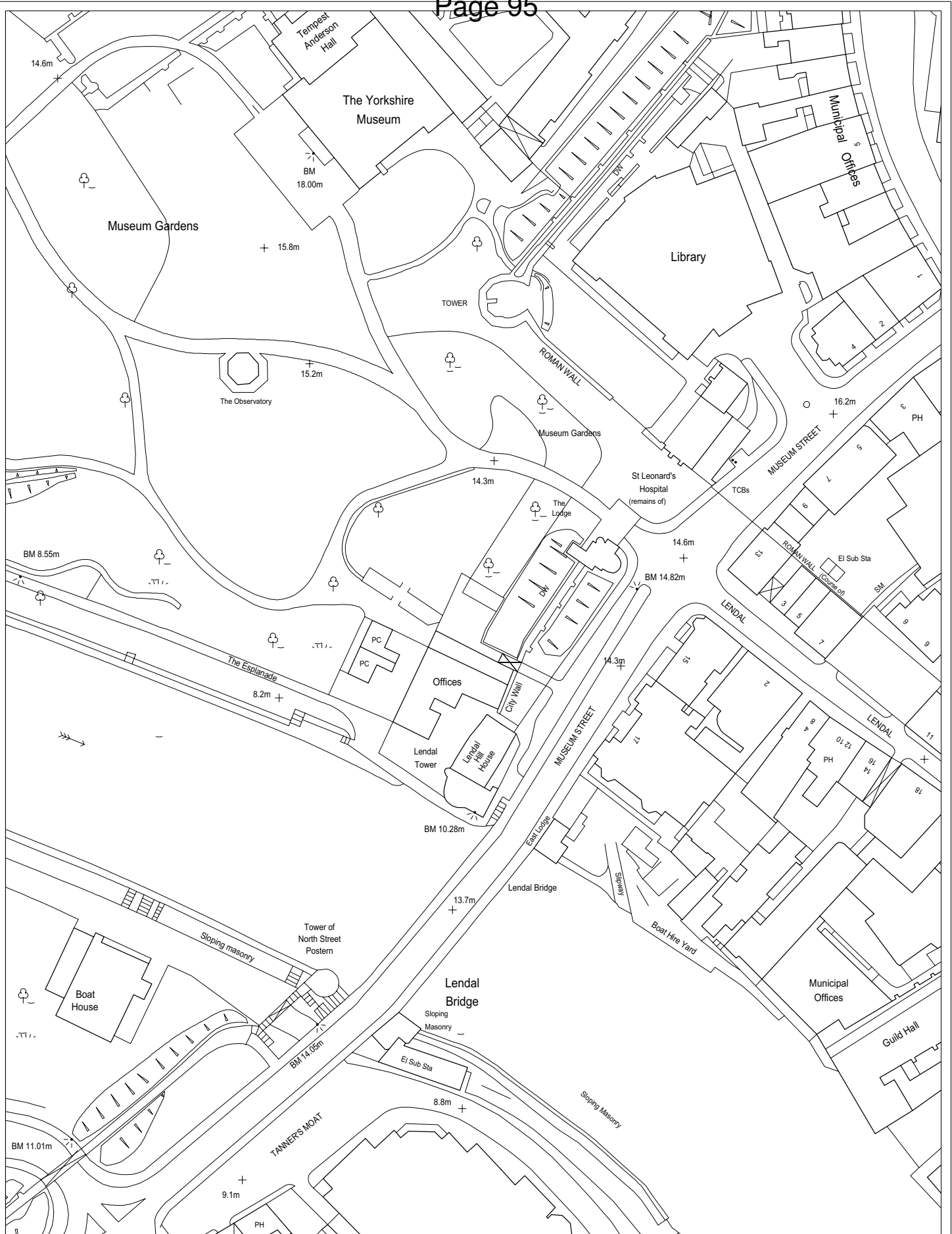
1. REASON FOR APPROVAL

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 impact on the setting of the listed building. As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies HE4 and HE9 of the City of York Local Plan Deposit Draft.

Contact details:

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

Site Plan : Lendal Hill House Museum Street York

SCALE 1:1250

DRAWN BY JB

DATE 7/8/2006

Originating Group
Organisation

Project

Drawing No.
SP 11



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