



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: Thursday, 18 April 2013

Time: 3.00 pm

Venue: The George Hudson Board Room - 1st Floor
West Offices, York

AGENDA

**Site visits for this meeting will commence at 11.00am on
Wednesday 17 April 2013 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. Exclusion of Press and Public

To consider excluding the public and press from the meeting during consideration of Annex A to agenda item 7 (Enforcement Cases Update) on the grounds that this item contains information which is classed as exempt under Paragraphs 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order 2006.

3. Minutes (Pages 5 - 12)

To approve and sign the minutes of the meeting of the West & City Centre Area Planning Sub-Committee held on Thursday 14 February 2013.

4. 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 Wednesday 17 April 2013**. 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.

5. Plans List

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

a) 38 Hobgate, York, YO24 4HH (13/00273/FUL) (Pages 13 - 20)

Single storey rear extension and dormer to rear (amended scheme).
[Holgate Ward]

b) Racecourse, Racecourse Road, Knavesmire, York, YO23 1EJ (13/00090/FUL) (Pages 21 - 38)

Demolition of existing perimeter wall, saddling boxes and Broadcasting Box, construction of new pre-parade ring and Winning Connections building, erection of new perimeter wall, saddling stalls, washdown area and associated ancillary equine facilities including veterinary accommodation, provision of replacement path and associated landscaping. *[Micklegate Ward]* **[Site Visit]**

c) Racecourse, Racecourse Road, Knavesmire, York, YO23 1EJ (13/00091/CAC) (Pages 39 - 46)

Demolition of existing perimeter wall, saddling boxes and broadcasting box. *[Micklegate Ward]* **[Site Visit]**

- d) **Robinson Court, Walmgate, York (13/00165/FUL)** (Pages 47 - 54)
Change of use of ground floor from office (use class B1) to 2 no. flats (use class C3) with external alterations. *[Guildhall Ward]* **[Site Visit]**
- e) **Proposed Dwelling Adjacent The Lodge, Minster Yard, York (13/00210/FUL)** (Pages 55 - 66)
Conversion and extension of existing potting shed and basement cellar and generator housing into a 2no. bedroom residential dwelling. *[Guildhall Ward]* **[Site Visit]**
- f) **Proposed Dwelling Adjacent The Lodge, Minster Yard, York (13/00211/LBC)** (Pages 67 - 74)
Conversion and extension of existing potting shed and basement cellar and generator housing into a 2 bedroom residential dwelling. *[Guildhall Ward]* **[Site Visit]**
- g) **3 Little Stonegate, York, YO1 8AX (13/00347/FUL)** (Pages 75 - 82)
Use of highway for placing of tables and chairs in connection with approved bar/restaurant. *[Guildhall Ward]* **[Site Visit]**

6. Appeals Performance and Decision Summaries (Pages 83 - 102)

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 1 January to 31 March 2013, 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.

7. **Enforcement Cases Update** (Pages 103 - 230)

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

If Members have any specific queries or questions regarding enforcement cases, please e-mail or telephone Andy Blain, or Matthew Parkinson by **5pm on Wednesday 17 April 2013** if possible so that officers can bring any necessary information to the meeting.

If Members identify any cases on the list which they consider are not now expedient to pursue and / or could now be closed e.g. due to a change in circumstance on site or the alleged breach no longer occurring, please could they advise officers either at the meeting or in writing, as this would be very helpful in reducing the number of cases, particularly some of the older ones.

8. **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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Further information about what's being discussed at this meeting

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

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- 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

Wednesday 17 April 2013

Members should meet at Memorial Gardens at 11.00am

TIME (Approx)	SITE	ITEM
11.10	Racecourse, Racecourse Road	5b & 5c
11.50	Robinson Court, Walmgate	5d
12.15	Adjacent to The Lodge, Minster Yard	5e & 5f
12.45	3 Little Stonegate	5g

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City of York Council

Committee Minutes

MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	14 FEBRUARY 2013
PRESENT	COUNCILLORS WATSON (CHAIR), FUNNELL, GALVIN, GILLIES (VICE-CHAIR), JEFFRIES, LOOKER, ORRELL, REID AND SEMLYEN

46. INSPECTION OF SITES

The following sites were inspected before the meeting.

Site	Attended by	Reason for Visit
Oliver House, Bishophill Junior	Councillors Galvin, Gillies, Funnell, Jeffries, Reid and Watson.	As objections had been received and the officer recommendation was to approve.
Army and Navy Stores, 54-56 Fossgate	Councillors Galvin, Gillies, Funnell, Reid and Watson.	As objections had been received and the officer recommendation was to approve.

