

Notice of public meeting of

West & City Centre Area Planning Sub-Committee

To: Councillors Watson (Chair), Funnell, Galvin, Gillies (Vice-Chair), Jeffries, Looker, Orrell, Reid and Semlyen

Date: Wednesday, 5 December 2012

Time: 3.00pm

Venue: The Guildhall, York

AGENDA

Site visits for this meeting will commence at 11.00am on Tuesday 4 December 2012 at Memorial Gardens.

1. Declarations of Interest

At this point, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. Public Participation

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by 5pm the working day before the meeting, in this case **5pm on Tuesday 4 December 2012**. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

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

3. Plans List

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

- a) **Clement House, 6 Bishopgate Street, York, YO23 1JH (12/03359/LBC)** (Pages 5 - 10)
Single storey extension. *[Micklegate Ward]*
- b) **Acomb Branch Library, Front Street, York, YO24 3BZ (12/03240/FUL)** (Pages 11 - 16)
Variation of condition 1 of permitted application 10/01187/FUL to extend the temporary permission for siting of portakabin for use as ambulance stand by point for a further 5 years. *[Westfield Ward]*
- c) **1 Church Street, York, YO1 8BA (12/02166/FUL)** (Pages 17 - 24)
Change of use from retail (use class A1) to mixed retail/cafe use (retrospective) *[Guildhall Ward]* **[Site Visit]**
- d) **11 Poplar Street, York, YO26 4SF (12/03192/FUL)** (Pages 25 - 34)
Erection of two storey detached dwelling to side *[Holgate Ward]* **[Site Visit]**.
- e) **Borders, 3 Little Stonegate, York (12/02521/FUL)** (Pages 35 - 44)
Change of use from retail (Use Class A1) to Bar/Restaurant (Use Class A4/A3) *[Guildhall Ward]* **[Site Visit]**
- f) **Borders, 3 Little Stonegate York (12/02879/LBC)** (Pages 45 - 52)
Internal alterations including reconfiguration of staircase at left end and stair up to mezzanine level, enlargement of existing openings into main space, installation of partition walls and bar (at gallery level) and removal of raised floors. *[Guildhall Ward]* **[Site Visit]**
- g) **Il Paradiso Del Cibo, 40 Walmgate, York, YO1 9TJ (12/03296/FUL)** (Pages 53 - 64)
Use of the highway for tables and chairs to serve Il Paradiso Del Cibo and installation of french doors and canopy to side. *[Guildhall Ward]* **[Site Visit]**

h) 2 - 16 Piccadilly, York (12/03155/FULM) (Pages 65 - 84)

Change of use of existing ground floor retail units (Use Class A1) to flexible A1, A2, A3 or A4 use, change of use of former White Swan Hotel (Use Class C1) to residential (Use Class C3) to form 14no. apartments, at first, second and third floor level, external extensions to the rear and side, at first and second floor level, and associated works. *[Guildhall Ward]*

4. Appeals Performance and Decision Summaries (Pages 85 - 124)

This report (presented to both Sub Committees and Main Planning Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1st April to 31st October 2012, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals to date of writing is also included.

5. Urgent Business

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

Democracy Officers:

Name: Catherine Clarke and Louise Cook (job share)

Contact Details:

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

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

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

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

Contact details are set out above.

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Scrutiny Committees

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

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

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WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE

SITE VISITS

Tuesday 4 December 2012

Members of the sub-committee meet at Memorial Gardens at 11.00

TIME (Approx)	SITE	ITEM
11.10	11 Poplar Street	3d
11.40	Il Paradiso Del Cibo 40 Walmgate	3g
12.10	1 Church Street	3c
12.30	3 Little Stonegate	3e & 3f

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COMMITTEE REPORT

Date: 5 December 2012 **Ward:** Micklegate
Team: Householder and **Parish:** Micklegate Planning
Small Scale Team Panel

Reference: 12/03359/LBC
Application at: Clement House 6 Bishopgate Street York YO23 1JH
For: Single storey extension
By: Mr And Mrs Lambley
Application Type: Listed Building Consent
Target Date: 19 December 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks consent for a single storey rear extension to the rear to provide utility room with glazed roof and brick construction; extension in width of previous offshoot, of contemporary design; re-location of window and insertion of three rooflights; to create kitchen/diner and utility area.

1.2 This two-storey mid terraced dwelling is Grade 2 Listed and sited within the Central Historic Core Conservation Area.

RELEVANT PLANNING HISTORY

1.3 Application No. 08/02557/FUL and Application No. 08/02258/LBC - Single storey extensions to existing rear offshoot. Approved 06.01.09.

1.4 Application Nos. 09/01974/FUL - Single storey rear extensions - Variation of condition 3 of permission 08/02557/FUL - to allow the new windows and glazed roofing to be of aluminium construction. Approved 06.01.10.

1.5 The application is brought to committee due to the applicant being employed by City of York Council.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006
Conservation Area GMS Constraints: Central Historic Core CONF

Listed Buildings GMS Constraints: Grade 2; Clement House 6 Bishopgate Street
York YO2 1JH 0931

Listed Buildings GMS Constraints: Grade 2; 5 Bishopgate Street York YO2 1JH
0930

2.2 Policies:

CYHE4
Listed Buildings

3.0 CONSULTATIONS

INTERNAL

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

3.1 No objection, subject to conditions relating to external materials and detail of utility door.

EXTERNAL

MICKLEGATE PLANNING PANEL

3.2 No reply received up to date of writing

4.0 APPRAISAL

4.1 Key Issues:

Impact upon the special interest of the listed building

POLICY CONTEXT

4.2 The National Planning Policy Framework 2012 (NPPF) sets out the Government's planning policies. At its heart is a presumption in favour of sustainable development. The framework states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. A principle set out in paragraph 17 is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 132 states that considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.

Significance can be harmed by or lost through alteration or destruction of the heritage asset or development within its setting.

Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

4.3 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the content of the NPPF.

4.4 Policy CYHE4 of the Development Control Local Plan states that with regard to listed buildings, consent will only be granted for internal or external alterations where there is no adverse effect on the character, appearance or setting of the building.

ASSESSMENT

4.5 Planning permission and listed building consent was given for an extension and alterations to the existing off-shoot in 2009; a further planning permission was granted for a variation with regards to materials, however, no listed building application was received at this time. Works have commenced on site, however the initial listed building consent has now expired. Previously in place was a long rear attached offshoot to the rear, added around the late nineteenth century, of brick and slate roof construction; along with a later addition of a sun room with polycarbonate roofing. During building works however, the applicant has advised that due to the unstable nature of the walls to the rear element to be altered, the majority of this has been removed, though the bricks and slate roof tiles are to be re-used.

4.6 The detail within this application is identical to that previously approved, aside from a small change to the internal layout of this addition that has been incorporated. The brickwork and mortar treatment and details of the rooflight are acceptable and have been approved as part of the 2009 planning permission. Other details can be secured through appropriate conditions.

5.0 CONCLUSION

The proposed development would have no adverse impact on the special historic interest of the listed building.

6.0 RECOMMENDATION: Approve

1 PLANS1 Approved plans - Plans received on 01.11.12.

2 Details of the lead finish to the roof to the front section of the rear offshoot shall be submitted to and approved in writing by the local planning authority.

Reason: To protect the special historic nature of the dwelling

3 The new full height windows to the rear offshoot shall be framed in timber.

Reason: To protect the historic nature of the building

4 Details of the design, materials, colour and finish of the external door to the utility room shall be submitted to and approved in writing by the Local Planning Authority, prior to its installation.

Reason: To protect the special historic nature of the building

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR CONSENT

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 upon the special historic nature of the dwelling. As such the proposal complies with Policy HE4 of the City of York Development Control Local Plan and National Planning Policy Framework paras 132 and 134

Contact details:

Author: Carolyn Howarth Development Management Assistant

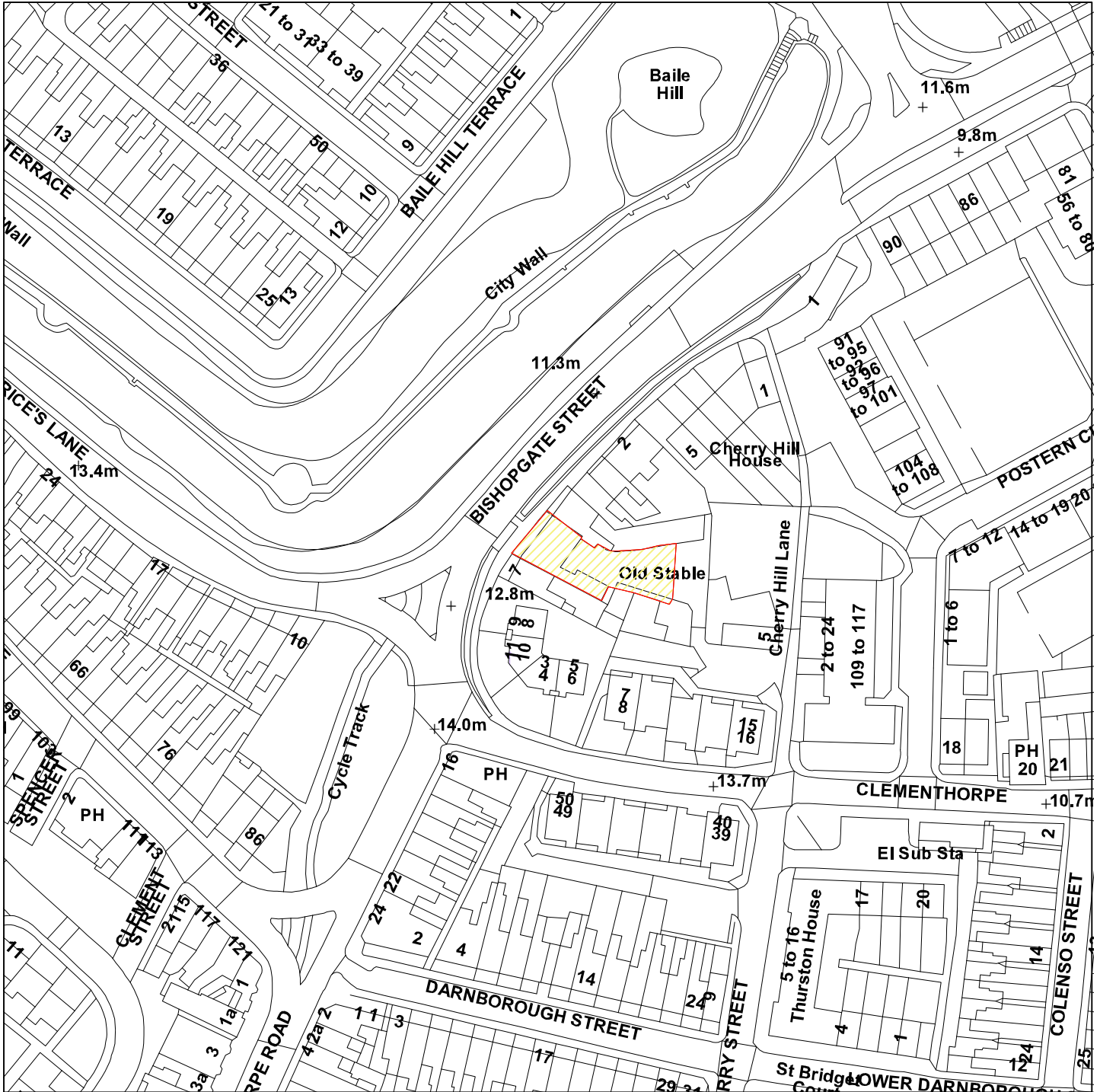
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12/03359/LBC

Clement House, 6 Bishopgate Street



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	26 November 2012
SLA Number	Not Set

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COMMITTEE REPORT

Date: 5 December 2012 **Ward:** Westfield
Team: Major and **Parish:** No Parish
Commercial Team

Reference: 12/03240/FUL
Application at: Acomb Branch Library Front Street York YO24 3BZ
For: Variation of condition 1 of permitted application
10/01187/FUL to extend the temporary permission for siting
of portakabin for use as ambulance stand by point for a
further 5 years
By: Yorkshire Ambulance Service
Application Type: Full Application
Target Date: 7 December 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 The application is for the siting of a temporary portakabin for use as an Ambulance stand-by point to the rear of the library building. The application is for the extension of a temporary planning permission (10/01187/FUL) for a further five years. 10/01187/FUL was granted temporary planning permission at the West and Centre sub Planning Committee on 18 November 2010. The original application was granted temporary planning permission (08/00574/FUL) at committee on 15 May 2008.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:
Areas of Archaeological Interest GMS Constraints: Acomb Area 0007
Air safeguarding GMS Constraints: Air Field safeguarding 0175
Conservation Area GMS Constraints: Acomb CONF
City Boundary GMS Constraints: York City Boundary 0001
DC Area Teams GMS Constraints: West Area 0004

2.2 Policies:
CYGP1 Design
CYGP23 Temporary planning permission
CYHE2 Development in historic locations
CYC3 Change of use of community facilities

3.0 CONSULTATIONS

Highway Network Management

3.1 No comments received at the time of writing the report, any comments received will be reported at the committee meeting.

Design, Conservation and Sustainable Development

3.2 No comment.

Environmental Protection Unit

3.3 No comments received at the time of writing the report, any comments received will be reported at the committee meeting.

External Consultations/Representations

3.4 No representations received at the time of writing the report, any comments received will be reported at the committee meeting.

4.0 APPRAISAL

RELEVANT SITE HISTORY

10/01187/FUL - Siting of portakabin for use as an ambulance stand by point (Extension of temporary permission 08/00574/FUL for a further 2 year period) - Approved

08/00574/FUL - Siting of Portakabin to rear for a temporary period to be used as a standby point for Yorkshire Ambulance Service (resubmission) - Approved

08/00221/FUL - Site Portakabin for temporary period to be used as standby point for Yorkshire Ambulance Service. Also form 1no. parking space for an ambulance - Withdrawn

KEY ISSUES

1. Principle
2. Impact on neighbouring property

ASSESSMENT

PLANNING POLICY

4.1 Policy GP23 'Temporary Planning Permission' in the City of York Council Development Control Local Plan (2005) states that planning permission will be granted for the temporary use of land or the erection of temporary buildings for a limited period provided: there would be no loss of amenity to the occupants of adjacent property as a result of the proposal; or the applicant can demonstrate that there is no viable permanent alternative immediately available; and where appropriate, plans are to be brought forward for permanent development; and that the period for which consent is sought is the minimum required to allow the permanent development proposal to be implemented; or a trial period is necessary for the development, to allow an assessment of its character or effects.

PRINCIPLE

4.2 The Ambulance stand-by point is sited to the rear of Acomb Library, just outside the Acomb Conservation Area.

4.3 Information submitted with the previous temporary consent for the stand-by point stated that it was required for a 2 year period only, as re-organisation was being undertaken and the options for a new ambulance station were being considered

4.4 The applicant has submitted information demonstrating that the site is required to meet national targets, the aim is that ambulances are to be with the patient within 8 minutes for 75% of all call outs. This stand-by point contributes towards meeting this national target. The supporting information sets out that the permanent siting of stand-by points is no longer part of the long term plan of the Ambulance Service, the aim is to provide a series of flexible response locations in order to meet their targets, so the building of a permanent base in this location would not be appropriate.

IMPACT ON NEIGHBOURING PROPERTY

4.5 In the original planning permission (08/00574/FUL) there was some concern about the proximity of the stand-by point to the neighbouring dwellings and the potential noise and light disturbance that may be caused. Officers are not aware of any complaints regarding the stand-by point. The siting of the Ambulance stand-by point is not considered to unduly impact on the residential amenity of the occupants of nearby dwellings.

4.6 The building is of a temporary nature and the applicant/agent has not submitted details of a future permanent alternative. A temporary building of this appearance in close proximity to the conservation area and dwellings would not be acceptable as a permanent development and therefore an additional temporary planning permission is considered appropriate.

5.0 CONCLUSION

5.1 The siting of a Portakabin on this site to be used as an Ambulance Stand-by point for a further five years is considered to comply with Policy GP23.

6.0 RECOMMENDATION: Approve

1 The building shall be removed by 30 December 2017 unless prior to that date a renewal of the permission shall have been granted in writing by the Local Planning Authority.

Reason: The temporary nature of the building is such that it is considered inappropriate on a permanent basis.

2 Notwithstanding the submitted details, between the hours of 21:00 and 08:00 on the following day the sirens of the ambulance vehicles shall not be used until the vehicles have exited the Acomb Branch Library site.

Reason: To protect the amenity of the occupants of the neighbouring dwellings.

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 building and the adjacent conservation area. As such, the proposal complies with Policy GP23 of the City of York Development Control Local Plan (2005).

Contact details:

Author: Victoria Bell Development Management Officer

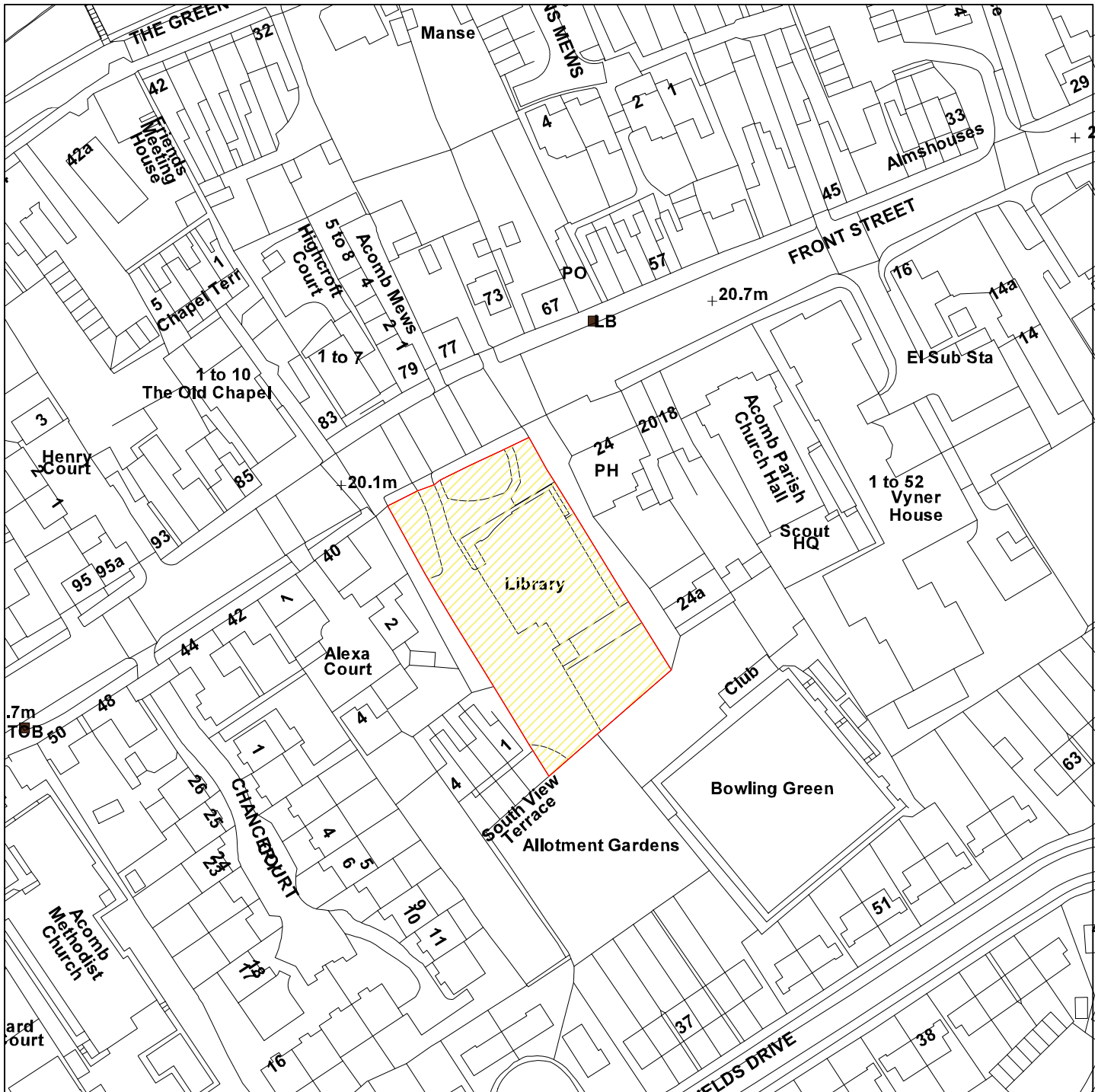
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12/03240/FUL

Acomb Branch Library



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	26 November 2012
SLA Number	Not Set

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COMMITTEE REPORT

Date: 5 December 2012 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 12/02166/FUL
Application at: 1 Church Street York YO1 8BA
For: Change of use from retail (use class A1) to mixed retail/cafe use (retrospective)
By: Mr Holder
Application Type: Full Application
Target Date: 27 September 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 Planning permission is sought for a change of use of 1 Church Street from Class A1 (retail) to a mixed retail / cafe use. Previously vacant for 6 months, the former optician's shop is Grade II listed and is situated on a Primary Shopping Street within the Central Historic Core Conservation Area.