47. DECLARATIONS OF INTEREST

At this point in the meeting, Members were asked to declare any personal, prejudicial or disclosable pecuniary interests they might have in the business on the agenda.

Councillor Funnell declared a personal interest in plans item 4a (Oliver House, Bishophill Junior) as she is a trustee of York Council for Voluntary Services.

Councillor Jeffries declared a personal interest in plans item 4a (Oliver House, Bishophill Junior) as she has been involved with the proposals. She advised the Committee that while she was

supportive of the proposals, she would make her decision on the application based on planning guidance.

Gareth Arnold (Team Leader, Development Management) advised that committee that as he knew the architect for the Oliver House application he would not be offering planning advice to Members on that application but that another planning officer would respond to Members queries in his place.

48. MINUTES

RESOLVED: That the minutes of the meetings of the West and City Centre Area Planning Sub-Committee held on 5 December 2012 and 10 January 2013 be approved and signed by the Chair as a correct record.

49. PUBLIC PARTICIPATION

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

50. PLANS LIST

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

50a Oliver House, Bishophill Junior, York, YO1 6ES (12/03598/FULM)

Members considered a major full application (13 weeks) from Ms Angela Portz for the change of use from an elderly people's home (use class C2) to offices and workspace and the erection of single storey front and rear extensions.

Officers advised that since the committee report had been written, further responses in respect of the proposal had now been received from Micklegate Planning Panel, the conservation officer and the Conservation Area Advisory Panel.

Micklegate Planning Panel raised no objection in principle but expressed concern in respect of the design of the extension on the front elevation and the proposed introduction of parking on the front Bishophill Junior street elevation.

Design, Conservation and Sustainable Development had expressed concern in respect of the loss of landscaping and introduction of car parking on the Bishophill Junior street elevation and in respect of the design of the proposed ground floor extension on the main street elevation and whitewashing of the ground floor. They felt this would draw attention to the building within the wider streetscape and would be alien to the treatment of adjacent buildings.

York Conservation Area's Advisory Panel raised no objection in principle to the proposal but expressed concerns in relation to the proposed treatment of the Bishophill Junior elevation of the building which they felt would draw attention to it as well as increasing the need for and cost of maintenance. Concern was also expressed in relation to the loss of landscaping and introduction of car parking along the Bishophill Junior elevation.

Officers advised the Committee that the applicant had now amended the application details to remove the parking area from the Bishophill Junior frontage of the site. They recommended that Members consider additional conditions which would require the applicant to submit a travel plan for approval and also submit details of bin and cycle storage for approval.

Representations were received from Angela Portz, Chief Executive of York Council for Voluntary Services in support of the application.

- local support groups have suffered from issues around unsuitability of space and uncertainties over tenure in respect of current locations.
- 22 groups are interested in using the building.
- This project supports the voluntary sector who play an important role in supporting vulnerable people through early intervention.
- Proposals will enable more people to be supported through community based resources and will enable groups to share costs, procurement and back offices services

- Proposals provide office accommodation and flexible spaces for delivery of services
- We have worked closely with 22 organisations and have acquired detailed info on their requirements to ensure internal space can be configured to best use.
- Proposals will bring new life to area – with other voluntary organisations based close by, it will bring approx 40 charities together in this part of the city – creating a kind of voluntary quarter

In response to a query as to whether parking would be adequate, she cited Priory Street as an example of limited parking and explained that people make other travel plans if parking is not available. She suggested that Oliver house could work on same level and pointed out that Nunnery Lane car park and the railway station were both close by and there were a number of disabled spaces at Priory Street.

Representations were received from Charlotte Hudson, the agent, in support of the application. She made the following remarks.

- Reconfiguration of the internal layout of the building, and locating a new stair and lift core in the centre of the building would provide more useable space.
- Two new extensions would enable the areas to be linked and allow a more generous and welcoming entrance area.
- Polycarbonate cladding has excellent thermal properties, is lightweight, fire and impact resistant, translucent, simple and elegant.
- Propose to retain 6 parking bays, plus 2 wheelchair
- Cycle parking will be available for staff and visitors

Members acknowledged that the choice of materials for the front extension had raised some interest and stressed that it was important that the front extension was of high quality.

With regard to a query regarding possible future uses of the building, officers confirmed that change of use to office use was consistent with the area.