1.2 The proposal would involve the use of the ground floor for A1 use with seating for a maximum of 10 customers and the use of the first floor for approximately 34 customers. No internal or external alterations are proposed as part of this application.

1.3 The applicant has provided a supporting statement which explains that during the first four months of trading, the take up of the upstairs seating has been 80% of the customer base. The ancillary seating at ground floor has been found to be essential in demonstrating to customers that seating within the premises is an option. However to make the business model work and pay the overheads, the cold food takeaway business needs to be increased and strategies are in place to achieve this. The entire menu is designed for takeaway consumption and on the ground floor, service is split between 50% self service from the multideck chillers with the remainder being assisted counter service.

1.4 The applicant states that he is York born and bred and left a successful career in London to start his dream deli in his home town and employ local people of whom they currently employ 12. During the search for the premises, it became clear that most landlords would only let to national chains and would not defer letting to someone else whilst planning approval was sought. The applicant was fortunate to find a landlord who supported their planned change of use for the premises.

1.5 The application has been brought to Committee at the request of Councillor Watson due to concerns relating to the effect of non retail businesses in this part of the City Centre.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

Listed Buildings GMS Constraints: Grade 2; 1A Church Street York YO1 2BA 0661

Listed Buildings GMS Constraints: Grade 2; 1 Church Street York YO1 2BA 0662

2.2 Policies:

CYS3 Mix of use in certain shopping streets

CYS6 Control of food and drink (A3) uses

CYHE3 Conservation Areas

3.0 CONSULTATIONS

Internal

Design, Conservation and Sustainable Development

3.1 The proposed change of use would preserve the character of the building as one of special architectural or historic interest.

External

Guildhall Planning Panel

3.2 No objections

4.0 APPRAISAL

4.1 The key issues are:

- The principle of the change of use, considering the retail functions of what is a primary shopping street.
- The amenity of surrounding occupants.
- Any impact on heritage assets - the listed building and the Central Historic Core conservation area.

4.2 The National Planning Policy Framework stipulates that local planning authorities should define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations.

4.3 The Development Control Local Plan was approved for Development Control purposes in April 2005: its policies are material considerations where they reflect the National Planning Policy Framework. Policy S3a of the Local Plan identifies Church Street as a primary shopping street, where change of use from shop (class A1) uses will only be permitted when they will not dilute the shopping function of the street, or the centre as a whole. Factors to consider in assessing the impact will be: location and prominence of the premises, the amount of non-retail uses (as a guide a maximum of 35% non-retail premises are given), the level of activity associated with the proposed use, and the proportion of vacant premises in the area.

The principle of the change of use

4.4 The application site is located at the south western end of Church Street opposite the St. Sampson's Centre. The non A1 frontage of Church Street consists of the St. Sampson's Centre, a pub, two cafes/restaurants and a takeaway. There are 2 vacant units. Including the street frontage relating to the church, which City Strategy confirms should be included in the calculations, the non A1 uses currently comprise 35% of the frontage. The change of use of 1 Church Street to part retail and part cafe would bring the level of non A1 uses to 38%. However it is material that the use aims to retain a strong retail presence at ground floor to provide 50% of trade as cold food to takeaway (an A1 use) and the proposal to largely restrict the cafe use to the upper floor.

4.5 Officers acknowledge that the proposal brings the non A1 uses in Church Street over the threshold set down in Policy S3A, however it is considered that it would be difficult to object to the proposed use on the grounds of undue detrimental impact on the shopping function of the street. This conclusion is based on the consideration that the non retailing proportion is only marginally above the 35% threshold and the fact that the ground floor, as detailed above, would predominantly be in A1 type use as a sandwich shop. In order to ensure that the ground floor of the application site remains predominantly in A1 use so as not to dilute the main shopping function of this York Primary shopping street, it would be considered appropriate to apply a condition to ensure that seating is restricted on the ground floor.

4.6 Officer support of the principle of the change of use is also based on the consideration that the premises were vacant for six months before being occupied by the applicant, that 1 Church Street is a relatively small unit with a frontage of only 5.7 metres and that the proposal would result in opening the first floor up to the

public, which would add to the sense of activity and interest in this part of city centre. Furthermore, the use of the upper floors would help to ensure the continued maintenance of the listed building. In summary then, it is not considered that the proposal for a mixed use would be harmful to the vitality and viability of the Church Street. In accordance with the NPPF, the occupation of the premises would assist in boosting economic activity in a currently vacant property, in a sustainable location.

The amenity of surrounding occupants / impact on character of conservation area

4.7 Local Plan Policy S6 relates specifically to the control of food and drink uses and states that planning permission for the extension, alteration or development of premises for A3 uses (food and drink) will be granted in York City Centre provided that a) there is no unacceptable impact on the amenities of surrounding occupiers as a result of traffic, noise smell or litter; b) the opening hours of hot food takeaways are restricted where this is necessary to protect the amenity of surrounding occupiers; c) car and cycle parking meets standards referred to in the Local Plan, and d) acceptable external flues and means of extraction have been proposed.

4.8 It is not considered that the change of use of the property would generate environmental problems which in turn would affect the character and appearance of the conservation area. There are a limited number of residential properties in the vicinity of the application site including at the Golden Lion Pub and above 18 Church Street, in Patrick Pool and a recent approval for 3 No. flats at 12 Church Street. However given the existing uses in the area and the fact that the A3 element of the proposed mixed use is limited in scope in terms of it predominantly involving the sale of salads and sandwiches, it is not considered that the proposal would significantly impact on the residential amenity of local residents. The proposed opening hours are 08:00 - 18:00 Mondays to Fridays and 08:00 - 19:00 on Saturdays and Sundays. The proposal for a cafe at first floor is therefore considered to accord with Policy S6.

Impact on the listed building and the Central Historic Core conservation area.

4.9 Policy HE3 seeks to ensure that external alterations within Conservation Areas have no adverse effect on the character and appearance of the area. No external alterations are proposed as part of this application and the applicant has confirmed that there is no extraction in the kitchen as they do not use fryers or gas hobs. The business predominantly sells salads and sandwiches which requires some roasting of vegetables in the oven plus fresh scones. A sample menu has been provided reflecting this.

5.0 CONCLUSION

5.1 Officers do not consider that the proposal would cause harm to the vitality and viability of the city centre or to the character and appearance of the Conservation Area and therefore the application for the change of use of 1 Church Street is considered to accord with the National Planning Framework and Policies HE3, S3a and S6 of the Local Plan. Approval is recommended subject to the following conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

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

Proposed floor plans received 1 August 2012

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

3 No more than 10 seats shall be provided for the use of customers on the ground floor of the premises.

Reason: To ensure the A1 retail use is the predominant use at ground floor so as to preserve the vitality and viability of the primary shopping street in accordance with policy S3a of the Local Plan.

4 There shall be no primary cooking of raw ingredients on the premises unless otherwise approved in writing by the local planning authority.

Reason: To protect the amenity of the local residents as no kitchen extraction system is proposed and the local planning authority are of the opinion that an external extraction system may not be possible on these premises without causing harm to the character and appearance of the listed building and conservation area.

**7.0 INFORMATIVES:
Notes to Applicant**

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the vitality and viability of the city centre and the impact on the character and appearance of the conservation area. As such the proposal complies with the provisions of the National Planning Policy Framework and Policies S3, S6 and HE3 of the City of York Development Control Local Plan.

Contact details:

Author: Rachel Tyas Development Management Officer (Wed - Fri)

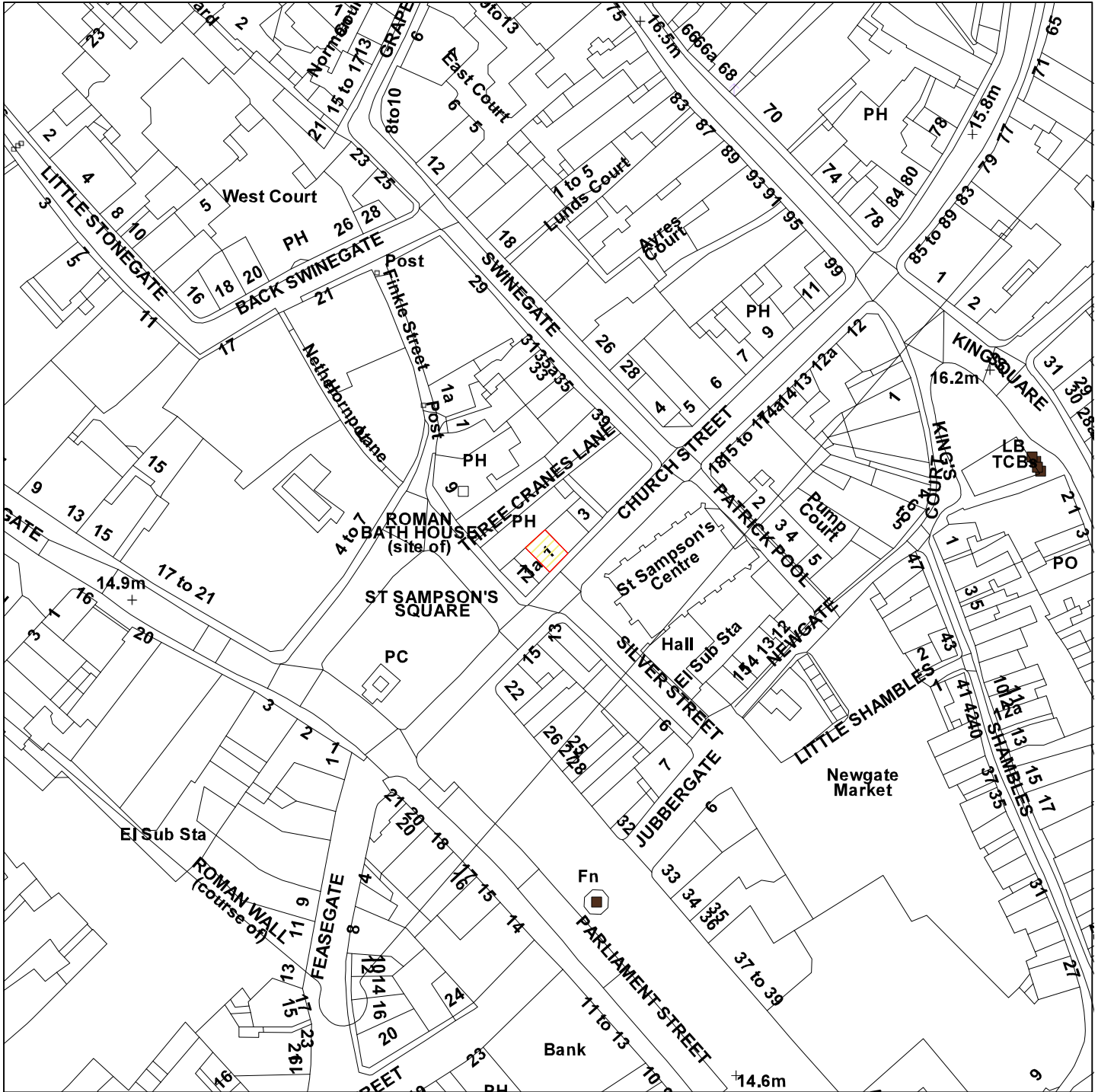
Tel No: 01904 551610

12/02166/FUL

1 Church Street



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	26 November 2012
SLA Number	Not Set

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COMMITTEE REPORT

Date: 5 December 2012 **Ward:** Holgate
Team: Major and **Parish:** Holgate Planning Panel
Commercial Team

Reference: 12/03192/FUL
Application at: 11 Poplar Street York YO26 4SF
For: Erection of two storey detached dwelling to side
By: Mr Jim Hargreaves
Application Type: Full Application
Target Date: 31 December 2012
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 Demolition of a domestic garage and erection of a detached, 2-storey, 2-bedroom house. It would measure approximately 7.9m x 4.5m x 5m to the eaves and 7.5m to the ridge. Brickwork and roof tiles would match the existing house on the site. There would be no vehicular access or off-street parking.

1.2 The application has been called in by Cllr Alexander due to a local resident's concerns about impact on the street scene, loss of off-street parking and privacy.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Schools GMS Constraints: Poppleton Road Primary 0215

York North West Boundary GMS Constraints: York North West Boundary CONF

2.2 Policies:

CYGP1 Design

CYGP4A Sustainability

CYGP10 Subdivision of gardens and infill devt

CGP15A Development and Flood Risk

CYL1C Provision of New Open Space in Development

CYH4A Housing Windfalls

CYT4 Cycle parking standards

3.0 CONSULTATIONS

INTERNAL

Highway Network Management

3.1 No objection to the additional dwelling or the loss of the existing off-street parking space.

Environmental Protection Unit

3.2 No objections. Add demolition and construction informative.

Lifelong Learning and Leisure

3.3 A commuted sum is required for provision off-site of open space in accordance with policy L1C of the local plan.

Flood Risk Management

3.4 No objections. The scheme reduces existing surface water run-off.

EXTERNAL

Holgate Planning Panel

3.5 No objections.

Public Consultation

3.6 The consultation period expires on 4 December 2012. No written objections have been received. If any further objections are received members will be updated at the meeting.

4.0 APPRAISAL

4.1 KEY ISSUES

- Principle of use for housing
- Design and visual appearance
- Neighbour amenity
- Parking and highway issues
- Public open space
- Drainage

THE APPLICATION SITE

4.2 Part of the domestic curtilage of a 2-storey house at No.11 Poplar Street. The site is occupied by No.11's pre-fabricated garage. The site is opposite Poppleton Memorial Hall in a predominantly residential area.

PLANNING POLICY CONTEXT

4.3 National Planning Policy Framework (Housing) - Local planning authorities should deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. To boost the supply of housing local planning authorities should: use their evidence base to ensure that their local plan meets the needs for market and affordable housing in their area; identify a supply of deliverable housing sites; set out a housing implementation strategy for the full range of housing; plan for a mix of housing based on demographic trends; identify the types of housing that are required in particular locations; set policies for meeting identified need for affordable housing on site unless a financial contribution to off-site provision can be justified; bring empty houses and buildings back into residential use; normally approve change to residential use of B-class commercial buildings where there is an identified need for additional housing; consider opportunities for large scale housing development; consider resisting development of residential gardens; plan for rural housing development to reflect local needs particularly for affordable housing; locate housing where it will enhance or maintain rural communities; avoid isolated new homes in the countryside unless there are special circumstances (paragraphs 50-55).

4.4 National Planning Policy Framework (Design) - Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people (paragraph 56). Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however proper to seek to promote or reinforce local distinctiveness (paragraph 60). High quality and inclusive design goes beyond aesthetic considerations therefore planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment (paragraph 61). Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (paragraph 64). Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community (paragraph 66).

4.5 The City of York Development Control Local Plan was approved for development control purposes in April 2005. Its policies are material considerations

although it is considered that their weight is limited except where in accordance with the NPPF. The following local plan polices are still applicable:

4.6 GP1 - Development proposals should be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and local character; respect or enhance the local environment; provide/protect amenity space; protect residential amenity; accord with sustainable design principles; include refuse facilities; and include, where appropriate, landscaping.

4.7 GP4a - All proposals should have regard to the principles of sustainable development.

4.8 GP10 - Planning permission will only be granted for the sub-division of garden areas or infilling to provide new development where this would not be detrimental to the character and amenity of the local environment.

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

4.10 GP15a - Discharges from new development should not exceed the capacity of existing and proposed receiving sewers and watercourses and long-term run-off from development sites should always be less than the level of pre-development rainfall run-off.

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

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

PRINCIPLE OF USE FOR HOUSING

4.13 The site is in a sustainable location close to shops and public transport. The principle of development for housing is acceptable in accordance with policy H4a.

DESIGN AND VISUAL APPEARANCE

4.14 The area is characterised by 2-storey houses, either semi-detached or in terraces. Roofs are generally pitched. Whilst the proposed house is detached its size and design would not look out of place in the area. The neighbouring houses are generally orientated parallel to the public highway. However, the limited width of the site means that the proposed house could only be accommodated by being orientated perpendicular to the highway. Whilst this orientation would appear somewhat incongruous this is insufficient reason to justify refusal, particularly as the roof elevation facing the road is hipped to make it more in keeping with the appearance of the adjacent houses.

NEIGHBOUR AMENITY

4.15 The house would not be easily visible from the adjacent house to the south, No.9. The new house would be visible from the end of No.9's rear garden but any loss of amenity for the occupier would be minor. The house at No.13 would be more affected. No.13's kitchen/utility room would be close to the boundary with the proposed house. The room has only one window, albeit large for the size of the room, and faces the property's small rear yard. The new house would project approximately 2m from the face of this window and be approximately 1.5m to the side of it. Whilst the new house would result in some loss of direct sunlight the loss would be fairly minor and confined to the afternoon. The room already has a somewhat restricted outlook due to the 1.8m-high side boundary wall and the applicant's prefabricated garage. Bearing in mind that the room is not one of No.13's main habitable rooms officers consider that the loss of sunlight/daylight is acceptable. Nevertheless permitted development rights should be removed to protect the occupiers of the adjacent house.

PARKING AND HIGHWAY ISSUES

4.16 Secure cycle storage would be provided for the new house and for the existing house at No.11. The proposal would result in the loss of one off-street parking space. Furthermore the demand for parking would increase slightly due to the new house. Whilst the surrounding area can be congested at times due to the proximity of Poppleton Road Memorial Hall parking outside the site is not restricted. Highway officers have no objection to the additional house or the loss of the off-road parking space.

PUBLIC OPEN SPACE

4.17 A financial contribution of £1172 would be required towards provision of public open space, in accordance with policy L1c of the local plan. The applicant has agreed to make the contribution and to enshrine this commitment in a unilateral undertaking. The undertaking is being drafted. Members will be updated at the meeting.

DRAINAGE

4.18 The site is in flood zone 1 and should not suffer from river flooding. The applicant's intention is that surface water would be attenuated by soakaways. However, no testing has been done to demonstrate their suitability and no details have been submitted of an alternative solution. Where soakaways are unsuitable peak run-off should normally be attenuated to 70% of the existing rate. In this case the footprint of the proposed house is already covered by a concrete hard standing. Whilst the proposals do not reduce peak run-off by 30% as normally sought they achieve a reduction of 10%, which in this case is acceptable. Drainage details should be made a condition of approval.

5.0 CONCLUSION

5.1 The proposal accords with the National Planning Policy Framework and relevant policies of the local plan. A financial contribution of £1172 would be required for the provision of public open space.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve subject to Section 106 Agreement

1 TIME2 Development start within three years -

2 The development hereby permitted shall be carried out only in accordance with drawing numbered JK-AP-001A received 21 November 2012.

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 height of the new dwelling shall not exceed 7.4m above the slab level of the existing house at No.11 poplar Street.

Reason: to ensure that the approved development does not have an adverse impact on the amenity of adjacent occupiers and the character of the surrounding area.

4 VISQ8 Samples of exterior materials to be app -

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

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

6 DRAIN1 Drainage details to be agreed

7 The building shall not be occupied until the two cycle storage sheds shown on drawing JK-AP-001A have been provided. The sheds shall not be used for any purpose other than the parking of cycles and garden equipment.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

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 housing provision, visual appearance, flood risk, neighbour amenity, sustainability, cycle storage and provision of open space. As such the proposal complies with the National Planning Framework and policies GP1, GP4a, GP10, GP15a, H4a, T4 and L1c of the City of York Local Plan.

2. CONTROL OF POLLUTION ACT

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

(b) 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".

(c) 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.

(d) 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.

(e) 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.

(f) There shall be no bonfires on the site.