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

Additional Condition

The site shall not be occupied until a Full Travel Plan has been submitted and approved in writing by the LPA. The travel plan should be developed and implemented in line with local and national guidelines. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

Within 12 months of occupation of the site a first year travel survey shall have been submitted to and approved in writing by the LPA. Results of yearly travel surveys shall then be submitted annually to the authority's travel plan officer for approval.

Reason: To ensure the development complies with advice contained in local and national transport and planning policy in order to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site, together with parking on site for these users.

Additional Condition

Prior to the commencement of the development hereby authorised full details of the proposed bin and cycle storage areas including precise location, materials and height shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason:- To safeguard the residential amenity of the adjacent property, to safeguard the character and appearance of the Historic Core Conservation Area and to comply with the terms of Policies GP1 and HE3 of the York Development Control Local Plan.

REASON: The proposal, subject to the conditions listed in the report and the additional conditions above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon character and appearance of Historic Core Conservation Area and loss of a community facility. As such the proposal complies with Policies HE2, HE3, C3 and E4 of the City of York Development Control Local Plan.

50b 57 Woodlea Avenue, York, YO26 5JX (12/03627/FUL)

Members considered a full application from Mr and Mrs Chris Gunnee for the erection of a porch to the front of the house.

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

REASON: The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the effect on residential amenity and the impact on the street scene. As such the proposal complies with Central Government advice contained within the National Planning Policy Framework (March 2012), policies GP1 and H7 of the City of York Development Control Local Plan and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

50c Army and Navy Stores, 54 - 56 Fossgate, York, YO1 9TF (12/02985/FUL)

Members considered a full application from Mr and Mrs Rachel Greaves for the change of use from a shop (use class A1) to mixed use comprising retail, restaurant/cafe and drinking establishment.

Officers advised that condition 8 (extraction and ventilation system) should be amended to refer to details submitted by letter dated 14 December 2012 including Annexe A and that informative 3 should also be amended accordingly to reflect this.

Representations were received from Mrs Erica Hammill in support of the application. She made the following comments:

- Store has stood empty for a year – not generating any income – needs injection of cash and tender loving care.
- Proposals embrace historic value of the building and will help to revitalise this corner of York and encourage trade down Fossgate/Walmgate. They will save a much loved and iconic building.
- Development will deliver economic uplift to York through creation of jobs – using local craftsmen and employing local staff. Local companies will be supported through the supply chain.

Members noted that the retail area would wrap around the corner of the building and would be visible from the pavement. They acknowledged that regenerating the building was a big task but agreed that the proposals would be good for the building and the city as a whole noting that Fossgate/Walmgate have become a niche street for food and eating with a number of small interesting restaurants.

In response to a query regarding the application for listed building consent, officers advised Members that if they wanted it to be considered by the committee, they would need to call it in as per normal procedure.

RESOLVED: That the application be approved subject to the conditions listed in the report and the amended condition and informative below:

Amended Condition 8

Adequate facilities shall be provided for the treatment and extraction of odours, fumes and gases created by cooking in association with the development, such that there is no adverse impact on the amenities of local residents by reason of fumes, odour or noise.

The extract and ventilation system shall accord with the details submitted by letter dated 14 December 2012 including annexe A and it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained thereafter.

Any alterations to the system shall be submitted to the local planning authority for approval.

Reason: To protect the living conditions of adjacent residential occupiers and the amenities of local businesses in accordance with Policies S6 and GP1 of the Development Control Local Plan.

Amended Informative 3

It is recommended that the applicant refers to the Defra Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems for further advice on how to comply with this condition.

You are advised that the system proposed would only be appropriate for the level and type of food outlined in your letter dated 14 December 2012.

For the avoidance of doubt any material alterations to the external appearance of the building cannot be approved under this condition and will require a further planning application

REASON: The proposal, subject to the conditions listed in the report and the amended condition and informative above, would not cause undue harm to interests of acknowledged importance, with particular reference to the vitality and viability of the city centre; the character and appearance of the Central Historic Core Conservation Area; and the amenity of surrounding residents. As such the proposal complies with Policies GP1, S5, S6, HE3 and HE4 of the City of York Development Control Local Plan (2005) and national planning guidance contained in the National Planning Policy Framework (2012).

Councillor B Watson, Chair
[The meeting started at 3.00 pm and finished at 3.50 pm].

COMMITTEE REPORT

Date: 18 April 2013 **Ward:** Holgate
Team: Householder and **Parish:** Holgate Planning Panel
 Small Scale Team

Reference: 13/00273/FUL
Application at: 38 Hobgate York YO24 4HH
For: Single storey rear extension and dormer to rear (amended scheme)
By: Mr Andrew Bradley
Application Type: Full Application
Target Date: 4 April 2013
Recommendation: Householder Approval

1.0 PROPOSAL

1.1 This application seeks permission for a single storey replacement rear extension and rear dormer. The original scheme also proposed a front dormer, however this has since been removed from the scheme at the officer's request as it was deemed an unsuitable addition to the property.

1.2 The host property is a traditional semi-detached dwelling which is situated in a residential street of similar sized dwellings, however house designs vary.

1.3 The application has been brought to committee as the applicant is a council employee.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175
City Boundary GMS Constraints: York City Boundary 0001
DC Area Teams GMS Constraints: West Area 0004

2.2 Policies:

CYGP1Design
CYH7 Residential extensions

3.0 CONSULTATIONS

3.1 HOLGATE PLANNING PANEL - The Panel supports the application.

3.2 PUBLICITY - The application was advertised by neighbour notification letter. No responses have been received.

4.0 APPRAISAL

KEY ISSUES:-

- Visual impact on the dwelling and the area
- Impact on neighbouring property

RELEVANT PLANNING POLICY

4.1 The National Planning Policy Framework 2012 (NPPF) sets out the Government's overarching 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. 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.

4.2 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 National Planning Policy Framework.

4.3 Draft Local Plan Policy GP1 states that development proposals will be expected to respect or enhance the local environment, be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials; and ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.4 Draft Local Plan Policy H7 states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality (ii) the design and scale are appropriate to the main building (iii) there is no adverse effect upon the amenities of neighbours (iv) proposals respect the spaces between dwellings; and (v) the proposed extension does not result in an unacceptable reduction in private amenity space within the curtilage of the dwelling.

4.5 The City of York Council Supplementary Planning Guidance - Guide to extensions and alterations to private dwelling houses (2001) states that the basic shape and size of the extension should be sympathetic to the design of the original dwelling. As a general rule, dormers should not extend across more than one third of the roof span and should not dominate the existing roof. Materials must also match the existing and be of a similar scale and proportion to the original house. Dormers that face the front of the property towards a public highway are not encouraged, unless they are small in scale and in keeping with the style of the property.

VISUAL IMPACT ON THE DWELLING AND AREA

4.6 It is proposed to replace the existing conservatory and utility room with a larger brick built extension to form an enlarged kitchen and dining area. The 'L' shaped extension will project 3.7m adjacent the shared boundary with no. 36 Hobgate and 5.6m adjacent the owner's garage. The rear living room is to become a dining room, with the existing dining room and kitchen to be used as an office and utility/w.c. The extension is to be partially rendered to match the main dwelling with double doors leading from the dining area and a large feature window serving the kitchen. The design and scale of the extension is in keeping with the appearance of the host dwelling, and whilst it is larger than the existing extensions it does not reduce the outside amenity space to an unacceptable degree.

4.7 The proposed rear dormer will occupy approximately half of the rear roof slope and will have a flat roof to maximise head room in the loft. Whilst it does not fully comply with the Council's SPG (as it occupies more than one third of the roof plane and has a flat roof), the changes to permitted development which were introduced by the Government in 2008 are such that the dormer could be constructed without planning permission. Given that it is to the rear of the dwelling and cannot be readily viewed from the street, it is not felt to be an overly harmful addition to the property.

IMPACT ON NEIGHBOURING PROPERTY

4.8 The main impact of the extension will be to the occupant of no. 36 Hobgate, located north of the application site. The proposed extension will project the same distance as the existing conservatory, with a brick wall replacing the partially glazed side elevation adjacent to the common boundary. 2no. roof lights will be inserted into the roof plane, however these are at such a height that they will not cause a loss of privacy. As the replacement structure has a hipped roof and is of the same length and location as the existing conservatory it is not felt that there would be any additional impact with regard to overshadowing then occurs at present. The replacement of the side glazing would most likely improve privacy levels for both the applicant and neighbouring occupant.

4.9 It is proposed to install a small window to the side elevation of the rear extension (kitchen) approximately 3.5m from the boundary with no. 36. Given the projection of this part of the extension, the window will only overlook the garden, with views being partially obscured by vegetation along the side boundary. It is not felt that the location of the window would result in a significant loss of privacy.