Contact details:

Author: Kevin O'Connell Development Management Officer

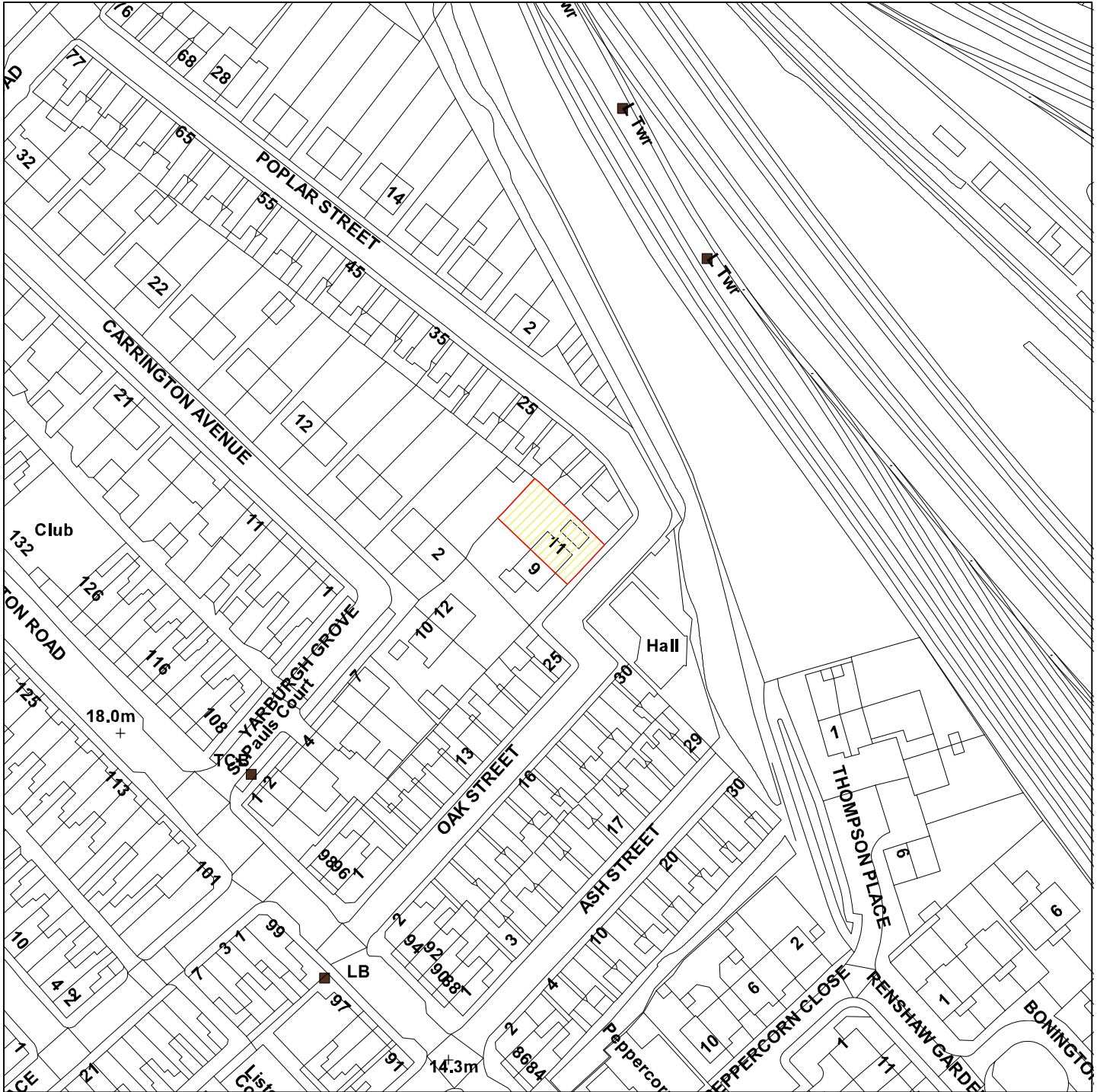
Tel No: 01904 552830

12/03192/FUL

11 Poplar Street



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	26 November 2012
SLA Number	Not Set

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COMMITTEE REPORT

Date: 5 December 2012 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 12/02521/FUL
Application at: Borders 3 Little Stonegate York
For: Change of use from retail (Use Class A1) to Bar/Restaurant
(Use Class A4/A3)
By: ARC Inspirations LLP
Application Type: Full Application
Target Date: 13 September 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 The application relates to 3 Little Stonegate, which is grade 2 listed. The building was originally a Methodist Chapel, built in 1851. In 1901 it was altered and converted into a printing works, in 1998 it was converted into a retail premises, and linked to 1-5 Davygate. The Borders store closed in 2010 and the host premises have been vacant since. In 2011 1-5 Davygate became a separate retail unit, the connecting stairs between the premises were removed and most of the openings on the side of the host building were sealed or in-filled.

1.2 Little Stonegate is within the central shopping area, the street is not defined as a primary shopping street. The site is within the Central Historic Core Conservation Area.

1.3 Planning permission is sought for a change of use to a mixed use of A3 - restaurant and A4 - drinking establishment. The applicants have agreed to the closing times of 02.00 Thursdays, Fridays and Saturdays and 12.30 otherwise. The internal alterations required are the subject of companion application 12/02879/LBC.

1.4 The application is brought to committee at the request of Councillor B Watson, to assess the impact on the area and also the listed building.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

Listed Buildings GMS Constraints: Grade 2; 3 Little Stonegate York YO1 2AX 0650

2.2 Policies:

HE3 Conservation Areas

HE4 Listed Buildings

S6 Control of food and drink uses

S7 Evening Entertainment

3.0 CONSULTATIONS

Environmental Protection Unit

3.1 No objections. Recommend conditions to agree the details of the kitchen extraction by way of cooking odour and noise. An informative is suggested, in case of contaminated materials on site, and to inform the developers of the requirements of the Control of Pollution Act 1974.

Police Architectural Liaison Officer

3.2 No objection.

Guildhall Planning Panel

3.3 Object to the loss of a further retail premises in the street and replacement with another bar/restaurant.

Publicity

3.4 Three representations have been made. Comments as follows -

Vitality of the street

- Objection to the loss of retail space and increasing number of bars and restaurants and the subsequent reduction in daytime activity in the street. It has been noted that an option within the City Centre Action Plan 2008 was to include Little Stonegate, Swinegate and Grape Lane as primary shopping streets (to strengthen the retail core in the city centre).

Noise disturbance, litter, crime and disorder

- The area is becoming dominated by bars and there is increased noise and disturbance at night.
- If an outside seating area were introduced, the applicants should keep the area in a tidy manner and it should not impact upon servicing of surrounding premises.

4.0 APPRAISAL

4.1 Key issues

- Vitality of the city centre
- Amenity of surrounding occupants
- Impact on the listed building and the conservation area

Relevant policy

4.2 The National Planning Policy Framework advises planning should positively promote competitive city centres and enhance their vitality and viability. The National Planning Policy Framework notes that residential development can play an important role in ensuring the vitality of town centres. Amenity for future and existing occupants is material consideration. The National Planning Policy Framework advises that it is desirable that the significance of listed buildings is maintained and that they are kept in viable uses which are consistent with their conservation.

4.3 Local Plan policy S6 states that planning permission for the extension, alteration or development of premises for food and drink uses will only be granted provided:

- There is no unacceptable impact on the amenities of surrounding occupiers as a result of traffic, noise, smell or litter.
- Opening hours are restricted where this is necessary to protect the amenity of surrounding occupiers.
- Where security issues have been addressed.

Vitality of the city centre

4.4 The host building has been vacant since 2010 when the Borders store closed. Permission was granted in July 2011 - 11/00399/FUL - for a change of use to youth cafe although this development was not implemented. Due to the plan form of the building and its exterior (where there is limited opportunity for advertising or display windows) the building does not lend itself to retail use, hence it has been vacant for sometime. Little Stonegate is not designated in the Local Plan as a primary shopping street, and is therefore recognised as a street where other service uses including A3 and A4 uses can be accommodated where this would not harm the vitality of individual streets or the vitality and viability of the city centre as a whole.

4.5 Objections made to the application raise concerns that there is becoming an excessive amount of A3 and A4 uses within this street and Back Swinegate and consequently a lack of footfall during the daytime. However there would not be harm to the vitality of this part of the city centre as a consequence of this proposal as the host premises has been vacant for almost 3 years. It has also been raised in

third party comments that it was suggested in the City Centre Area Action Plan the street may become a primary shopping street. This proposal was made in 2008, and there have been considerable changes in the economy since that date and the Core Strategy has now been withdrawn, in part to reconsider the retail policies. As such no weight can be given to the action plan.

Amenity of surrounding occupants

4.6 There are similar uses to that proposed within the host building at Bobo Lobo and Kennedys, which are situated to each side of the application site. The bars along Little Stonegate and Back Swinegate and their opening times are listed below

-

Premises	Closing time licensing	Closing time planning
Kennedys	02.30	None
Bobo Lobo	04.30 fri and sat 03.30 sun to wed	Inside none 20.00 outside area
Stonegate yard	02.20	None
Slug and Lettuce	02.30 fri & sat 00.30 sun-thurs	None
Oscars	02.30	02.00
La Tasca	No restrictions	Midnight

4.7 There is a hotel above Kennedy's next door to the application site and also flat at 1 Stonegate. A planning application is currently under consideration to change the use of the flat and incorporate it as part of the hotel. To avoid disturbance from the proposed development conditions are recommended to control the noise level of music played and that glass/bottles are not taken out after 23:00. The closing times of 02:00 Thursday to Saturday and 12.30 otherwise can also be controlled through a condition.

4.8 In terms of noise as a consequence of persons in the area late at night, given the number of drinking establishments already in the street, and their opening hours, it is likely there will already be a degree of disturbance. Whilst there is a concern that adding to the number of bars and restaurants in the area will increase late night disturbance, this is a city centre location and in this case the impact has to be weighed against the public benefit of bring the listed building back into use. The English Heritage guide to Planning for the Historic Environment advises Local Planning Authority's must be flexible in such cases in order to secure the heritage benefits of bringing vacant buildings into use.

4.9 Full details of the kitchen extraction equipment (so it can deal with odour and does not cause noise disturbance) need to be agreed, which can be secured through a condition. The extraction is proposed at the south-eastern corner of the

building. The location is suitable as it can not be viewed from the public realm and there is other plant/equipment in this area associated with surrounding premises.

Impact on the listed building and the conservation area

4.10 The application is for a change of use of the building only. Now the proposals have been amended and the external area omitted, no external changes are proposed apart from the external plant which would not be viewed from the public realm. As such there would be a neutral impact on the conservation area.

4.11 The applicants do wish to make internal changes, and these will be dealt with through the companion listed building consent - 12/02879/LBC. The essential component of the proposed use is the kitchen extraction, which can be accommodated without damaging architectural detailing or the historic importance/understanding of the building.

5.0 CONCLUSION

5.1 The host premises have been vacant since 2010. To allow occupation of the listed building would be in the interests of its viability and would not detract from the vitality of the area. This 'heritage' benefit is given considerable weight by officers. There are already a number of bars and restaurants in the area, and through using conditions the amenity of surrounding occupants as a consequence of the proposed development can be reasonably controlled. There would be no impact on the appearance of the conservation area and the change of use alone would not have a detrimental impact on the listed building. Approval is recommended.

6.0 RECOMMENDATION: Approve Committee to visit

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans:- Proposed floor plans and elevations as shown on drawings 208B and 209D

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 use hereby permitted shall only be open to customers during the following hours:

Sunday to Wednesday 07.00 to 00.30 the following day
Thursday to Saturday 07.00 to 02.00 the following day

Reason: To protect the amenity of nearby occupants.

4 Bottles and glass shall not be placed into bins between the hours of 24.00 hours (midnight) and 08.00 hours on any day.

Reason: To protect the living conditions of adjacent residential occupiers in accordance with policy S7 of the Development Control Local Plan.

5 All electronically amplified music shall be controlled by a noise limitation device. The device shall set maximum noise levels which shall be approved in writing by the local planning authority before any such music is played at the premises (positions at the site where music from the within the premises shall be inaudible at all times are to be agreed). The maximum noise levels shall not be exceeded for the lifetime of the development. The noise limitation device shall be installed prior to opening of the use hereby approved.

Reason: To protect the amenity of the locality from noise generated by the use hereby approved.

6 Any extraction system fitted in association with the use hereby approved must be adequate for the treatment and extraction of fumes so that there is no adverse impact on the amenities of nearby occupants by reason of fumes, odour or noise. The following details of plant/machinery shall be approved by the Local Planning Authority:

a) Details of the extraction plant or machinery and any filtration system required. The extraction system shall be installed in accordance with the approved plans prior to first operation of the use hereby permitted, appropriately maintained thereafter and fully removed once its use has ceased.

b) Details of all machinery, plant and equipment, which would be audible outside the site, and any proposed noise mitigation measures, shall be implemented in accordance with the approved details, and appropriately maintained thereafter. These details shall include maximum ($L_{Amax}(f)$) and average (L_{Aeq}) sound levels (A weighted), and octave band noise levels they produce. The report shall be undertaken by a specialist noise consultant or suitably qualified person and conducted in accordance with BS4142:1997. The report shall assess the impact of the additional noise sources on nearby properties and include any mitigation measures that are required.

c) The external appearance of any extraction duct or vent.

Reason: in the interests of the amenity of surrounding occupants and visual amenity.

7.0 INFORMATIVES:

Notes to Applicant

1. CONTAMINATED LAND AND CONTROL OF POLLUTION ACT

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 vitality of the city centre, the impact on the listed building, the character and appearance of the conservation area and the amenity of surrounding occupants. As such the proposal complies with Policies HE3, HE4 and S6 of the City of York Development Control Local Plan.

3. LISTED BUILDING CONSENT

You are reminded that this permission does not give consent for any internal changes which require Listed Building Consent.

Contact details:

Author: Jonathan Kenyon Development Management Officer

Tel No: 01904 551323

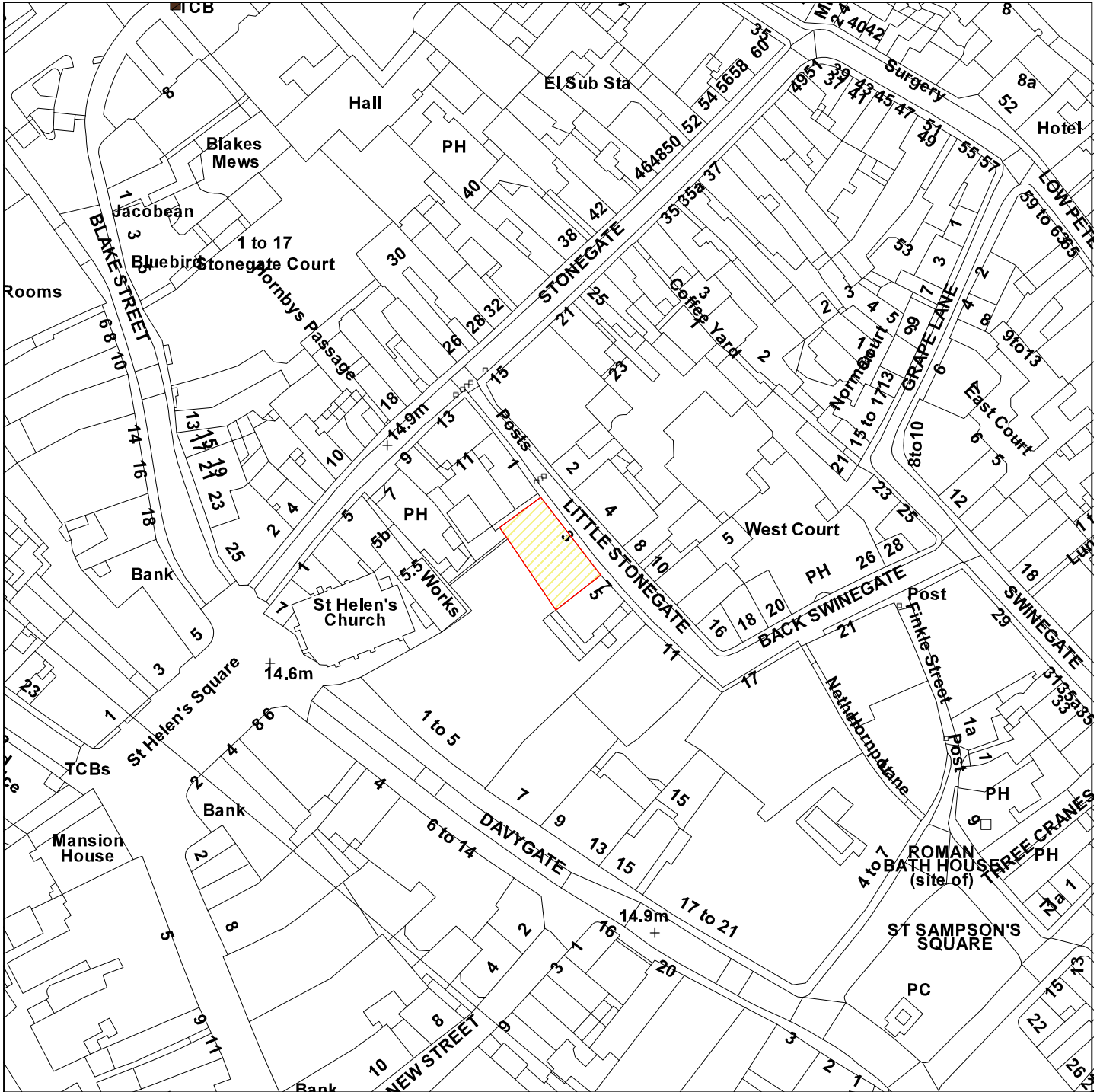
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12/02521/FUL

Borders, 3 Little Stonegate



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	26 November 2012
SLA Number	Not Set

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COMMITTEE REPORT

Date: 5 December 2012 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 12/02879/LBC
Application at: Borders, 3 Little Stonegate York
For: Internal alterations including reconfiguration of staircase at left end and stair up to mezzanine level, enlargement of existing openings into main space, installation of partition walls and bar (at gallery level) and removal of raised floors.
By: ARC Inspirations LLP
Application Type: Listed Building Consent
Target Date: 15 October 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 The application relates to 3 Little Stonegate which is grade 2 listed. The building was originally a Methodist Chapel, built in 1851. In 1901 it was altered and converted into a printing works, in 1998 it was converted into a retail premises, and linked to 1-5 Davygate. The Borders store closed in 2010 and the host premises have been vacant since. In 2011 1-5 Davygate became a separate retail unit, the connecting stairs between the premises were removed and most of the openings on the side of the host building were sealed or in-filled.

1.2 Listed building consent is sought for changes in association with introducing a bar/restaurant into the building. The main changes are as follows:

- Reconfiguration of the secondary stair to provide a means of escape that complies with Building Regulations.
- Installation of a riser between the ground floor kitchen and roof for kitchen extraction system.
- Widening of openings between main stair/entrance area and main space at ground and first floor level.
- Basement - installation of partitions to accommodate back of house facilities and toilets.
- Ground floor - partitions to accommodate kitchen area and disabled w/c.
- First floor - compartmentalisation of secondary stair (for fire safety), reconfigured stairs up to mezzanine level, insertion of suspended bar infilling part of 'void' between ground and first floor levels.

1.3 The application is brought to committee at the request of Councillor B Watson, to assess the impact on the listed building.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest: City Centre Area

Conservation Area: Central Historic Core

Listed Buildings: Grade 2; 3 Little Stonegate York YO1 2AX

2.2 Policies:

CYHE4 Listed Buildings

3.0 CONSULTATIONS

Design, Conservation and Sustainable Development

3.1 No objections. Advise that infilling the semi-circular end of the gallery harms the special interest of the building. The harm is less than substantial, and the change is (notionally) reversible. The harm is outweighed by the benefits of bringing the building back into use, given the problems of otherwise finding a suitable use, and occupation of the building. Note that consent has already been granted in 2011 for alterations to the secondary stair.

English Heritage

3.2 Response pending on revised scheme.

Guildhall Planning Panel

3.3 Object due to the loss of retail space that would result.

Publicity

3.4 No representations have been made.

4.0 APPRAISAL

Key Issues

4.1 The National Planning Policy Framework advises it is desirable development sustains or enhances heritage assets and keeps them in a use which is consistent with their conservation. Where development will lead to harm, it will only be

acceptable if the harm is out-weighed by any public benefits the proposals would bring.

Assessment

Reconfiguration of the secondary stair to provide a means of escape that complies with Building Regulations.

4.2 The secondary staircase does not comply with Building Regulations in terms of providing an adequate means of escape. In the 2011 application for the youth cafe, which was approved at committee, consent was granted for reconfiguration of the stair. This is again proposed. Since the sub-division of the former Borders store there is no other alternative means of escape and this proposal is therefore justified.

Installation of kitchen and associated equipment and ground floor w/c

4.3 A riser is proposed between the ground floor and the roof; this would not damage fabric of architectural or historic importance. Details of the external duct are required as a condition of the companion planning application although the duct would not be prominent due to its location and required scale. Partitions are proposed to enclose part of the kitchen and a w/c. The partitions would not unduly compromise the understanding of the historic plan form of the building and historic fabric will not be lost. As such the works are not objected to.

Widening of openings between main stair/entrance area and main space and ground and first floor level

4.4 The dimensions of the openings and lobby areas between the main stair and the main rooms are not original. It is proposed to remove the lobby areas and widen the openings. There would be no loss of historic fabric and no harm to the historic or architectural importance of the building.

Basement

4.5 The lift between basement and ground floor level, added in the late C20, would be replaced and partitions added in the basement area. The historic importance of the building that remains is predominantly the ground and first floor layout, where there is evidence of the original use. The historic importance of the basement area is low and there are no objections to the installation of partitions in this area. A condition can ensure the display of the 12 commandments in the basement is retained on site.

Ground floor

4.6 The suspended floor added in the late C20 would be removed, returning to the original level; this is a welcome change.

First floor and mezzanine level above

4.7 For fire safety it is a requirement that the stairwells are protected in case of fire. As such it is proposed to compartmentalise the secondary stair. The partition walls proposed would be concentrated to the side of the space and would therefore not unduly compromise the setting.

4.8 It is deemed necessary by the applicants to insert a semi-circular shaped bar which would overhang part of the open space between the ground floor area and what originally was the upper gallery to the chapel. This alteration somewhat undermines the understanding of the building, it would become more difficult to understand the original layout (considering that the original stepped floor of the gallery has already been covered over to allow this level to be useable floor space). The applicants are unwilling to remove this element of the scheme, they are of the opinion it is integral to the plans for the building.

4.9 On balance the bar insertion can be accepted. The premises have been empty since 2010 and the plan form does not viably lend itself to many uses without some degree of intervention. In such cases English Heritage advise that Local Planning Authorities show flexibility to allow listed buildings to be occupied. The proposed installation would not lead to unacceptable harm; it would be reversible and connected to fabric which is not of historic interest (where the gallery floor has been made level). It would also read as an extension/addition due to the change in detailing and materials used.