5.0 CONCLUSION

5.1 By virtue of the design, scale and location of the rear extension and dormer, proposals are not felt to harm the appearance of the dwelling or residential amenity. Approval is recommended.

6.0 RECOMMENDATION: Householder Approval

- 1 TIME2 Development start within three years -
- 2 PLANS1 Approved plans - Drawing HG-AP-002 Rev. A received 27.03.13
- 3 VISQ1 Matching materials -

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the appearance of the property and residential amenity. As such the proposal complies with Policies GP1 and H7 of the City of York Development Control Local Plan and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

2. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

Officer requested the removal of the front dormer from the scheme as it was deemed an unsuitable addition to the property.

Contact details:

Author: Elizabeth Potter Development Management Assistant

Tel No: 01904 551477

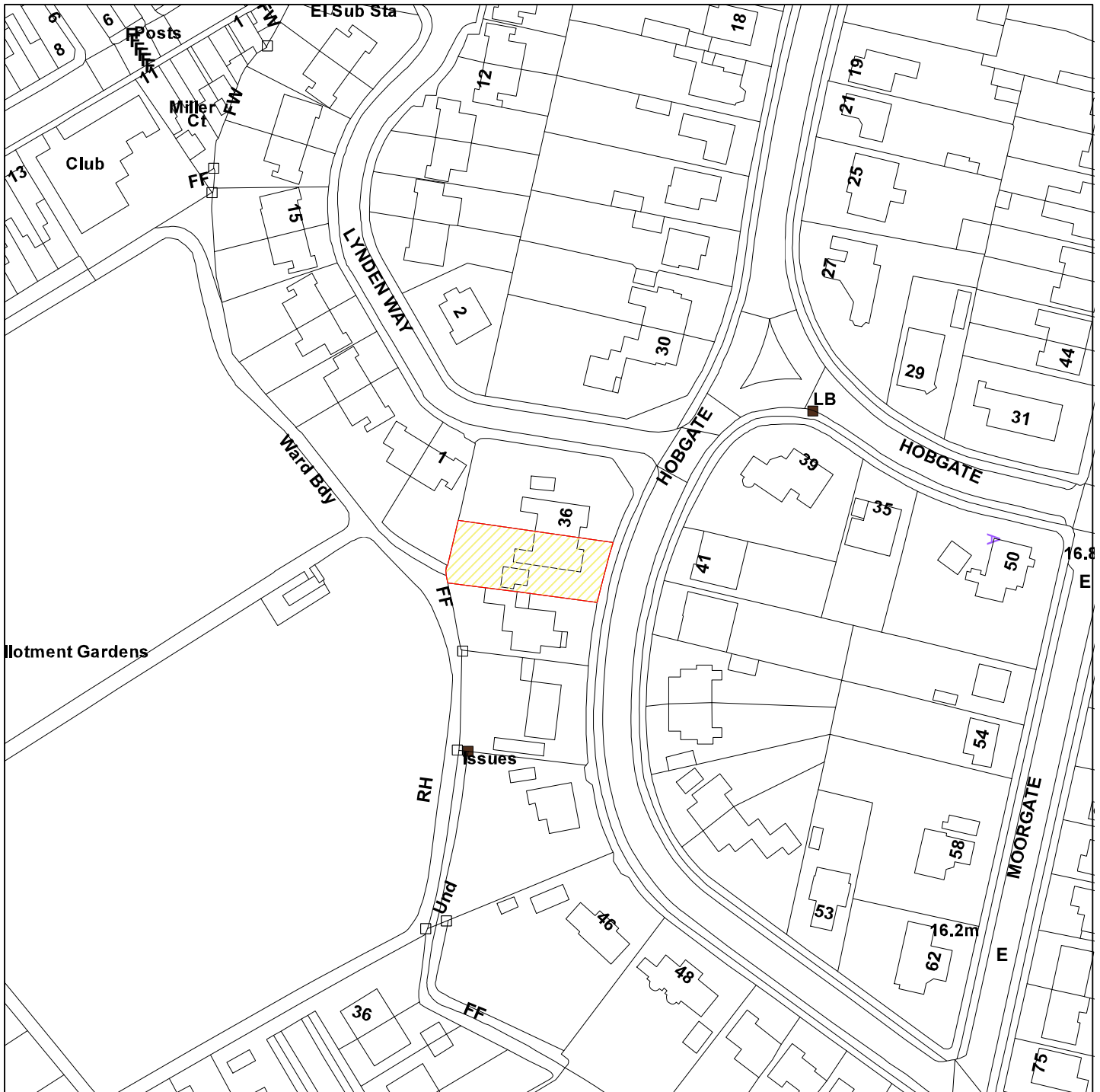
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38 Hobgate, YO24 4HH