Mezzanine

4.10 It is proposed to bring back into use the mezzanine level and the original character of the space would be highlighted. This is a welcome aspect of the proposals. The access stair would be replaced and this has been agreed on site with Conservation Officers and English Heritage, as the existing stair and its balustrade is not original or of significant historic interest.

5.0 CONCLUSION

5.1 The building has been vacant since 2010 and it has been difficult to find a new occupant given the plan form. The proposals would secure a new use for the building and all the changes proposed, apart from the new bar, are supported by strong justification.

5.2 Officer's accept the bar 'feature' as it would be removable, it would not damage historic fabric and would read as a modern intervention. The works are therefore considered as having 'less than substantial harm'. In assessing such harm the National Planning Policy Framework advises this can be allowed if the public benefits out-weigh the harm and this is deemed to be the case in this instance.

6.0 RECOMMENDATION: Approve Committee to visit

1 TIMEL2 Development start within 3 yrs (LBC/CAC)

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

Floor plans and elevations 208B and 209D
Sections 210 - 1C, 2C, 3C

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

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

New bar at first floor level shown in context, to include relationship between the bar and the glazed screen and balustrade at first floor level, connection points for the glazed wall display and soffit details.

Reason: In the interests of the appearance of the listed building and to ensure the addition reads as a contemporary extension from the original layout.

4 New partition walls and details shall be scribed around original walls and details where applicable.

Reason To protect the appearance of the listed building.

5 The framed Ten Commandments which are presently located within the basement of the building shall remain onsite.

Reason: In the interests of preserving the historic interest and understanding of the building.

7.0 INFORMATIVES:

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 listed building. As such the proposal complies with Policy HE4 of the City of York Development Control Local Plan.

Contact details:

Author: Jonathan Kenyon Development Management Officer

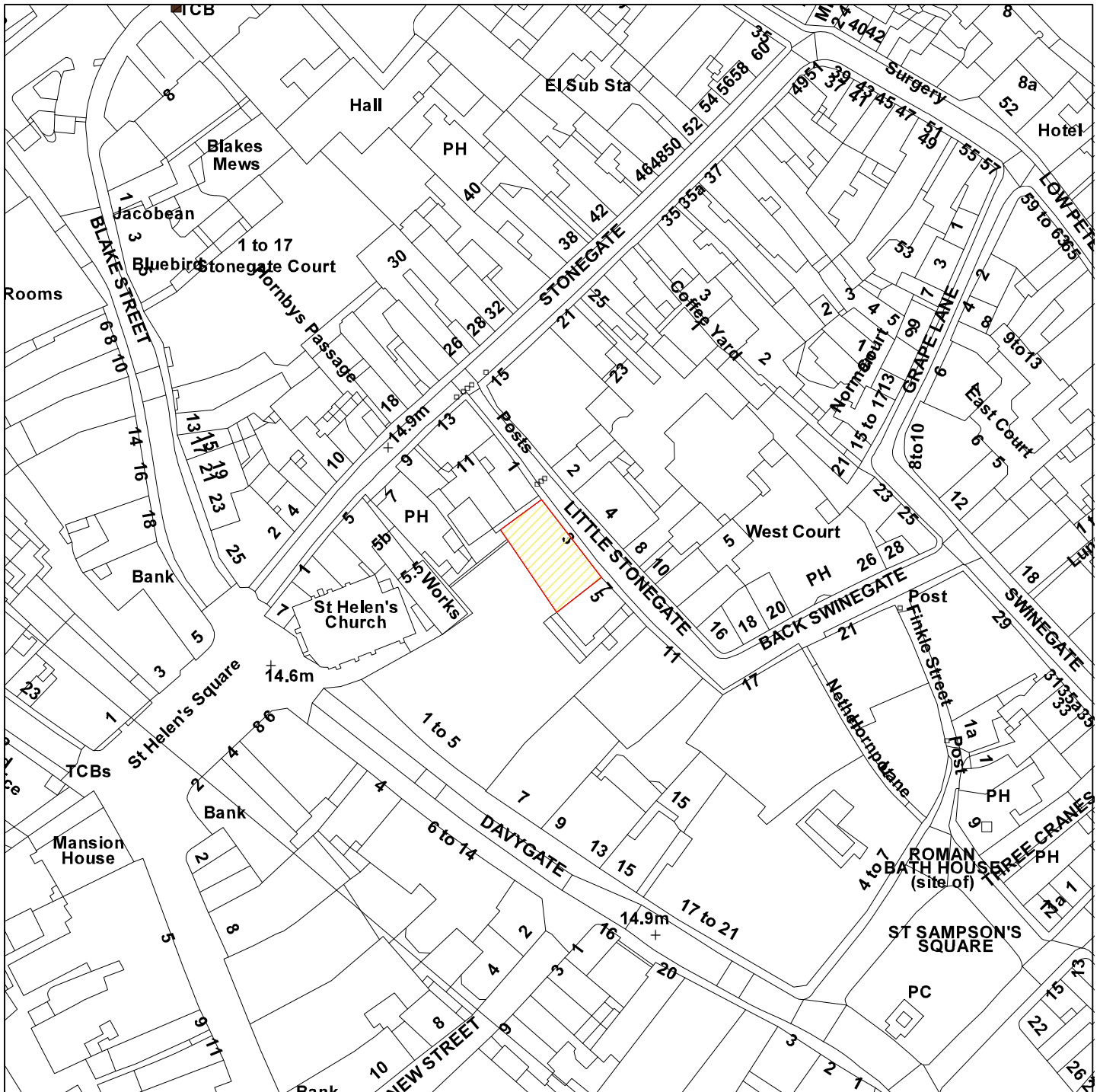
Tel No: 01904 551323

12/02879/LBC

Borders, 3 Little Stonegate



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	26 November 2012
SLA Number	Not Set

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DELEGATED REPORT

Date: 5 December 2012 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 12/03296/FUL
Application at: Il Paradiso Del Cibo 40 Walmgate York YO1 9TJ
For: Use of the highway for tables and chairs to serve Il Paradiso Del Cibo and installation of french doors and canopy to side
By: Il Paradiso Del Cibo
Application Type: Full Application
Target Date: 12 December 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 This application relates to the use of the highway for the siting of tables and chairs to the side elevation of the restaurant "Il Paradiso Del Cibo" at 40 Walmgate. Retrospective planning permission is also sought for the installation of French doors and a retractable awning to the side elevation of the premises.

1.2 The site is within the Central Historic Core conservation area on a side street leading into a residential development of former warehousing off Walmgate. The application property is bounded by commercial uses in the Enterprise Complex to the north west, including Bayliss Mobility and York Boxing Club and on the south east side by Dixon's Yard, a residential development of townhouses and apartments. The grade 1 listed church of St Deny's is nearby on Walmgate.

1.3 The proposals for external seating, French doors and a retractable awning, would be adjacent to a high modern brick wall which now forms part of a single storey extension to the rear of 40 Walmgate. The frontage building is an unlisted three storey 19th Century brick building which once formed part of a residential terrace but now stands alone. The upper floors are occupied as staff accommodation with access via a doorway on the Dixon's Yard elevation. Its blank brick side wall, relieved only by buttresses, is highly visible from Walmgate. The canopy, new door and seating would be located approximately 16 to 20m back from the entrance off Walmgate. The seating area would be contained within an angle between two relatively plain buildings.

1.4 Planning consent was granted in September 2006 for the change of use of 40 Walmgate from retail (Class A1) to a mixed use comprising a sandwich bar (A1), cafe (Class A3) and hot food takeaway (Class A5). Currently the premises are operating solely as a restaurant.

1.5 The application has been brought to Committee at the request of Cllr Watson due to concerns relating to the safe passage of pedestrians and the potential for nuisance to residents due to noise.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006
Conservation Area GMS Constraints: Central Historic Core CONF
Floodzone 2 GMS Constraints:Floodzone 2
Floodzone 3 GMS Constraints:Floodzone 3

2.2 Policies:

CYHE3 Conservation Areas
CYS6 Control of food and drink (A3) uses
CYT2 Cycle pedestrian network
CYGP18 External attachments to buildings
CYGP1 Design
CYS7 Evening entertainment including A3/D2

3.0 CONSULTATIONS

Internal

Design, Conservation and Sustainable Development

3.1 This proposal would not be appropriate on the main street in this location. However due to its distance from Walmgate, and the relatively poor quality of the immediate surroundings, this small intervention would not appear to harm the character and appearance of the conservation area. Also it would not be seen in views of St Deny's Church and therefore it would not adversely affect its setting.

Highway Network Management

3.2 No highway objections. The remaining footway width is 1.5 metres, which is sufficient for the level of pedestrian activity and accommodates a pushchair or wheelchair. The applicant is also advised that separate to the granting of planning consent, a pavement cafe licence is also required.

Environmental Protection Unit

3.3 No objections. However recommend a condition that there shall be no outside speakers for the purpose of playing music.

External

Safer York Partnership

3.4 In respect of "designing out crime", no comments or issues to raise. I have consulted with the Safer Neighbourhood Police Officer for Walmgate and our Police Licensing Officer and they have no issues or concerns with the proposal.

Guildhall Planning Panel

3.5 Support the application.

Local Publicity

3.6 A letter of objection has been received from a local resident which raises the following issues;

- (i) the business has already installed the French doors and canopy and the tables and chairs have been in situ for many years
- (ii) the business has outgrown the premises, if it is permitted to get busier it will be more of a nuisance to residents. The restaurant is already overflowing and filled to capacity. Should be moved to an area more suited to and in an area less populated than Dixons yard. We do not want to hear what could surmount to drunken behaviour whilst in our homes.
- (iii) many of the staff and the owner park illegally.
- (iv) we often see bins overflowing attracting pigeons and possibly rodents.

4.0 APPRAISAL

4.1 Key Issues

- vitality and viability of the city centre
- impact on residential amenity of surrounding occupants
- impact on the appearance and character of the conservation area

Planning Policy

4.2 The National Planning Policy Framework advises that planning should positively promote competitive city centres and enhance their vitality and viability. The NPPF forwards the principle that planning should seek to ensure a good standard of amenity for all existing and future occupants of land and buildings. Planning decisions should aim to achieve places which promote safe and accessible environments where crime and disorder and the fear of crime, do not undermine

quality of life or community cohesion. Planning decision should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

4.3 The Development Control Local Plan was approved for Development Control purposes in April 2005: its policies are material considerations where they reflect the National Planning Policy Framework. Local Plan Policy S6 states that planning permission for the extension, alteration or development of premises for food and drink uses will only be granted provided:

- There is no unacceptable impact on the amenities of surrounding occupiers as a result of traffic, noise, smell or litter.
- Opening hours are restricted where this is necessary to protect the amenity of surrounding occupiers.
- Where security issues have been addressed.

4.4 Policy S7 seeks to promote the introduction of new evening entertainment uses provided there is no adverse impact on the vitality and viability of the city centre and no adverse impact on residential amenity.

Outside Seating

4.5 The proposal would comprise a triangular area with a length of 5.0 metres and a maximum depth of 2.2 metres. The enclosed area would accommodate two small tables each with two chairs. It would be enclosed by a barrier comprising of 700mm high stainless steel or chrome plated posts with upper and lower horizontal bars. The applicant states that the tables would be used as a waiting area for diners before entering the restaurant and therefore would be vacated by 21.45 (Monday to Saturday) and 19.45 (Sundays).

Vitality and viability of the city centre

4.6 In principle, the proposed use of an area of pavement adjacent to the side elevation of El Paradiso del Cibo for the siting of tables and chairs to use in association with the restaurant at 40 Walmgate would be consistent with the aim of retaining and promoting the vitality of the city centre as advised in the NPPF and supported by local planning policies S6 and S7. In general there is support for pavement cafes provided they do not harm retail vitality, the living conditions of nearby residents and public safety.

4.7 Walmgate is not a Primary Shopping Street and the property is located outside of the Central Shopping Area as defined in the Local Plan. Due to the location of the proposed seating area on a side street outside of the Central Shopping Area and given that the building has permission to be operated as a mixed use premises

including a restaurant, Officers consider that this proposal would not have a material effect on the vitality and viability of this part of the city centre.

Amenity of surrounding residents

4.8 The pavement cafe involves an area of approximately 4.5 square metres which the applicant states would accommodate two small tables each with two chairs. As detailed above, the tables would be vacated by 21.45 (Monday to Saturday) and 19.45 (Sundays).

4.9 Although 40 Walmgate is bound by commercial uses to the north west, the cul de sac to which the seating area fronts is essentially residential in character since the redevelopment of the old industrial buildings in Dixon's Yard. The closest residential properties to the proposed area of outside seating are those in Gibson House and the Guardhouse, approximately 15 and 22 metres away. Beyond this cul de sac, the immediate surroundings are a mixture of commercial uses, retail and cafes/restaurants and residences.

4.10 Given that the area proposed for outside seating is limited in size and would only accommodate 2 tables, it is considered that persons using the outside seating would be unlikely to create undue noise disturbance (i.e. no more than which is already experienced in the area). The rear part of the building to which the French doors have been installed and where the seating would be located is an overspill area to the restaurant, which the applicant states is only used if the main part of the restaurant is full providing four tables (8 seats). The applicant confirms that no music is played in this area. Last orders on weekdays throughout the restaurant are 21.45 and the premises are vacated by 23.00 Monday to Saturday, and 21.00 on Sundays.

4.11 Officers consider it would be prudent to apply conditions to prevent the playing of music within the rear part of the building (to prevent noise escaping through the French doors) and to require that there shall be outside speakers for the playing of music. Conditions requiring that the outside tables are vacated by 21.45 (Monday to Saturday) and 19.45 (Sundays) and a maximum of two tables to be sited outside, are also recommended.

4.12 Concerns have been raised with respects to refuse storage at the restaurant. The applicant states that three domestic sized wheelie bins are used. These are sited to the left of the door to the flat on the south east elevation, further up towards Walmgate from the proposed seating area. Collection is daily Tuesday to Saturday and twice on Mondays.

4.13 In view of the limited scope of the external seating area, it is considered that the proposed use would be reasonably compatible with the neighbouring uses if appropriately controlled to ensure that nearby residential amenity is not unduly

affected. It would also accord with Policies HE3, S6 and S7 of the Local Plan and guidance within the NPPF that seeks to promote a vibrant local economy whilst protecting the local distinctiveness that contributes to the character and appearance of the conservation area.

Impact on the character and appearance of the conservation area

4.14 The National Planning Policy Framework advises that local planning authorities should support a strong town centre economy and conserve and enhance the historic environment. It states that considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed by or lost through alteration or destruction of the heritage asset or development within its setting. Policy HE3 of the Local Plan relates to Conservation Areas and states that proposals will only be permitted where there is no adverse effect on the character and appearance of the area. Policy GP18 refers to external attachments and states that permission will be granted where their design, location, materials and colouring do not significantly detract from the visual appearance of the building or the character and appearance of conservation areas.

4.15 The application seeks retrospective permission to retain French doors and a retractable canopy installed to the side elevation of the premises. The doors provide improved access to the rear of the restaurant and the kitchen and are of timber construction with glazed upper panels. The canopy consists of a unit 5.0 metres wide positioned over the French doors. When extended, it projects 1.8 metres beyond the side elevation. The canopy is made from a nylon type fabric in a pattern that represents the colours of the flag of Italy.

4.16 Although Officers consider that this proposal would not be appropriate on the main street within the Conservation Area, due to its distance some 16 to 20 metres back from Walmgate, and the relatively poor quality of the immediate surroundings, this small intervention is not considered to be harmful to the character and appearance of the conservation area. It is noted that the alterations cannot be seen in views of St Deny's Church and therefore the proposal would not adversely affect the setting of this Grade 1 listed building.

Highway Safety

4.17 Local Plan Policy T2 states that permission will not be granted for any development that would prevent the use of any part of the existing pedestrian and cycle networks, or compromise the safety of users thereon, unless alternative routes will be provided that are similar or better in quality, safety, convenience and length.

4.18 The siting of tables and chairs as proposed, would provide the required minimum 1.5 metres of unobstructed footway between the barrier and the carriage way. This is considered sufficient for the level of pedestrian activity in this area and accommodates a pushchair or wheelchair.

Crime and Disorder

4.19 Matters of crime and disorder/security are predominantly dealt with through the licensing legislation. It is noted that the licence for 40 Walmgate currently does not allow any alcohol to be taken off the premises and consequently the applicants would have to apply to vary the licence to allow alcohol at the outside tables.

4.20 No objections have been raised by the Police Architectural Liaison Officer following consultation with Safer Neighbourhoods.

5.0 CONCLUSION

5.1 Given that the area proposed for outside seating is limited in size and would only accommodate 2 tables, it is considered that persons using the outside seating would be unlikely to create undue noise disturbance (i.e. no more than which is already experienced in the area). Furthermore, the proposal would not have a material effect on the vitality and viability of this part of the city centre, is visually acceptable and does not compromise highway safety or management. There would be no conflict with Policies HE3, S6, S7, T2a, GP1 and GP18 and related national planning guidance contained in the NPPF. Approval is therefore recommended subject to the following conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

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

Proposed Elevation, Plan and Section received 16 October 2012

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

3 No door shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

4 There shall be no amplified, recorded or live music played in the rear section of the restaurant and no outside speakers for the purpose of playing music to the external seating area.

Reason: In order to protect the amenity of residents and in the interests of the character of the Conservation Area.

5 The tables and chairs associated with the use hereby approved shall be stored within No. 40 Walmgate when not in use.

Reason: In the interests of the safety and rights of way of users of the public footway, and in the interests of the visual amenity of the conservation area.

6 Prior to the commencement of the use hereby permitted, details of the design of the safety barriers shall be submitted and approved in writing by the Local Planning Authority. The development shall then be carried out in complete accordance with the approved details and there shall be no variations from the approved details without the approval of the Local Planning Authority;

- a) Tables and chairs.
- b) Means of enclosure.

The means of enclosure shall be as open as possible and shall contain no advertising unless agreed in writing by the local planning authority.

Reason: In the interests of visual amenity of the conservation area and the safety and rights of way of users of the public footway.

7 The hours of use of the outside seating shall be confined to;

Mondays- Saturdays: 11.00 - 21:45

Sundays: 11:00 - 19.45

Reason: In the context of the applicant's intention that the outside tables are to be used as a waiting area rather than for dining, it is considered reasonable to restrict the use of the outside seating in the interests of safeguarding residential amenity.

8 No more than two tables and four chairs shall be provided within the outdoor seating area hereby approved.

Reason: The premises are within an historic mixed use area with a significant residential population which contributes to the character and appearance of the conservation area. The number of tables is limited by the space available without causing obstruction to the footway and in order to protect the living conditions of

nearby residential properties from the effects of noise and disturbance in accordance with policy S7 of the Development Control 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, causes no undue harm to interests of acknowledged importance, with particular reference to the vitality and viability of the city centre, the visual amenity and character of the conservation area, highway safety and residential amenity. As such, the proposal complies with Policies S6, S7, HE3, T2a, GP1 and GP18 of the City of York Development Control Local Plan (2005); and national planning guidance contained in the National Planning Policy Framework.

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:

Cafe Licence - Section 115 - Heather Hunter or Anne-Marie Howarth (01904) 551418

Contact details:

Author: Rachel Tyas Development Management Officer (Wed - Fri)

Tel No: 01904 551610

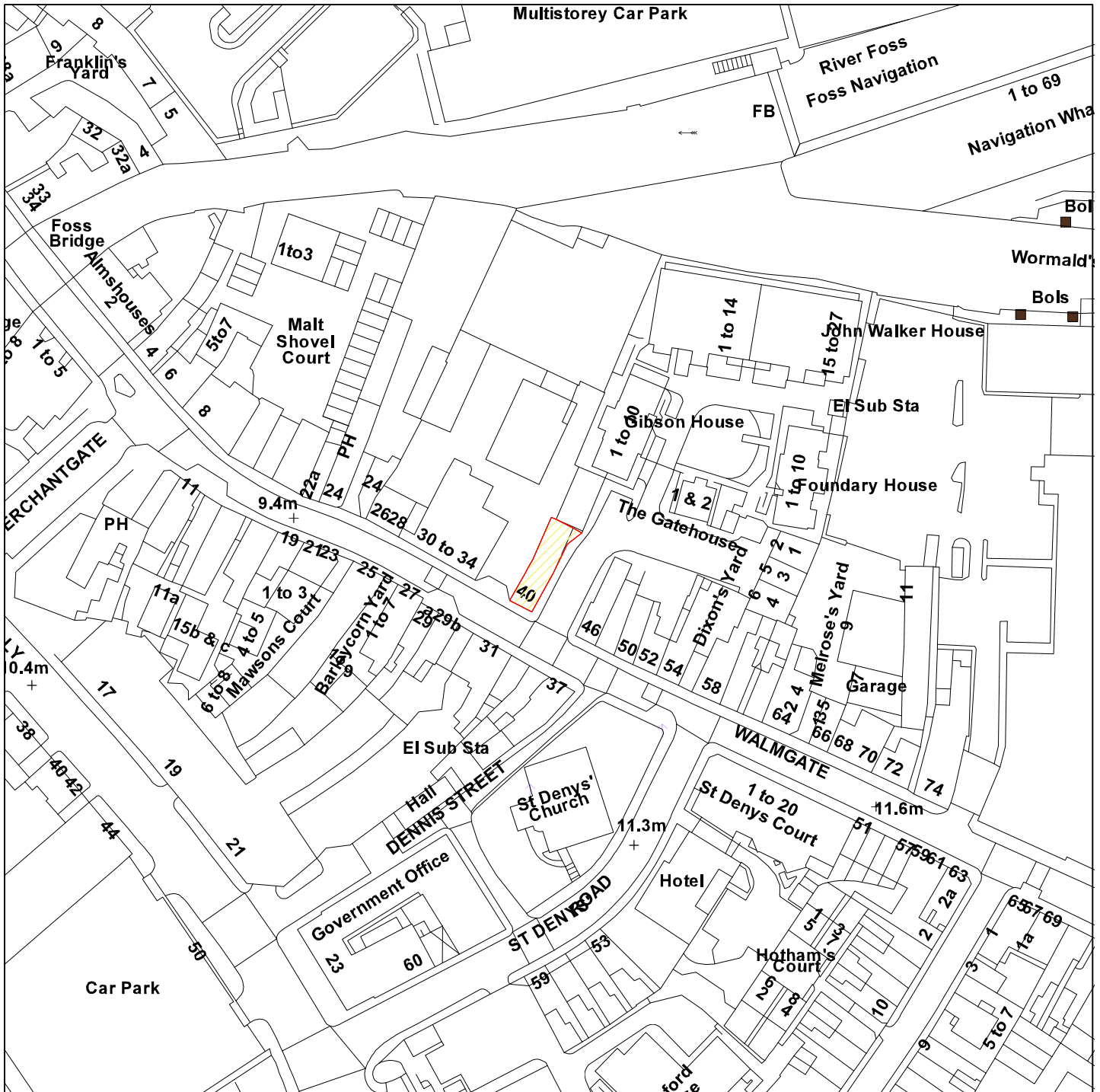
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12/03296/FUL

Il Paradiso Del Cibo



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	26 November 2012
SLA Number	Not Set

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COMMITTEE REPORT

Date: 5 December 2012 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 12/03155/FULM
Application at: 2 - 16 Piccadilly York
For: Change of use of existing ground floor retail units (Use Class A1) to flexible A1, A2, A3 or A4 use, change of use of former White Swan Hotel (Use Class C1) to residential (Use Class C3) to form 14no. apartments, at first, second and third floor level, external extensions to the rear and side, at first and second floor level, and associated works.
By: Mr & Mrs A Graham
Application Type: Major Full Application (13 weeks)
Target Date: 31 December 2012
Recommendation: Approve subject to Section 106

1.0 PROPOSAL

1.1 The application relates to the White Swan hotel, which is located on the corner of Piccadilly and Coppergate. The host building was built around 1912, at the time when Piccadilly was constructed. The building was constructed in a mock Tudor style. The ground floor shop fronts were added in the mid C20. The building is not listed; it is in the Central Historic Core Conservation Area.

1.2 Planning permission is sought to bring the building back into use. The ground floor would remain in commercial use, and there would be apartments on the upper floors. The works would include a 2.5-storey extension on the Piccadilly side, infilling the gap between the host building and the modern commercial unit which is occupied by Pavers shoes. The outbuildings at the rear would be replaced with a single storey flat roof building, which would cover over ancillary space required for the commercial units and provide an outside amenity area for the flats. The shop-fronts would be refurbished.

1.3 The development would provide 14 flats, 9 x 1 bed, 5 x 2 bed, and 461 sq m commercial floor-space, either for retail, cafe/restaurant or drinking establishments.

COMMUNITY INVOLVEMENT

1.4 A public exhibition was held on 18.7.2012, which local residents, businesses, Conservation Trust, York Open Planning Forum and councillors were informed of

Application Reference Number: 12/03155/FULM

Item No: 3h

(including an advertisement in the Press). The exhibition was attended by 36 persons. All feedback provided was positive, and welcomed the plans to retain and refurbish the building and the uses proposed.

1.5 York Civic Trust supported of the principle of refurbishment of the building, rather than demolition and provision of residential premises in the city centre. They asked that the refurbished shop fronts respect the historic context.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest: City Centre Area

Conservation Area: Central Historic Core

Listed Buildings

- Grade 2 Star; 28-30 Coppergate York YO1 1NR
- Grade 2 Star; 32 Coppergate York YO1 1NR

2.2 Policies:

CYGP1	Design
CYGP12	Access to upper floors
CYGP16	Shopfronts
CYHE3	Conservation Areas
CYH4A	Housing Windfalls
CYNE6	Species Protected by Law
CYS3	Mix of use in certain shopping streets
CYS6	Control of food and drink (A3) uses
CYL1C	Provision of New Open Space in Development
CYED4	Developer contributions towards Educational facilities

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development

3.1 Officers support the scheme. The approach to this scheme has been sensitive to the qualities of the existing building and its environment. The significance of the building has been well researched and understood. The scheme will enhance the existing building and its details and the modest extensions will preserve important views and settings. The apartments appear to be well designed and they have a good standard of amenity for city centre living. The scheme should help to reinvigorate this part of York.

Countryside Officer

3.2 There are a number of loose, missing and broken roof tiles, as well as pieces of loose lead flashing, particularly around roof lights, dormer windows and also round the tops of the turrets to the front of the building. These features potentially provide some good roosting opportunities for bats. Officers have investigated the building and assessed the Ecology surveys submitted by the applicants (which found evidence of a bat roost in the roof-space). Officer's view is that the works that actually require planning permission can occur, subject to mitigation, without an adverse affect on bats. A condition to cover bat mitigation is recommended. A license would also be required from Natural England, which would be more comprehensive (it would be required before any repairs or building insulation could be added for example) and the applicants must be aware of such.

Education

3.3 Ask for a contribution (£11,984) towards primary school provision as the local school, Fishergate, is at capacity.

Environmental Protection Unit

3.4 No objection. Comments are as follows -

Construction

- Noise from construction works associated with the development has the potential to cause adverse noise impacts on local residential dwellings and the City centre. As such officers request a condition be placed on any approval requiring a Construction Environmental Management Plan (CEMP) and suggest controlling hours of construction.

Air Quality

- Monitoring of nitrogen dioxide in this general area is indicating breaches of the (health based) annual average air quality objectives. Officers advise trickle vents should not be installed to the elevations facing Coppergate or Piccadilly and that such windows should be non-opening.

Amenity of future occupants

- As the ground floor areas could be used as restaurants, or similar, officers ask that details of plant and machinery and kitchen equipment be agreed to ensure the residents of the development do not suffer from noise disturbance or from cooking smells.

Highway Network Management

3.5 No objection, comments as follows:

- Given the city centre location of the site and nature of the development proposed a car free development is considered acceptable and appropriate.
- The adjacent highway is protected by waiting restrictions which manage on-street parking. This includes the lay-by/hard standing area to the property frontage to Piccadilly. Currently the restrictions will allow servicing traffic associated with the development (deliveries to the commercial premises/residents moving in etc) to load/unload between the hours of 11:00 and 18:00. A contribution has been sought towards the amendment/introduction of waiting restrictions in the locality to further balance the needs of differing users once the development, if approved, is complete.
- The applicant has indicated that they are willing to provide contributions towards the city's car club scheme. This figure will be based upon the provision of membership and free drive time provision for first residents and can be secured through the S106 Agreement.
- Cycle parking for staff and residents has been proposed and can be secured through a suitably worded condition.
- The site is located on the junction of Coppergate and Piccadilly. This junction is one which is being considered by the authority through the Reinvigorate York Project. Whilst there is no formal detailed scheme in place the aims are to improve the linkages between Parliament St and Piccadilly. The proposed development will increase footfall in the area and as such officers consider it appropriate that the development contributes towards the wider CYC improvement scheme.

Parks and Open Spaces

3.6 As there is no on site open space commuted sums should be paid to the Council for amenity open space - to improve a local site such as Tower Gardens, play space - to improve a local site such as Dewsbury Terrace and sports pitches - to improve a facility within the East or South Zone of the Sport and Active Leisure Strategy.

EXTERNAL

Conservation Areas Advisory Panel

3.7 No objections. Welcome the proposed shop fronts.

Police Architectural Liaison Officer

3.8 No objection. Note that the proposals have considered security of the main residential entrance, windows, cycle stores and the communal terrace area.

Yorkshire Water

3.9 No comment.

Guildhall Planning Panel

3.10 Support the application.

Publicity

3.11 Deadline for comments was 7.11.2012. One letter in support has been received from the owners of Llyods Bank on the opposite side of the road.

4.0 APPRAISAL

4.1 Key Issues

- Principle of residential use of the upper floors and the type of commercial development proposed
- Impact on the appearance of the host building and the conservation area
- Highway Network Management
- Amenity
- Sustainable design and construction
- Ecology

Principle of residential use of the upper floors

4.2 The National Planning Policy Framework asks Local Planning Authorities to plan positively and enhance the vitality and viability of city centres. It notes that residential development can play an important role in ensuring the viability of town centres. In York there is an identified need for housing in the city, some of which is expected to be delivered through windfall sites such as this, i.e. those not allocated for such development in the Local Plan. Local Plan policy GP12 promotes residential development in the city centre, in particular utilising unoccupied space on the upper floors of buildings. To bring the host building back into use and provide residential accommodation would be compliant with planning policy, provided the development would have an acceptable impact on the conservation area and provided amenity for future and existing occupants would be acceptable.

Commercial premises

4.3 The application requests that the ground floor area can either be used as retail, commercial, cafes or drinking establishments. The premises fronts onto Coppergate and part of Piccadilly which are designated primary shopping streets in the Local Plan.

4.4 Previously only the corner unit (Jessops) was in commercial use, one unit was occupied as a cafe but otherwise the building was boarded up; vacant at ground floor level. The main desire as part of the refurbishment works is to bring the building back into full occupation, which will improve the vitality of the immediate area. As such there is no objection to this flexible approach, which would also be in line with Government proposals to enable economic development. A condition is suggested that at least the width of frontage that was previously in A1 be retained in such a use, and this has been agreed with the applicants.

4.5 There will also need to be conditions applied to control residential amenity if there are cafes and drinking establishments within the development. Conditions proposed cover the playing of amplified music and hours of operation.

Impact on the appearance of the host building and the conservation area

4.6 The host building is not a listed building; it is though within the Central Historic Core Conservation Area. Section 12 of the National Planning Policy Framework advises that in conservation areas it is desirable developments sustain and enhance the area, if there would be a harmful impact, there will need to be justification to outweigh the identified harm. The proposed changes and their impact are listed below -

Shop-fronts

4.7 The building started to accommodate shop-fronts from the 1930s onwards, though none of the earlier shop-fronts remain. The various shop-fronts which remain date from the 1960s, they are of poor quality and their replacement is proposed.

4.8 The shop-fronts proposed would be separated from the upper floors with a continuous timber fascia of appropriate scale, with the shop-fronts set back behind a series of timber pilasters (above the Mock-Tudor areas) and brick columns. The entrance to the upper floor apartments would be situated along Piccadilly, surrounded by timber panelling and below one of the set of pronounced oriel windows. The pilasters would pick up the rhythm of the bays above and brick columns would give such parts of the building more solidity. The shop-fronts would

respect the host building considering scale, proportions and materials, and the restoration would improve the appearance of the building.

Extension at SE end (along Piccadilly)

4.9 A single storey section of the building (next to the Pavers Shoes shop) would be redeveloped to 2.5 storeys with a red-tiled mansard type roof facing onto Piccadilly. The extension would be of matching materials to the brick part of the host building to which it would connect. The massing of the building provides a comfortable transition between the host building (3.5-storey) and the lower unit next door (2-storey) and would preserve views of All Saint's Church from Piccadilly. In addition the external fire escape would no longer be viewed in the street scene. The extension would enhance the appearance of the street.

Alterations at the rear

4.10 The lower building behind the main structure would be rebuilt and (rather than the pitched roof) given a flat roof, providing an outside amenity space for the upper floor residential. The alteration would provide amenity space for the residents (away from the main road) and improve the environment in this area, to the benefit of the character and appearance of the conservation area,

Balcony at the corner of Coppergate & Piccadilly

4.11 The original balustrade above the previous corner entrance has been replaced with a brick parapet wall that now accommodates an unattractive sign panel. It is proposed to reinstate a timber balustrade, of Edwardian design, in this location. The side window of the large corner flat would be made into a narrow door to allow access. The change would enhance the appearance of the building, although having a balcony in such a public location is uncharacteristic of the conservation area; so it will be asked that the balustrade is designed so any furniture left out on the balcony will be screened from view.

Highways Issues

4.12 The National Planning Policy Framework advises developments should be design so, where practical, they:

- have adequate servicing arrangements
- give priority to pedestrian and cycle movements, and have access to high quality public transport facilities
- create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians
- incorporate facilities for charging plug-in and other ultra-low emission vehicles

4.13 Because of the location of the site this is a sustainable location for residential development. As such and given the type of units proposed (1 and 2 bed flats) it would not be necessary to provide off-street car parking. To promote alternative means of travel, cycle parking for residents is proposed and the applicants will offer future residents incentives to join the car share scheme.

4.14 Cycle storage would be in the basement (accessed by a lift). 1 space per residential unit and 6 spaces for staff of the commercial premises are proposed. The spaces would be covered and secure. The amount for the residential part of the development meets the requirements within the Local Plan and the staff parking is a gain, given there was none previously.

4.15 Servicing arrangements: Delivery vehicles to the commercial premises will be able to park in the waiting areas along Piccadilly through the daytime. It is likely deliveries will take place in the morning, before 11am. This approach has been agreed with officers in Highway Network Management

4.16 Pavement outside the premises: We would be unable to require the applicants contribute/pay for replacement footpaths outside the host building. The requirement would be unreasonable according to the National Planning Policy Framework; the obligation would not be directly related to the development and nor would it be necessary in order make the development acceptable in planning terms.

Amenity

4.17 A core planning principle within the National Planning Policy Framework is that in making decisions planning should always seek to secure a good standard of amenity for existing and future occupants of land or buildings.

Noise and air quality

4.18 The noise survey undertaken concludes that adequate internal noise levels will be achieved provided secondary glazing is installed to the Piccadilly and Coppergate facades, allowing the existing windows to be retained. Adequate insulation can be secured through a planning condition.

4.19 Mechanical ventilation, drawing air from areas away from the road, is proposed and therefore adequate air quality for future occupants of the building can be achieved.

Amenity of surrounding occupants

4.20 The windows which would serve the flats would be at least 18m away from the apartments above the retail premises along Coppergate Walk. This separation

distance is acceptable within the city centre, and populating the upper floors with residents would not lead to undue overlooking. It must also be noted that the outlook/environment within this area would be enhanced significantly through the introduction of the "communal terrace" which would replace unsightly outbuildings. The properties on the opposite side of Piccadilly are predominantly in commercial use. Given the established urban grain no overlooking objections are raised regarding this elevation.

4.21 The development would not be over-bearing or over-dominant. The proposed new structures, between the side of the building and 20 Piccadilly and the terrace at the rear would be of comparable volume to the existing buildings in the area.

Space for future occupants

4.22 The scheme includes 1 and 2 bed sized flats. The smallest 1-bed flat would be 50 sq m and the smallest 2-bed flat 85 sq m. The council's draft supplementary planning guidance document on space standards recommends 51 sq m as the minimum area for 1-bed flats (assuming they are occupied by 2 persons), and 66 sq m for 2-bed flats. Although one of the flats would fall just under the standard, the other units exceed the minimum requirement. The smallest flat would be suitable for a single occupant and overall it is considered there would be reasonable space for future occupants.

Education and open space requirements of future occupants

4.23 In accordance with Local Plan policies L1c: Open Space and ED4: Contributions Towards Education Facilities, contributions are required towards open space and education provision, the latter as there is no capacity at the local primary school. The contributions are open space: £11,984 and education: £8,920. These will be secured through a legal agreement.

Sustainable design and construction

4.24 In accordance with the Council's Supplementary Planning Document on Sustainable Design and Construction the building will be refurbished so to secure a BRE very good rating, which will include improving the environmental performance of the building, and at least 10% of the building's energy demand will be sourced from low/zero carbon technology (air-sourced heat pumps in this case).

Ecology

4.25 Local Plan policy NE6 relates to species protected by law. It states that where a proposal may have a significant effect on protected species or habitats, applicants will be expected to undertake an appropriate assessment demonstrating proposed

mitigation measures. The policy accords with the thrust of the National Planning Policy Framework which requires proposals minimise impacts on biodiversity and provide net gains where possible.

4.26 Surveys undertaken by the applicants found evidence of a bat roost in the roof void at the south end of the building. The works that are the subject of the planning permission would not directly affect areas where there are either known or potential roosts. As such a condition can secure adequate mitigation, relating to both construction and the provision of bat roost features (types of roof tiles and bat boxes for example) in the development. The applicants are aware that they will require a license from Natural England because of the bat activity in the building. The license will need to be obtained before works (including repairs) in pertinent areas can commence and will also need to secure appropriate mitigation.

5.0 CONCLUSION

5.1 The proposed development would regenerate this significant building in the city centre. The scheme is welcome and complies with national and local planning policy. Approval is recommended subject to conditions to deal with the use of the ground floor area, design, sustainable construction, amenity and bat mitigation. There is an associated legal agreement to secure contributions toward education (£8,920), open space (£11,984), car club membership related to the residential aspect of the scheme and amendments to traffic regulation orders in the area.

6.0 RECOMMENDATION: Approve subject to Section 106

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans:- Package 1620 PL

Floor plans and Roof Plan

200 REV7, 201 REV6, 202 REV6, 203 REV6, 204 REV6, 205 REV8

Elevations

210 REV5, 211 REV5, 212 REV3, 213 REV3, 214 REV3

Sections

220 & 221 REV4

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

3 Use of commercial floor space

At all times at least 19 metres of the ground floor frontage of the host building shall be in A1: retail use.

Reason: In the interests of the vitality and viability of the primary shopping streets on which the site is located.

4 Residential amenity

Amplified music from any of the commercial premises shall be inaudible in the residential premises. Any A3 or A4 uses within the building shall only be open to customers between the hours of 07:00 and midnight each day of the week.

Reason: In the interests of the amenity residents.

5 Materials

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

- Notwithstanding the approved plans the replacement rainwater goods shall be in aluminium or cast iron (not uPVC).
- Roof-lights shall be conservation type.

A sample panel of the external brickwork shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. The panel(s) shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of the conservation area location.

6 Landscaping

Prior to occupation of the development hereby approved a detailed hard and soft landscaping scheme for the rear terrace, which shall illustrate the number, species, height and position of trees and shrubs to be planted shall be approved in writing by the Local Planning Authority.

This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or

diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the conservation area and the amenity of future occupants.

7 New windows to front elevations and on the rear of the existing building shall be to match existing in all respects unless otherwise agreed. Repairs to existing windows shall be on a like for like basis, unless agreed otherwise. Windows and doors to the rear elevation of the new extension shall be fully recessed within their reveals.

Reason: To preserve the appearance of the host building and the conservation area.

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

- a) The balustrade on the NE corner and means of screening any furniture from view
- b) Front dormer (to apartment 1) within mansard roof
- c) Residential entrance (to include details of timber panelling and any additions such as security lighting/access control) and shop-fronts (including pilasters)
- d) Shop-fronts with timber stall-risers
- e) Ventilation louvers to rear walls in context (showing how they relate to their brick surrounds and recessed from brick columns)
- f) Air-sourced heat pumps where external

Reason: To preserve the appearance of the host building and the conservation area.

9 Cycle and bin storage

The area shown as cycle and bin storage on the proposed basement floor plan shall be retained for such use at all times, unless otherwise agreed in writing by the Local Planning Authority. The development shall provide at least 14 secure cycle spaces for the residential units and 6 secure spaces for the commercial units.

Reason: To ensure adequate space for such storage, and to promote recycling and sustainable modes of transport in accordance with policies GP4a and T4 of the City of York Draft Local Plan and the National Planning Policy Framework.

10 Sustainable construction

The development shall be constructed to a BRE standard of 'very good'. A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority prior to occupation of

the building. Should the development fail to achieve a standard of 'very good' a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures should be undertaken to achieve a standard of 'very good'. The approved remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and Paragraphs 5.1 to 5.3 of the Interim Planning Statement 'Sustainable Design and Construction' November 2007.

11 Low/zero carbon technology

At least 10% of the development's predicted energy requirements shall be provided from low or zero carbon technology. Confirmation of how this will be achieved shall be approved by the Local Planning Authority prior to occupation of the building and the development shall be carried out in accordance with the approved details. The site thereafter must be maintained to the required level of generation.

Reason: In the interests of achieving a sustainable development in accordance with the requirement of GP4a of the City of York Development Control Local plan and the Interim Planning Statement 'Sustainable Design and Construction' November 2007.

12 Retention of C18 brickwork at rear

Prior to such works commencing a method statement shall be approved by the Local Planning Authority which details the extent of C18 brickwork which will be retained and where it will be re-claimed and incorporated into the development.

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

13 Noise insulation:

Prior to occupation of the residential units which face onto Piccadilly and Coppergate secondary glazing shall be installed to all habitable room windows (living and bed-rooms) in the aforementioned units. The secondary glazing shall at least meet the specification established in the Noise Survey report 18419/EBF1 section 12 (which includes 6mm thick secondary glazing).

Reason: In the interests of the amenity of future occupants.

14 Air Quality:

All windows to habitable rooms (bedrooms and living areas) facing onto Piccadilly and Coppergate shall have ventilation provided through continuous mechanical supply and extract (with heat recovery) away from the roadside (i.e. roof level or to the rear). The systems shall be maintained appropriately for the lifetime of the development.

Reason: To protect the health of residents given the levels of air quality in the area.

15 Details of all machinery, plant and equipment to be installed which would be audible either outside of the site boundary or within the residential apartments when in use shall be submitted to the local planning authority for approval.

The details shall include the location, maximum sound levels (L_{Amax}(f)), average sound levels (L_{Aeq}), octave band noise levels and any proposed noise mitigation measures. The report shall be undertaken by a specialist noise consultant or suitably qualified person and it shall be conducted in accordance with BS4142:1997. The report shall assess the impact of the additional noise sources on residential properties and include any mitigation measures that are required. The approved mitigation measures shall be implemented prior occupation of the development and maintained accordingly thereafter.

Reason: In the interests of amenity of nearby residential and commercial premises.

Note that any external plant not shown on the approved plans will require planning permission.

16 Cooking odours

Adequate facilities shall be provided for the treatment and extraction of odours, fumes and gases created by cooking in association with any A1, A3 or A4 use, such that there is no adverse impact on the amenities of local residents by reason of fumes, odour or noise. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for approval prior to installation; once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: In the interests of the amenity of future occupants.

17 Construction Management:

Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration, dust and lighting during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

The plan shall confirm that all demolition and construction works and ancillary operations which are audible beyond site boundary or at the nearest noise sensitive dwelling, including deliveries to and dispatch from the site, shall be confined to the following hours:

Monday to Friday 07:00 to 19:00

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Saturday 08:00 to 17:00
Not at all on Sundays and Bank Holidays.

All machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities, shall be minimised in accordance with the guidance provided in British Standard 5228 (1984) Code of Practice; 'Noise Control on Construction and Open Sites', and Minerals Planning Guidance Note 11 (1993) 'The Control of Noise at Surface Mineral Workings'.

In the interests of highway safety the document shall also advise on the following:

A detailed method of works statement identifying the programming and management of clearance/preparatory and construction works. The statement shall include at least the following information;

- the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- where contractors will park
- where materials will be stored within the site
- requirement for hoarding or scaffolding that may be necessary including temporary footway closures

REASON: To protect the amenities of adjacent residents and in the interests of highway safety.

18 Photographic recording of interior

A photographic recording of the interior of the building shall be submitted to the Local Planning Authority prior to internal works to the building commencing. The recording shall be annotated and shall show remaining features of historic interest, as established in the Historic Building Assessment undertaken by Donald Insall Associates.

Reason: In order that a historical record of the listed building is kept, in accordance with paragraph 14 of the National Planning Policy Framework.

19 Travel Plan

No part of the site shall be occupied until a Travel Plan has been developed which shall include details for both commercial and residential occupants. The travel plan shall be developed and implemented in line with local and national guidelines and be updated on an annual basis. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

Reason: To reduce private car travel and promote sustainable travel in accordance with paragraph 36 of the National Planning Policy Framework and policy T13a of the City of York deposit Draft Local Plan.

20 Bat mitigation

The development hereby approved shall not commence until details of bat mitigation and conservation have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details thereafter. The measures shall include:

- a) A detailed plan of how construction work is to be carried out to accommodate the possibility of bats being present (including scaffolding locations).
- b) Details of provision to be made within the re-development of the site to replace the features lost through demolition and conversion work. Features suitable for bats include the use of special tiles, bricks, soffit boards, bat boxes and bat lofts and there should be no net loss in habitat features.
- c) The timing of all operations.

Reason: To take account of and to enhance the habitat for a protected species in accordance with Local Plan policies NE6 and NE7.

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 conservation area, the vitality and viability of the city centre, amenity, species protected by law and highway safety.

As such the proposal complies with Policies GP1, GP12, GP16, HE3, H4a, NE6, S3a, S6, L1c and ED4 of the City of York Development Control Local Plan.

2. LEGAL AGREEMENT

Your attention is drawn to the existence of a legal obligation under Section 106 of the Town & Country Planning Act 1990 relating to this development

3. BATS

Note that a European Protected Species license from Natural England will be required due to the presence of bats within the building. The license must be obtained prior to pertinent works being undertaken.

Contact details:

Author: Jonathan Kenyon Development Management Officer

Tel No: 01904 551323

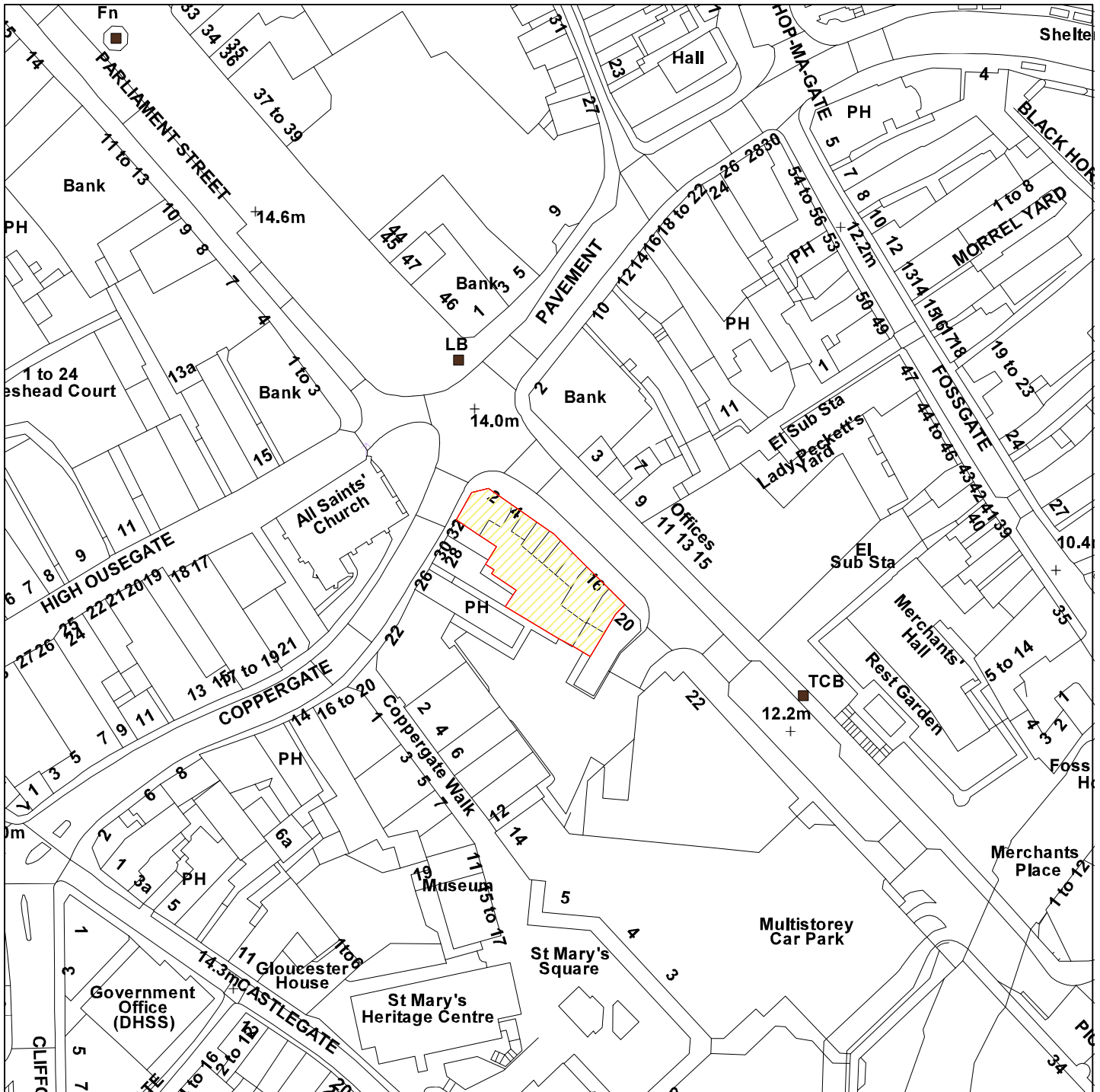
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12/03155/FULM

2 - 16 Piccadilly



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	26 November 2012
SLA Number	Not Set

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West and City Centre Area Planning Sub Committee 5th December 2012

East Area Planning Sub Committee 6th December 2012

Planning Committee 22nd December 2012

Appeals Performance and Decision Summaries

Summary

- 1 This report (presented to both Sub Committees and Main Planning Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1st April to 31st October 2012, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals to date of writing is also included.

Background

- 2 Appeal statistics are collated by the Planning Inspectorate on a quarterly basis. Whilst the percentage of appeals allowed against the Council's decision is no longer a National Performance Indicator, it has in the past been used to abate the amount of Housing and Planning Delivery Grant (HPDG) received by an Authority performing badly against the average appeals performance. Until recently, appeals performance in York has been close to (and usually better than) the national average for a number of years. More recently the Government has indicated that it will use appeals performance in identifying poor performing planning authorities with a view to the introduction of special measures and direct intervention in planning matters within the worst performing authorities.
- 3 The table below includes all types of appeals such as those against refusal of planning permission, against conditions of approval, enforcement notices, listed building applications and lawful development certificates. Figure 1 shows performance on appeals decided by the Inspectorate, in each CYC Sub Committee area and in total, for periods of 1st April 2012 to 31st October 2012, for the corresponding period last year, and the full year to 31st October 2012.

Fig 1: CYC Planning Appeals Performance

	1 st April 2012 to 31 st Oct 12			1 st Nov 2011 to 31 st Oct 12			1 st April 2011 to 31 st Oct 11		
	East	West	Total	East	West	Total	East	West	Total
Allowed	13	7	20	15	10	25	4	4	8
Part Allowed	1	0	1	1	0	1	0	0	0
Dismissed	15	4	19	22	15	37	10	8	18
Total Decided	29	11	40	38	25	63	14	12	26
% Allowed	44.83	63.64	50	39.47	40.00	39.68	28.57	33.33	30.77
% Part allowed	3.45	0	2.5	2.63	0	1.59	0	0	0
Withdrawn	0	0	0	1	2	3	2	1	3

Analysis

- 4 The table shows that between 1st April and 31st October 2012, a total of 40 appeals relating to CYC decisions were determined by the Inspectorate. Of those, 20 were allowed. At 50%, the rate of appeals is significantly higher than the 33% national annual average. By comparison, for the same period last year, 8 out of 26 appeals were allowed, i.e. 30.77%
- 5 For the full year between 1st November 2011 and 31st October 2012, CYC performance was 39.68% allowed, higher than the previously reported 12 month period of 31.9%.
- 6 The summaries of appeals determined since 1st April are included at Annex A. Details as to whether the application was dealt with under delegated powers or Committee (and in those cases, the original officer recommendation) are included with each summary. Figure 2 below shows that in the period covered, 6 appeals determined related to applications refused by Committee.

Fig 2: Appeals Decided against Refusals by Committee from 1st April 2012

Cttee	Ref No	Site	Proposal	Outcome	Officer Rec.
Main	11/01468/OUT	Arabesque House, Monks Cross Drive	Retail warehouse after demolition of existing offices	Allowed	Ref
East	11/02371/FUL	93 Newland Park Drive	Extensions	Allowed	App
East	11/02371/FUL	1 Meam Close	First floor extension	Dismissed	App
West & City Centre	11/02318/FULM	Plot 6b Great North Way Poppleton	Care Home	Allowed	Ref
East	12/01153/FUL	29 Sandringham Close	Extension	Dismissed	App
East	11/03175/FUL	238 Strensall Road	Live/work annex (retrospective)	Dismissed	Ref

- 7 The list of current appeals is attached at Annex B. There are 20 appeals lodged with the Planning Inspectorate, 6 in the West and City Centre Sub Committee area and 14 in the East Sub Committee area. 18 are proposed to be dealt with by the Written Representation process (W), 1 by the Householder procedure (H) and 1 by Public Inquiry (P).
- 8 The much higher percentage of appeals allowed since April raises certain issues:-
- 9 The Council decided many of the related applications prior to the publication of the National Planning Policy Framework. However the appeals were dealt with following its publication, and so the guidance within the Framework was taken into account by the Inspectorate. Whilst the lack of an adopted local plan could be considered a significant factor, other local authorities with a local plan have found that the 12 months 'period of grace' given for a local plan or LDF to be made NPPF has not counted for much on appeal and that the NPPF has been afforded considerably more weight. The presumption in favour of sustainable development in the NPPF appeared to be a significant factor in consideration of appeals. For decision making the NPPF states that the presumption in favour means: -

*“where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
— any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
– specific policies in this Framework indicate development should be Restricted”*
- 10 Inspectors have highlighted the need for a strong evidence base to demonstrate significant harm will result from a development before it should be refused. The NPPF states refusal is a last resort and that every effort should be made to work with developers to look for solutions to planning problems, and that Councils should look for reasons for approving development rather than reasons for refusal. Where a judgment required, for example in respect of the impact on visual amenity within the street, it appears that a more lenient approach is being adopted.
- 11 In response to the reduced appeal performance:-
 - i) Officers will continue to impose high standards of design and visual treatment in the assessment of applications provided it is consistent with Paragraph 56 of the NPPF Draft Local Plan Policy.

ii) Officers are ensuring that wherever appropriate revisions are sought to ensure that an application can be recommended for approval, even where this has led to some applications taking more than the 8 weeks target timescale to determine. From the applicants' perspective, an approval after 9 or 10 weeks following amendments is preferable to a refusal before 8 weeks and then a resubmission or appeal process. This approach has improved customer satisfaction and speeded up the development process overall, but has affected the Council's performance against the national target. Nevertheless, CYC application performance currently remains above the national performance indicators for Major, Minor and Other application categories.

ii). Additional scrutiny shall be given to appeal evidence to ensure arguments are well documented, researched and argued

iv). Focus is being given within the teams to learning from appeal decisions.

v) The current practice of regular reports reviewing appeal decisions to the Planning Committees will continue. This will include monitoring the impact of the NPPF on Inspectors' decision making and reviewing decisions in the light of these.

Consultation

- 12 This is essentially an information report for Members and therefore no consultation has taken place regarding its content.

Council Plan

- 13 The report is most relevant to the "Building Stronger Communities" and "Protecting the Environment" strands of the Council Plan.

Implications

- 14 Financial – There are no financial implications directly arising from the report.
- 15 Human Resources – There are no Human Resources implications directly involved within this report and the recommendations within it other than the need to allocate officer time towards the provision of the information.
- 16 Legal – There are no known legal implications associated with this report or the recommendations within it.

- 17 There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

Risk Management

- 18 In compliance with the Council's risk management strategy, there are no known risks associated with the recommendations of this report.

Recommendation

- 19 That Members note the content of this report.

Reason: To inform Members of the current position in relation to planning appeals against the Council's decisions as determined by the Planning Inspectorate, over the last 6 months and year.

Contact Details

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Chief Officer Responsible for the report:

Mike Slater
Assistant Director Planning &
Sustainable Development, Directorate of
City Strategy

**Report
Approved**



Date

23rd
November
2012

Specialist Implications Officer(s) None.

Wards Affected:

All Y

For further information please contact the author of the report.

Annexes

Annex A – Summaries of Appeals Determined between 1st April and 31st October 2012

Annex B – Outstanding Appeals to 23rd November 2012

Appeal Summaries for Cases Determined 01/04/2012 to 31/10/2012

Application No: 11/00497/FUL
Appeal by: Mr Robert Winston
Proposal: Conversion of stable to 2 bed holiday let (resubmission)
Address: Holly Tree Farm Murton Way York YO19 5UN

Decision Level: DEL
Outcome: ALLOW

The application was refused because the site was in the functional flood plain (zone 3b). As part of the appeal the applicant commissioned a Flood Zone Investigation which re-categorised the land within Zone 3a. This was accepted by the Environment Agency and the City Council and as such the appeal was contested only in respect of an inadequate flood risk assessment and the raising of ground levels around the site. The Inspector concluded that the conversion of the building could proceed without an unacceptable increase in flood risk in the area, and as such would not conflict with the NPPF, its associated Technical Guidance of the Council's Strategic Flood Risk Assessment. In imposing conditions he considered it necessary and reasonable to restrict the use of the building to holiday accommodation and that a further flood risk assessment was necessary to safeguard future users of the accommodation. He also required that the existing ground levels be retained to prevent the displacement of water in the event of flooding. An application for the Council to pay the appellant's costs was refused.

Application No: 11/00869/FUL
Appeal by: Miss J Graves
Proposal: Erection of 2no. pig rearing units to rear (retrospective)
Address: The Market Garden Eastfield Lane Dunnington York YO19 5ND
Decision Level: DEL
Outcome: DISMIS

The application sought retrospective planning permission for the erection of two pig rearing units at the Market Garden in Dunnington. The application was refused on the grounds that the development is harmful to neighbouring amenity through odour generated within the pig rearing units and the associated storage of waste. The pig rearing units are in close proximity to a large number of residential dwellings and evidence provided by local residents clearly identified that the units have a significantly harmful impact on the living conditions of local residents and their ability to enjoy their homes and gardens. The Inspector concluded that the proposed pig activities at the site represented a substantial business venture which is in close proximity to a large number of residences. Despite weather conditions on the day of the site visit resulting in relatively low odour levels, the Inspector concluded that the proposal could cause significant odours which would harm the amenity of local residents. The Inspector stated that the number of objections received highlighted the odour problems which the pig enterprise creates. The appeal was dismissed.

Application No: 11/01015/FUL
Appeal by: St Peters School
Proposal: Erection of two storey dwelling to the rear
Address: St Catherines House 11 Clifton York YO30 6AA

Decision Level: DEL

Outcome: DISMIS

The application sought planning permission for the erection of a two storey dwelling to the rear of 11 Clifton. The application site would be occupied in connection with St Peter's School and the proposed house would be accessed via the school grounds. The application was refused on two grounds. The first was the visual impact on the character and appearance of Clifton Conservation Area. The second was that the proposed building could result in the loss of two trees within the curtilage which were considered to positively contribute to the character and appearance of the area. The appeal was dismissed on the grounds of the Council's reasons for refusal. The Inspector concluded that the application site is an important open space and provides a suitable interface between the older residential developments along Clifton and the later higher density developments to the south west. Views of the site from North Parade were considered to be particularly important as the application site provides a green open outlook from what is an enclosed victorian street. The proposed development would erode this. The Inspector agreed with the Council that the Sycamore and Copper Beach trees on the site are of importance and contribute to the character and appearance of the area. Whilst the applicants specialist stated that the development could be created without harming these trees, the Inspector felt that the plans had no margin for error and the trees could be damaged despite tree protection measures. It was also felt that the size of the trees and their closeness to the proposed house would result in pressure for them to be felled in the future. For the reasons above the Inspector did not feel that the application represented sustainable development and the appeal was dismissed.

Application No: 11/01046/FUL
Appeal by: P.K. Homes Ltd
Proposal: Two no. dormer bungalows to rear of 36 Beech Grove and 30 Carr Lane with access from Rosedale Avenue (resubmission)
Address: 36 Beech Grove York YO26 5LB

Decision Level: DEL

Outcome: DISMIS

The application site consists of a plot carved out of the site of a former garage between Carr Lane and Beech Grove. A permission had previously been given by the Authority for a single dormer bungalow on the site with only very minimal external amenity space. The applicant came forward with a re-submitted scheme for two semi-detached dormer bungalows on a slightly smaller footprint. The proposal was refused planning permission on two grounds. The first was that the proposal would have an adverse impact upon the residential amenity of adjoining properties and the second related to the proposal being an over-development of the site. The applicant duly appealed and sought costs on the grounds that the decision was inconsistent and unreasonable in the light of the earlier permission. The Inspector agreed with the second reason for refusal on the grounds that the area of external amenity space fell well below that considered acceptable for prospective occupiers of the properties and that the proposed form of development was alien to the wider area. On those grounds he dismissed the appeal. However, in respect of the first reason for refusal he felt that a refusal on residential amenity grounds was unsustainable and even perverse in view of the earlier permission as it cut to the acceptability of any form of development on that site. As a consequence he agreed to a partial award of costs in respect of the first reason for refusal.

Application No: 11/01468/OUTM
Appeal by: Smith And Ball LLP
Proposal: Outline application for erection of a retail warehouse following demolition of existing office building (resubmission)
Address: Arabesque House Monks Cross Drive Huntington York

Decision Level: COMPV

Outcome: ALLOW

The was an appeal against the refusal of planning permission for the demolition of an office building and erection of retail warehouse development at Monks Cross. The reason for refusal related to the need to maintain a menu of office properties around different sites in the city, of varying sizes and quality providing for the immediate and longer term employment requirements of York. The Inspector allowed the appeal considering :-In spatial terms that the site is as much a part of the retail area as the partially developed office areaWeight attached to RSS diminished by forthcoming likely abolition but in any event its relevance, other than in the broadest sense is minimal. Inspector says relying on the core strategy policies at the stage when it has not been independently examined and tested against the evidence base is counter to the intention of national policy that decision taking should be genuinely plan-led. The draft local plan does not accord with Paragraph 215 of the NPPF and so little weight can be afforded to it, but the employment aims of E3b are similar to the framework requirements. The Inspectors view was that the choice and churn required by the core strategy policies have not been sufficiently tested through the independent assessment process and little weight could therefore be attached to having an excess of supply to provide choice in the office market. The Inspector attached weight to the fact that the building could be demolished even without any new scheme being brought forward and to the fact that employment would come from the retail use of the site despite the proposal being speculative and such employment not be certain. Despite objections from third parties the Inspector saw no reason why a bulky good retail could not be acceptable on the site. The view was that when the core strategy got closer to adoption policies within it may preclude further such developments

Application No: 11/01791/FUL
Appeal by: Mr Ian Lear
Proposal: New shop front (retrospective)
Address: Athena 5 Feasegate York YO1 8SH

Decision Level: DEL

Outcome: ALLOW

The Council refused retrospective listed building consent and planning permission for a replacement shopfront at 5 Feasegate (currently occupied by Patiserie Valerie), a Grade II listed building located within the Central Historic Core Conservation Area. Officers considered the design, form and proportions of the replacement shop front failed to respect the slender proportions and detail of the original cast iron and plate glass principal elevation of this listed building and the adjacent listed building at No.7 Feasegate with which it forms a pair. The Inspector considered the deep fascia above the shopfront to be similar to that of the immediate predecessor (Athena). The Inspector did not consider the failure to align with mullions above or the offset positioning of the shop doorway would result in an unacceptably jarring appearance. Also whilst the Inspector notes that sections of the framing of the shop windows appear thicker and less elegant than those on the upper floors, he considers their dark, low sheen colouring makes them unobtrusive. The Inspector concluded that the scheme provides a clean and unfussy treatment that does not appear bulky or ill at ease with the facade and does not try to mimic the existing components and therefore is one which neither has a harmful impact on the building or on the Conservation Area. The appeal was allowed.

Application No: 11/01792/LBC
Appeal by: Mr Ian Lear
Proposal: New shopfront and signage (retrospective)
Address: Athena 5 Feasegate York YO1 8SH

Decision Level: DEL

Outcome: ALLOW

The Council refused retrospective listed building consent and planning permission for a replacement shopfront at 5 Feasegate (currently occupied by Patiserie Valerie), a Grade II listed building located within the Central Historic Core Conservation Area. Officers considered the design, form and proportions of the replacement shop front failed to respect the slender proportions and detail of the original cast iron and plate glass principal elevation of this listed building and the adjacent listed building at No.7 Feasegate with which it forms a pair. The Inspector considered the deep fascia above the shopfront to be similar to that of the immediate predecessor (Athena). The Inspector did not consider the failure to align with mullions above or the offset positioning of the shop doorway would result in an unacceptably jarring appearance. Also whilst the Inspector notes that sections of the framing of the shop windows appear thicker and less elegant than those on the upper floors, he considers their dark, low sheen colouring makes them unobtrusive. The Inspector concluded that the scheme provides a clean and unfussy treatment that does not appear bulky or ill at ease with the facade and does not try to mimic the existing components and therefore is one which neither has a harmful impact on the building or on the Conservation Area. The appeal was allowed.

Application No: 11/01813/FUL
Appeal by: Market Town Taverns PLC
Proposal: Change of use of recruitment consultancy (Class A2) to bar/restaurant
Address: Relay Recruitment 116 Micklegate York YO1 6JX

Decision Level: DEL

Outcome: ALLOW

Permission refused as the site is in an area where there are a high proportion of licensed premises where residents experience problems of antisocial behaviour. An additional A4 unit (or the expansion of an existing A4 use with a greater capacity for custom) was considered to have the potential to cause cumulative harm to amenity and to have a detrimental impact on the Conservation Area. This decision was in the context of Policy S7 (no net increase in the number of pubs on Micklegate). The Inspector makes the distinction that the scheme is an extension rather than a new use and would result in no net increase in pubs/bars within Micklegate. The Inspector notes the Council provided no substantive evidence to support the claims that the proposal would lead to greater disturbance to residents. Whilst identifying the property as within the licensing cumulative impact zone and identifying Micklegate as under "stress", the Council failed to present evidence that such problems are specifically connected with the present establishment. The Inspector accepted that the business may change, however considered the proffered S106, which would place restrictions on the manner in which it is operated would provide assurances as to the management of the premises in the future. With respects to the impact on the Conservation Area, the Inspector did not accept the Councils assertion that the proposal would lead to a dilution in the mix of uses and a cumulative impact on its character through an increase in evening uses. It was considered that as the proposal is an extension to an existing use which operates during the daytime as well as the evening, the proposal would not have any harmful effect on the role of Micklegate as a mixed, diverse thoroughfare. The appeal was allowed and cost awarded on the basis of the lack of evidence provided by the Council to substantiate its considered impact on residential amenity and its failure to have regard to the proffered obligation.

Application No: 11/01981/FUL
Appeal by: G M Allison
Proposal: 2no. semi-detached dwellings
Address: Site To Rear Of 22A Huntington Road Dennison Street
York
Decision Level: DEL
Outcome: ALLOW

Application was for a house in flood zone 3a. Planning permission was refused on the grounds that the proposed development would not pass the exception test, because there would be no means of escape from the site to higher ground if the area were to flood. Flood Risk Management and Emergency Planning were concerned occupants could potentially be stranded in the house at times of flood and would have to be rescued by the emergency services. The proposed house had sleeping accommodation at 1st floor level, the site would be surrounded by a flood wall which would protect against the projected worse case flooding and occupants would sign up to the Environment Agencies flood warning service. The inspector considered there would be limited extra strain on the emergency services in times of flood due to the measures proposed to protect against flood risk. The appeal was allowed.

Application No: 11/02028/FUL
Appeal by: Mr Phillip Macer
Proposal: Two no. 2 storey detached dwellings with garages after demolition of existing bungalow and outbuildings (amended scheme)
Address: 12 Malton Way York YO30 5SG

Decision Level: DEL

Outcome: DISMIS

The application was for the erection of two houses following the demolition of an existing bungalow. The site is 12 Malton Way which is just outside the Clifton (Malton Way/Shipton Road) Conservation Area. No objections were raised to the demolition of a bungalow or the principle of creating two new houses on the site. The site contains a number of mature trees. The application was refused on the grounds that 1) the height and footprint of the two houses is excessive giving them undue visual prominence on the edge of a conservation area. The houses were also considered to be of a design which would detract from the visual quality of the conservation area. 2) loss of amenity to neighbours through overlooking and the visual dominance of Plot 1 which extended well beyond the neighbouring house and sat close to the curtilage boundary. 3) no bat survey was undertaken despite requests from the Council as it was considered that the existing bungalow contains features which provide roosting opportunities for bats. The Inspector agreed that the existing bungalow is 'undistinguished' and its demolition was acceptable. It was determined that the proposed houses were 'bulky and ill-related' to neighbouring houses and would appear incongruous within their surroundings. The Inspector stated that the ill fit of the houses to the site would result in pressure to remove existing mature trees in the future which currently make a positive contribution to the area. The Inspector agreed with the LPA that the proposal would result in an unacceptable loss of privacy for neighbours of 14 Malton Way. The Inspector agreed with the LPA that a bat survey should have been carried out, citing Circular 06/2005 'biodiversity and geological conservation' - it is essential that the presence of any protected species and the extent they may be affected by a proposal be established and taken into account within a decision - this cannot be conditioned. The appeal was dismissed.

Application No: 11/02217/FUL
Appeal by: Mr Sukru Akgul
Proposal: Conversion of dwelling into 2no. flats with alterations to front elevation (resubmission) (retrospective)
Address: 9 Landalewood Road York YO30 4SX

Decision Level: DEL

Outcome: ALLOW

Planning permission was applied for retrospectively in relation to the conversion of 9 Landalewood Road, a three storey terraced town house within Clifton Moor into two flats involving the conversion of the existing ground floor garage into living accommodation and the provision of a roof terrace to provide amenity space for the upper flat. Permission was refused on two grounds. The first was that the ground floor flat had a sub-standard access from a narrow unlit alleyway to the rear. The second was that the proposal would result in an erosion of the character of the area by removing a unit geared to single family occupation. The appellant modified the access arrangement to allow for the access to both the newly created properties to be taken from the frontage of the property prior to the appeal being heard. The Inspector disagreed in respect of both reasons for refusal and allowed the appeal. In respect of the first reason the Inspector felt that any form of rear access would be clearly unacceptable but ruled that as both newly created properties would be accessed from the front when fully complete then the access arrangement would be rendered acceptable. In respect of the second reason the Inspector ruled that in the absence of any up-to-date evidenced based research into the need for family homes of the type involved in the local area then a refusal on the basis of loss of family housing was unsustainable.

Application No: 11/02318/FULM
Appeal by: Miss Tracey Kay
Proposal: Erection of 3 storey 64 bed care home for older people
Address: Plot 6 Great North Way Nether Poppleton York

Decision Level: CMV

Outcome: ALLOW

The decision was recommended for refusal following a strong objection from City Development and their concerns that the loss of the site would cause the loss of usable employment land that was immediately available for development (CD argued that the usable employment land figure availability was less than the figure for employment land availability) and that the use was not considered an employment use as set out in PPS4. Committee refused the application on the same grounds. Between the decision and the appeal the NPPF was issued which stated that policies should avoid the long term protection of employment use sites. The definition of employment that was in PPS4 was not carried over into the NPPF. The Inspector considered that as a garden centre has been allowed on the neighbouring site and that the Monks Cross Stadium site was being considered that the loss of this site was not considered to be significant. The Inspector concluded that the benefits of the provision of employment opportunities through the provision of a care home, together with the community benefits associated with that provision, outweighs any disbenefit from the loss of a relatively small area of B1, B2 or B8 employment use land.

Application No: 11/02371/FUL
Appeal by: Mr And Mrs Luke-Wakes
Proposal: First floor side extension
Address: 1 Meam Close Osbaldwick York YO10 3JH

Decision Level: CMV

Outcome: DISMIS

The East Area Planning sub-Committee refused the application because of the oppressive and overbearing impact on the adjacent neighbours and impact on the street scene. On the basis that the proposal would create an incongruous feature by occupying part of the gap above the adjoining garages. The inspector dismissed the application because of the extension would articulate the overall facade of the building creating a poorly proportioned gap that would be incongruous in the street scene. However, the inspector ruled out the neighbour amenity issues.

Application No: 11/02558/CPD
Appeal by: Mr Hodgson
Proposal: Certificate of lawfulness for proposed siting of caravan/mobile home within the curtilage
Address: 25 The Avenue Haxby York YO32 3EH

Decision Level: DEL

Outcome: DISMIS

The appellant wanted to site a mobile home in the large rear garden of his house. The mobile home would be used by the appellants son who had recently been divorced and was unable to afford separate accommodation. The intention was that the caravan would also accommodate the sons children when they came to visit. The council refused a certificate on the grounds that the use was not incidental to the enjoyment of the dwellinghouse. The inspector found that care needed to be taken in determining whether the use would constitute development. The nature of the residential use of the caravan was an important factor. Four of the six bedrooms of the house on the site were not occupied and the son lived elsewhere. Significantly the appellant had provided no information about the familys domestic arrangements. The majority of mobile homes contain all the facilities for day to day living so for a caravan to be incidental to the main house it needs to be shown that some of these activities would not take place in the caravan, rather that it would be used only, say, for sleeping and recreation. From the limited information supplied it was likely that the mobile home would be used as an independent dwelling and would not be incidental to the enjoyment of the dwellinghouse. The appeal was dismissed.

Application No: 11/02711/FUL
Appeal by: Mr And Mrs Pierson
Proposal: Removal of condition 7 (open space) for approved outline application 10/02271/OUT for erection of detached bungalow
Address: Yew Tree House Vicarage Lane Naburn York YO19 4RS

Decision Level: DEL

Outcome: ALLOW

Outline planning permission was granted for a bungalow (10/02271/OUT). The permission included the council's standard open space condition requiring a financial contribution of #1172. A s.73 application later sought to remove the condition on the ground that there was sufficient open space in the area. The council acknowledged that, in the interim, a children's play area had been provided in the village. Nevertheless there remained a shortfall in the other categories of open space. The council therefore did not remove the condition but reduced to #680 the amount quoted in the informative. The applicant appealed. The inspector quoted paragraph 83 of Circular 11/95 which states that, when granting planning permission, a local planning authority cannot require, by means of a planning condition, a financial contribution from the developer. As such, condition 7 was clearly contrary to the advice. He said that if a contribution were justified the council should have negotiated it by means of a s.106 obligation. Notwithstanding this, and even if it were reasonable to seek a contribution by means of a planning condition, there was no certainty or specificity as to the sorts of open space to which the money would have contributed. The council indicated only that any money would probably be spent on improving sports pitches in Fulford without any details of what this might entail or the necessity for it. Condition 7 was neither necessary nor reasonable, contrary to the tests in Circular 11/95. Accordingly, the appeal was allowed and condition 7 was removed.

Application No: 11/02774/FUL
Appeal by: Mr And Mrs Rodwell
Proposal: Single storey side and rear extension with rooms in roof
(amended scheme)
Address: 42 Dikelands Lane Upper Poppleton York YO26 6JF

Decision Level: DEL

Outcome: DISMIS

Two main issues regarding the effects of the proposed extension. The effect upon the appearance and character of the host bungalow and the surrounding area. Second, the effect upon the living conditions of the neighbouring residents at No 2 Montague Walk with particular regard to levels of sunlight and visual impact. The proposed rearward extension would be intrusive in views from Dikelands Lane. It would not appear subservient to the modest bungalow but instead disproportionate and unduly dominating the host building in views from Dikelands Lane. The Inspector concluded that the rear extension would harm the appearance and character of the host bungalow and the surrounding area. The works to the front garage elevation would add interest and be more in keeping but does not outweigh the detrimental impact of the rear section. The Inspector also concluded that there would be an increased overshadowing effect upon the secondary kitchen/breakfasting window and a reduction in afternoon/evening sun to the adjoining section of rear garden of the neighbouring property. The enlarged structure would in addition have an intrusive and overbearing effect upon the neighbours rear rooms and garden. He concluded there would be unacceptable harm to the living conditions that the neighbours at No 2 could reasonably expect to enjoy.

Application No: 11/02816/ADV
Appeal by: Sainsbury's Supermarkets Limited
Proposal: Display of 4no. timber frame banner signs
Address: Sainsbury Plc Monks Cross Drive Huntington York YO32
9GX

Decision Level: DEL

Outcome: DISMIS

Advertisement consent was sought for the retention of banner signage on the entrance to Sainsburys Supermarket. The signage was refused because of its impact on visual amenity. The Inspector agreed considering the size, positioning and amount of the proposed signage, in conjunction with that which already exists, would result in visual clutter. This would considerably detract from the general appearance and character of the locality, particularly close to the roundabout junction which provides an important gateway to this retail area.

Application No: 11/02949/FUL
Appeal by: Mr Richard Pearce
Proposal: Garage to side after demolition of existing sheds
(resubmission)
Address: Glencoe Main Street Elvington York YO41 4AG

Decision Level: DEL

Outcome: DISMIS

Planning permission was refused on the basis that the garage because of its size and scale would have a negative visual impact on the character and appearance of the conservation area by virtue of its mass, design and inappropriate detailing. The inspector considered that Glencoe is an important component within this part of the Conservation Area, where built development is characterised by cottages in the local vernacular and larger period properties surrounding the open expanse of The Green. The inspector dismissed the appeal on this basis the i the scale and proportions of the building and the inappropriateness of the garage door would be evident, resulting in a disruptive feature in the Conservation Area.

Application No: 11/03052/FUL
Appeal by: Mr And Mrs Poole
Proposal: Single storey rear extension
Address: 40 Fordlands Road York YO19 4QG

Decision Level: DEL

Outcome: ALLOW

permission was refused for the following reason. 'The proposed rear extension would project approximately 5 metres from the rear elevation of the application property, in close proximity to the boundary with the adjoined semi-detached property at no. 42 Fordlands Road. It is considered that the size and scale of the extension is such that the development would unduly dominate the side boundary and would cause significant harm to light levels and outlook. As such the proposal conflicts with policy GP1 (criterion i) and H7 (criterion d) of the City of York Draft Local Plan (fourth set of changes) approved April 2005.' The inspector stated that the existing high hedge between the properties, although a less permanent, solid feature than the extension proposed, should be taken into account when assessing the impact. He asserted that an extension projecting 3 metres could be erected under permitted development, which together with a 2 m high fence beyond, would not be significantly different to the proposed extension. He considered that the necessary removal of the hedge to make way for the extension would be an improvement to the outlook from the adjoining property.

Application No: 11/03065/LBC
Appeal by: Mr Gordon Harrison
Proposal: Single storey outbuilding to rear
Address: 36 Clarence Street York YO31 7EW

Decision Level: DEL

Outcome: ALLOW

This listed building application was recommended for refusal, due to the scale and mass proposed, spanning the whole width of the plot; it was also considered the proposed building was domestic in nature, as opposed to reading as a secondary store serving the main building. It was considered to be overly dominant causing harm to the historic form and layout of the plot, including the side boundary walls. The Inspector, disagreed, and considered the scale to be appropriate, and that taking into account the existing unsympathetic additions existing to the rear elevation, and also that the existing concrete rear yard does not contribute positively to the setting of the building, the proposal would not harm the character, setting or appearance of this nor adjacent listed buildings.

Application No: 11/03173/FUL
Appeal by: Miss Sarah Rudd
Proposal: Erection of 6ft boundary fence (retrospective)
Address: 21 Wolsey Drive Bishopthorpe York YO23 2RP

Decision Level: DEL

Outcome: DISMIS

Retrospective permission was sought for a 1.8m high boundary fence to three sides of the property. The fence replaces a 2m high conifer hedge. The application was refused on visual intrusion and highway safety. 4. The fence can be seen along Beech Avenue, but it also has an impact in views along Wolsey Drive from the west. The existing street scene is that of a mature and largely open plan housing estate where the dwellings are, in the main, single-storey bungalows. Front boundaries are generally a mix of low walls or hedges, with occasional higher evergreen hedges of up to about 2m in height. Some properties have no front enclosure at all. Inspector states the fence is at odds with the open plan nature of the estate, it has a jarring visual impact at an important location on a bend where three roads meet and it introduces an unnecessarily defensive feature which almost completely screens the appeal property from public view. The fence restricts visibility from the driveway of 20 Wolsey Drive. However, the Inspector concluded that as there was no worsening of the situation with the replacement of the hedge with a fence highway safety has not been worsened.

Application No: 11/03175/FUL
Appeal by: Mr And Mrs R Binns
Proposal: Erection of two storey live/work annex (retrospective)
(resubmission)
Address: 238 Strensall Road York YO32 9SW

Decision Level: CMV

Outcome: ALLOW

The retrospective application was for a detached two storey accommodation for the son of the applicants. The site was in the greenbelt and the applicant put forward the health of their son as the special circumstances for development in the greenbelt. The application was refused on the grounds that the proposal was inappropriate development in the greenbelt and the special circumstances put forward did not overcome the presumption against development in the GB. In addition the siting and urban appearance was considered to be an encroachment of development and impact on the openness of the greenbelt. The appellant requested that a single storey alternative be also considered as part of the appeal process. A single storey building has been permitted at committee 12/01059/FUL. The Inspector agreed with the LPA in that there was no justification for the scale and accommodation of the building, and that it could not be considered an annex. The Inspector also considered that the appearance and the siting of the building caused harm to the greenbelt. The Inspector considered a single storey building and allowed this building. The Inspector disagreed with committee's reason for approval, she considered the single storey building would have a greater impact on the greenbelt, however she considered the circumstances of the applicant's son were special circumstances that overcame the harm to the greenbelt and that accommodation had been reduced to such that it could only be used as an annex. The partner enforcement appeal decisions were dismissed with a variation to the enforcement notice to extend the time period to 18 months for the removal of the two storey building.

Application No: 11/03187/FUL
Appeal by: Mr And Mrs Prescott
Proposal: Extension to garage and erection of boundary wall
(retrospective / resubmission)
Address: 4 Springbank Avenue Dunnington York YO19 5PZ

Decision Level: DEL
Outcome: PAD

The appeal related to alterations to a previously approved garage and retention of a front boundary wall. The Council was not opposed to the alterations to the approved garage. However, planning permission was refused for the retention of the boundary wall as it was considered that the higher section of the wall and timber infill panels would, as a result of its design and scale, appear as an unduly imposing and incongruous feature, which would be out of character with other front garden boundaries within Springbank Avenue. The Inspector concurred, asserting that along Springbank Avenue front boundary walls are generally very low, which gives the street an open and uncluttered character, with views over front gardens. He concluded that amidst such surroundings the front boundary wall at 4 Springbank Avenue looks incongruous and unduly imposing. It makes this part of the road appear far more built up and obscures views of front gardens. As a result it detracts from the streetscene. The appeal was allowed insofar as it related to the alterations to the approved garage, but was dismissed in respect of the retention of the wall. It is understood that the wall has subsequently been reduced in height and now falls within permitted development tolerances.

Application No: 11/03191/FUL
Appeal by: Mr Steve Oates
Proposal: First floor side extension
Address: Kilburn View Murton Way York YO19 5UW

Decision Level: DEL
Outcome: ALLOW

The application was for a first floor rear extension with balcony. The application property is a recent back land development in the conservation area. The area still has in parts the visual character of an agricultural settlement. It was felt that the development would further encroach on open land and that the balcony would appear unduly ornate in its context. The Inspector allowed the appeal. He considered that there was a wide variety of building styles in the conservation area and that the first floor rear extension would have minimal impact on the open character.

Application No: 11/03292/FUL
Appeal by: Mr Keith Lofthouse
Proposal: Dormers to front and rear
Address: 7 The Horseshoe York YO24 1LY

Decision Level: DEL

Outcome: ALLOW

This appeal was submitted to remove condition requiring a matching hung tile as opposed to lead cladding to a previously approved pitched roof front dormer. It was considered that the dormer was to be rather prominent and bulky, and sited too close to the side hip resulting in a cramped appearance. It was therefore considered that lead cladding would increase the dominance of the dormer. Whilst there are a couple of dormers within the street with lead cladding, there are not highly visible when viewing the host property. The Inspector disagreed stating that because of the small scale of the dormer the use of hung tiles would result in a poor appearance and that all small scale dormers should be lead clad.

Application No: 11/03425/FUL
Appeal by: Mr Cunningham
Proposal: Change of use from storage unit (use Class B8) to vehicle workshop (use Class B2)
Address: Unit 2 Moor Lane Bishopthorpe York YO23 2UF

Decision Level: DEL

Outcome: DISMIS

The unit is one of a number of buildings in a converted farm complex. All the units have planning permission to be used for storage. The application was for the use of one of these units as a vehicle repair unit. The application was refused on greenbelt grounds, the noise disturbance to the neighbouring dwellings, and it was considered to be an unsustainable location for a car repair business. The Inspector did not consider that the use of the unit would have a materially greater impact on the greenbelt. The Inspector also considered the site to be relatively sustainable. However the Inspector considered that the proposal would result in noise disturbance to the neighbouring dwellings that could not be overcome by a condition. In addition he considered that allowing this use would set a precedent for the other buildings within the complex. The appeal was dismissed.

Application No: 12/00091/FUL
Appeal by: Mr D Rose
Proposal: First floor side and rear extension.
Address: 93 Newland Park Drive York YO10 3HR

Decision Level: CMV
Outcome: ALLOW

This application was to erect a first floor side extension and single storey rear extension which was recommended for approval. The East Area Planning sub-Committee refused the application because of the visual appearance within the street scene. The inspector allowed the appeal on the basis that it was felt the extension would be in accordance with the councils SPD, thus it would harmonise with the visual appearance of the surrounding area. Furthermore there would be no impact on residential amenity. The inspector confirmed that the proposal was for a residential extension and the local objections relating to student occupation could not be considered as part of the application.

Application No: 12/00357/FUL
Appeal by: Mrs Linda Leeper
Proposal: Erection of dwelling following demolition of existing dwelling (resubmission)
Address: Fleurdelys 5 Princess Road Strensall York YO32 5UE

Decision Level: DEL
Outcome: DISMIS

The application was for the demolition of a detached house in a conservation area and its replacement with a larger detached house in the same location. The council refused planning permission for the new dwelling because (1) its size and design were out of keeping with the street scene and harmful to the character and appearance of the conservation area (2) a side window would overlook bedrooms of the adjacent house. Regarding reason 1 the inspector found that the new dwelling would not be significantly different from the existing house and the changes would be barely perceptible to a casual passer-by. The character and appearance of the conservation area would be preserved. Regarding reason 2, the level of overlooking would be unacceptable and could not be overcome by conditions. The planning application appeal was therefore dismissed, due only to overlooking. As the replacement scheme was unacceptable the demolition of the existing house was also unacceptable. The CAC appeal was therefore also dismissed.

Application No: 12/00358/CAC
Appeal by: Mrs Linda Leeper
Proposal: Demolition of dwelling (resubmission)
Address: Fleurdelys 5 Princess Road Strensall York YO32 5UE

Decision Level: DEL

Outcome: DISMIS

The application was for the demolition of a detached house in a conservation area and its replacement with a larger detached house in the same location. The council refused planning permission for the new dwelling because (1) its size and design were out of keeping with the street scene and harmful to the character and appearance of the conservation area (2) a side window would overlook bedrooms of the adjacent house. Regarding reason 1 the inspector found that the new dwelling would not be significantly different from the existing house and the changes would be barely perceptible to a casual passer-by. The character and appearance of the conservation area would be preserved. Regarding reason 2, the level of overlooking would be unacceptable and could not be overcome by conditions. The planning application appeal was therefore dismissed, due only to overlooking. As the replacement scheme was unacceptable the demolition of the existing house was also unacceptable. The CAC appeal was therefore also dismissed.

Application No: 12/00517/FUL
Appeal by: Mr Kevin Jones
Proposal: Two storey side and rear extension
Address: 71 Anthea Drive Huntington York YO31 9DB

Decision Level: DEL

Outcome: DISMIS

The above proposal for two storey extensions to the side and rear of a gable fronted detached house was refused for the following reasons: The proposed two-storey rear extension would be located within very close proximity of the side kitchen window of 69 Anthea Drive and a rear bedroom window of 73 Anthea Drive. It is considered that the proposed extension would result in an unacceptable impact on the amenity and living conditions of the occupiers of these adjacent dwellings by virtue of its size, scale, massing and proximity to the boundary and the loss of light and outlook that would result. As such the proposal conflicts with policy GP1 criterion i and H7 criterion d of the City of York Draft Local Plan fourth set of changes approved April 2005. The proposed roof of the two-storey side extension is higher than the roof height of the existing house. In addition, the front elevation of the extension is not clearly subservient. It is considered that if approved the extension would dominate the existing building and create an uncomfortable visual link between two adjoining properties of differing designs 71 and 73 Anthea Drive. As such the proposal conflicts with national advice in relation to design contained within paragraph 56 of the National Planning Policy Framework, and Policies GP1 criterion a and b and H7 criterion a, b and e of the City of York Draft Local Plan fourth set of changes approved April 2005. The Inspector dismissed the appeal. He considered that the 3m deep two-storey rear extension would not be harmful to neighbours living conditions, but considered that the two-storey side extension would lack visual cohesion and balance and result in the disappearance of any significant spacing between the buildings, and the loss of rhythm of spacing that characterises the street.

Application No: 12/00960/FUL
Appeal by: Mr Matthew Charlton
Proposal: Two storey side extension, single storey rear extension and conversion of existing garage into habitable room (revised scheme)
Address: 4 Duncombe Drive Strensall York YO32 5PJ

Decision Level: DEL

Outcome: ALLOW

The application was to extend forward a garage to the side of a modern house and erect a first floor extension above part of the structure. The application was refused because it was considered it would dominate the property to the side, the rear of which faced towards the side elevation. The Inspector disagreed with the decision. He considered that the proposal was acceptable. In coming to this conclusion he had regard to the fact that the two-storey extension was subordinate to the main house, there were a number of conifers along the boundary and the tenants of the neighbouring property had not objected.

Application No: 12/01098/FUL
Appeal by: Mr & Mrs Mark Whitelock
Proposal: Two storey and single storey side extensions
Address: 8 Rowley Court Earswick York YO32 9UY

Decision Level: DEL

Outcome: DISMIS

The appeal related to the erection of a two storey side extension and a single storey side extension. The Council's concern related only to the two storey extension. Planning permission was refused on the grounds that the close juxtaposition and significant difference in height between the two storey extension and the adjacent bungalow would adversely affect the appearance of the streetscene and would appear incongruous and out of keeping. The Inspector considered that the extension would substantially increase the overall bulk of the built form and that the design fails to set back the extension sufficiently, resulting in the dwelling appearing cramped within its plot. The neighbouring bungalow is set close to the shared boundary and forward of the application property. As the height and bulk of the proposal would extend close to the boundary, it would dominate the neighbouring bungalow and significantly erode the gap between these buildings. He concluded that the scale of the extension and its relationship with its neighbour would result in the property being out of keeping within Rowley Court, detracting from the character and appearance of the area and conflicting with the design aspirations of the National Planning Policy Framework and Policies GP1 and H7 of the Draft Local Plan.

Application No: 12/01115/FUL
Appeal by: Mr A Kitson
Proposal: Two storey side, single storey rear extensions and dormer to rear (resubmission)
Address: 265 Hull Road Osbaldwick York YO10 3LB

Decision Level: DEL

Outcome: DISMIS

Planning permission was sought for a two storey side, single storey rear and rear dormer window. This application was a resubmission of a previous application for a two storey extension (Ref: 11/02925/FUL), refused on the loss of amenity to the property at (no.263). The key difference between the applications was that the revised reduced the first floor level in length by approx 1.6 metres. The extension was considered acceptable in terms of its impact on the character of the street scene. However, it is considered that the size, scale and massing are unsatisfactory on the shared boundary and would impact significantly on the outlook from the adjacent neighbouring property at 263 Hull Road. As such the revised application did not over come the previous issues. The Inspector dismissed the appeal on the basis that the two storey extension would appear extremely large and visual dominant when viewed from the small garden of 263 Hull Road. Overall, it was concluded that the two storey extension would have a significant adverse effect on the neighbours living conditions. There were no objections to the single storey extension or the dormer window by the council because they could be erected without planning permission. The Inspector considered that neither of these elements could be constructed independently of the two storey side extension.

Application No: 12/01122/FUL
Appeal by: Mr And Mrs Turner
Proposal: Detached garage to rear (retrospective)
Address: 16 Vicarage Lane Naburn York YO19 4RS

Decision Level: DEL

Outcome: ALLOW

The application property is located within the defined settlement limit of the village, which is washed over by Green Belt. Retrospective planning permission was sought for the retention of pitched roof detached garage and store situated in the rear garden of this semi-detached dwelling. The applicant originally applied for permitted development under Class E of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (GDPO). However, building is subject to an enforcement notice which was upheld on appeal refs APP/C2741/ C/11/2160355 and 2160356, which effectively ruled that the building required planning permission and was, therefore, unauthorised. This was due to the timing of the building operations in relation to changes in the GDPO , which came into force on 1st October 2008. No appeal was made on ground (a), so the Inspector was unable to consider the merits of the building or, if appropriate, grant permission for it. Planning permission was refused because it is considered that by virtue of its size, scale, design and external appearance, the building was not appear subservient to the existing dwelling. Also that it would adversely affect the openness of the Green Belt and constitutes a disproportionate addition to the host property. The Inspector disagreed with the councils decision on the basis of the very special circumstances that out weighed the reason for refusal. The Inspector pointed out that a structure with the same foot print could be erected with a flat roof that does not exceed the height of approx 2.5 m without planning permission. Therefore, the permitted development fall back could have the potential to create a worse effect in terms of visual intrusion on the Green Belt than the current structure.

Application No: 12/01138/FUL
Appeal by: Mr Simon Meakin
Proposal: Single storey side extension
Address: 27 Wigginton Road York YO31 8HJ

Decision Level: DEL

Outcome: ALLOW

The above appeal related to the following refusal for a rear extension: The proposed extension is located on the boundary with 29 Wigginton Road and is 6.3 metres in length. The side elevation of the extension would be located within very close proximity to the facing dining area window and the ground floor habitable room window to the side. The adjacent area of yard, although small, does receive direct sun light during the morning and is of value for quiet recreation adjacent to the kitchen and dining area. It is considered given its proximity that the proposed walling and tiled roof would be unduly dominant, create a tunnel effect and change the character of the internal and external spaces by a degree that is considered unreasonable. As such the proposal conflicts with policy GP1 criterion b and i and H7 criterion d of the City of York Draft Local Plan fourth set of changes approved April 2005. The Inspector allowed the appeal. The main reasons seemed to be that the single-storey extension would be viewed against a two-storey off-shoot, there is a large front garden that is used for recreation and that it would not have an undue adverse effect on reasonable levels of light and outlook.

Application No: 12/01153/FUL
Appeal by: Mr P Brown
Proposal: Single storey rear extension with replacement attached garage to side and canopy to front
Address: 29 Sandringham Close Haxby York YO32 3GL

Decision Level: CMV

Outcome: DISMIS

The application was for a side extension to a bungalow at 29 Sandringham Close, Haxby. The application was called in by Councillor Richardson at the request of the neighbour from no 31 Sandringham Close. The application was refused at committee on the grounds the proposed extension would overdominate the side elevation of that bungalow and would also result in loss of light to that elevation. The Inspector agreed with members, considering the extension would 'significantly reduce daylight coming in from the rear' and would also have a 'significant adverse visual impact on the kitchen window to the neighbouring window when looking towards the rear' The Inspector did not consider there would be a harmful effect in terms of sunlight, but did consider it would be the case in terms of impact on daylight.

Application No: 12/01164/FUL
Appeal by: Mr Thomas Bilton
Proposal: Two storey side extension and alterations to existing roof
Address: 10 Greencroft Court Dunnington York YO19 5NN

Decision Level: DEL

Outcome: DISMIS

The application site comprised of a detached single storey dwelling situated in a corner position on the junction of Greencroft Court and Greencroft Lane, in close proximity to the junction of Owlwood Lane. Planning permission is sought to erect a two storey side extension on the south elevation of the property, which lies at an angle of approximately 40 degrees to the highway. The application was refused because the height and location of the extension would appear disproportionate to the size and scale of the dwelling as originally built. In addition its close proximity to the highway would increase the assertiveness of the extension and accentuate the impact on the street scene. As such it was considered that the extension do not relate well to the building and would be unduly prominent and incongruous feature within the neighbourhood. The inspector agreed with the councils decision by stating that the extension would change a modest sized bungalow of similar design to other properties into a house of unsatisfactory design that would be out of keeping with its surroundings. The Inspector did not consider that a similar extension at no7 could be considered as setting a precedence because it appeared to host a different roof design, set back from the road and public views.

Application No: 12/01206/FUL
Appeal by: Dr F Iwu
Proposal: Two storey rear extension (resubmission)
Address: 63 Millfield Lane York YO10 3AW

Decision Level: DEL

Outcome: DISMIS

The application was for a two storey rear extension that spanned almost the full width of the rear elevation. The application was a resubmission and was set slightly back from the boundary with 65 Millfield Lane. The application was refused on the grounds that the proximity of the extension to the shared boundary and the living room window of 65 Millfield Lane would result in a loss of residential amenity, would result in a sense of enclosure and would be unduly prominent and overbearing feature to the detriment of the outlook from the rear of 65 Millfield Lane. The Inspector agreed, the appeal was dismissed.

Application No: 12/01805/FUL
Appeal by: Mr James Dalby
Proposal: Two storey side extension, re-roofing of existing single storey rear extension and dormers to rear (resubmission)
Address: 38 Almsford Road York YO26 5NX

Decision Level: DEL

Outcome: ALLOW

The application was for a two storey side extension. It met all design criteria in the fact that it was set back from the front elevation, stepped down from the ridge and constructed with a hipped roof. However, it was located at a junction and turned through 45 degrees from the neighbours. The neighbouring properties are a row of uniform bungalows with a very strong building line. If the extension were constructed it was felt that it would be visually prominent within the streetscene and be over-assertive due to its relationship with the neighbouring bungalows. The Inspector allowed the appeal stating that he found there to be a clear transition from the neighbouring bungalow to the two-storey appeal property due to the separation provided by the detached garage. Although it would extend forward of the existing corner of the dwelling, it would not be overdominant or visually intrusive.

Decision Level:

DEL = Delegated Decision

COMM = Sub-Committee Decision

COMP = Main Committee Decision

Outcome:

ALLOW = Appeal Allowed

DISMIS = Appeal Dismissed

PAD = Appeal part dismissed/part allowed

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Outstanding appeals

Officer: Andy Blain **Total number of appeals:** 1

Received on: 05/10/2011 **Ref No:** 11/00044/EN **Appeal Ref No:** APP/C2741/F/11/2160562 **Process:** W **Site:** 91 Micklegate York YO1 6LE **Description:** Appeal against Enforcement Notice

Officer: Erik Matthews **Total number of appeals:** 3

Received on: 30/08/2012 **Ref No:** 12/00049/REF **Appeal Ref No:** APP/C2741/A/12/2181920 **Process:** W **Site:** 35C Drome Road Copmanthorpe York YO23 **Description:** Erection of 2no holiday lodges and hardstanding

Received on: 04/09/2012 **Ref No:** 12/00052/EN **Appeal Ref No:** APP/C2741/C/12/2183126 **Process:** W **Site:** Mount Pleasant Site Office Oak Avenue Acaster Malbis **Description:** Appeal against Enforcement Notice dated 7th August 2012

Received on: 04/10/2012 **Ref No:** 12/00055/REF **Appeal Ref No:** APP/C2741/A/12/2184508 **Process:** W **Site:** 9 Green Dykes Lane York YO10 3HB **Description:** Change of use from a small house in multiple occupation (Use Class C4) to a large house in multiple occupation(sui generis) with two storey side and rear and single storey rear extensions and loft conversion creating 8 bedrooms (resubmission)

Officer: Fiona Mackay **Total number of appeals:** 1

Received on: 15/10/2012 **Ref No:** 12/00059/REF **Appeal Ref No:** APP/C2741/E/12/2184740 **Process:** W **Site:** Railway Station Road York **Description:** Replace existing advertising posters with 2 no. digital advertising units in the outer concourse

Officer: Hannah Blackburn **Total number of appeals:** 2

Received on: 10/09/2012 **Ref No:** 12/00050/REF **Appeal Ref No:** APP/C2741/D/12/2176955 **Process:** W **Site:** 8A Wharton Avenue York YO30 6DJ **Description:** Erection of three bedroom dormer bungalow with associated access

Received on: 05/10/2012 **Ref No:** 12/00057/REF **Appeal Ref No:** APP/C2741/A/12/2182394 **Process:** W **Site:** Brick Farm Benjy Lane Wheldrake York YO19 6BH **Description:** Demolition of existing dwelling, erection of replacement dwelling and alterations (including demolition) to domestic outbuildings to form garage, stores and ancillary domestic accommodation

Officer: Kevin O'Connell						Total number of appeals: 2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
27/02/2012	12/00009/REF	APP/C2741/X/12/2170664	W	2 St Aubyns Place York YO24 1EQ	Use of property as a House in Multiple Occupation	
02/11/2012	12/00063/REF	APP/C2741/A/12/2186614	W	Proposed Dwelling To The South Of 39 Sandringham	Erection of two storey dwelling	
Officer: Matthew Parkinson						Total number of appeals: 5
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
17/06/2011	11/00026/EN	APP/C2741/C/11/2154734	P	North Selby Mine New Road To North Selby Mine	Appeal against Enforcement Notice	
11/05/2012	12/00030/EN	APP/C2741/C/12/2176016	W	House Of James Stamford Bridge Road Dunnington	Appeal against Enforcement Notice issued 10 April 2012	
11/05/2012	12/00031/EN	APP/C2741/C/12/2176005	W	House Of James Stamford Bridge Road Dunnington	Appeal against Enforcement Notice dated 10 April 2012	
07/09/2012	12/00053/EN	APP/C2741/C/12/2183305	W	OS Field 8138 Narrow Lane Wigginton York	Appeal against Enforcement Notice dated 10 August 2012	
01/10/2012	12/00061/EN	APP/C2741/C/12/2184900	W	18 Feversham Crescent York YO31 8HQ	Appeal against Enforcement Notice dated 31 August 2012	
Officer: Neil Massey						Total number of appeals: 2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
29/08/2012	12/00051/REF	APP/C2741/A/12/2182758	W	11 Feversham Crescent York YO31 8HQ	Change of use from dwelling house (Use Class C3) to house in multiple occupation (Use Class C4)	
07/11/2012	12/00058/REF	APP/C2741/D/12/2184081	W	72 The Old Village Huntington York YO32 9RB	Two storey rear extension (resubmission)	
Officer: Paul Edwards						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
08/11/2012	12/00062/REF	APP/C2741/D/12/2185791	H	55 Rawcliffe Lane York YO30 5SJ	Two storey and single storey rear and side extensions (amended scheme) (retrospective)	

Officer: Sharon Jackson					Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
19/10/2012	12/00060/REF	APP/C2741/A/12/2183491	W	20 Hartoft Street York YO10 4BN	Change of use from dwelling house (Use Class C3) to house in multiple occupation (Use Class C4)
Officer: Victoria Bell					Total number of appeals: 2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
14/08/2012	12/00047/REF	APP/C2741/A/12/2180628	W	53A Front Street York YO24 3BR	Change of use of ground floor from retail (use class A1) to hotfood takeaway (use class A5) or restaurant (use class A3) (resubmission)
14/08/2012	12/00048/REF	APP/C2741/A/12/2180716	W	Greensleeves Main Street Holtby York YO19 5UD	Erection of dwelling in garden with detached garage
Total number of appeals: 20					

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