13/00273/FUL



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Organisation	City of York Council
Department	City and Environmental Services
Comments	
Date	05 April 2013
SLA Number	Not Set

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COMMITTEE REPORT

Date: 18 April 2013 **Ward:** Micklegate
Team: Major and **Parish:** Micklegate Planning
Commercial Team Panel

Reference: 13/00090/FUL
Application at: Racecourse Racecourse Road Knavesmire York YO23 1EJ
For: Demolition of existing perimeter wall, saddling boxes and
Broadcasting Box, construction of new pre-parade ring and
Winning Connections building, erection of new perimeter
wall, saddling stalls, washdown area and associated ancillary
equine facilities including veterinary accommodation,
provision of replacement path and associated landscaping.
By: York Racecourse Knavesmire LLP
Application Type: Full Application
Target Date: 18 March 2013
Recommendation: Approve

1.0 PROPOSAL

1.1 This application is presented to Members of the West & Centre Planning Sub-Committee with the concurrent application for conservation area consent (13/00091/CAC) due to the importance of the Racecourse in York and the importance of the proposals to its ongoing success.

1.2 Racing has taken place on the Knavesmire since 1731 when there were no permanent structures on the site. York is considered to have pioneered a new building type for celebrating the racing experience - the Grand Stand by John Carr in 1756. The course has developed over almost 300 years to become a major cultural and leisure venue which makes a significant contribution to the vitality and economy of the city. York Racecourse is of local and national importance, and it attracts owners, horses and riders of international fame and has a global audience.

1.3 The current proposals are a result of the first major review of facilities in 100 years. They concern the re-planning and improvement of the pre-parade ring, saddling boxes and other equine facilities at the north end of the site in Phase 1.

1.4 Phase 2 is not part of this application but is outlined in the Design and Access Statement and in the Planning Statement. The later phase proposes re-planning of jockey and spectator facilities to improve functionality remove clutter and enhance the landscape and settings on the east side of the central pedestrian route through the site. Work has been phased to allow it to be programmed over more than one season. If phase one is approved, works would commence in October 2013 in time for the 2014 racing season. The masterplan has been presented to the

Conservation Area Advisory Panel, York Natural Environmental Panel, Ward Councillors, amenity groups, Ward Meeting, and a public exhibition was held at the Racecourse for 4 days in November 2012. There has been press coverage in the regional, local and racing papers and local radio.

1.5 This major review was prompted by the desire for improved standards of care and the need to reduce potential harm to horses, owners, trainers, jockeys and the general public, caused by congestion within the area and by the conflicts inherent in the existing layout. The re-ordering proposals are based on the outcome of observation and analysis over a long period of time, and the proposed improvement in built facilities have been consulted on within the wider racing community to ensure that high standards of health and safety would be achieved to meet expectations now and for the foreseeable future.

1.6 The success of York Racecourse has increased pressure on the existing limited space for equine facilities north of the parade ring and it is proposed to increase the size of this area by 1/3rd acre. The additional 1/3rd acre is required to achieve the following improvements and lower risks. It represents an increase in just over 2% of the existing built area. The increase in space would allow identified deficiencies to be addressed in the most efficient way:

- The pre-parade ring would be relocated to the west side of the public thoroughfare to eliminate conflicts between horses and people and allow better viewing and access from saddling boxes
- The saddling boxes and other necessary facilities would be re-planned around a courtyard to provide a calmer environment for horses and to separate the three stages of the race
- The saddling boxes and necessary supporting services would be built to a higher standard and be more conveniently located with direct access to the external lane onto Knavesmire Road.
- There would be a dedicated and protected terrace to allow views over the area
- The inadequate broadcast box would be replaced by a better positioned small lightweight structure with viewing platform on top

1.7 The Knavesmire is owned by the City Council, and the Racecourse leases the land on which the track and buildings are situated. The Racecourse would require an extension of the lease boundary under separate legislation if planning permission is granted. The applicant advises that the exact rent the Council receives is tied to the financial success of the Racecourse.

1.8 The application site measures 7,385 sq.m (approx. 3980 sq. m within the Racecourse boundary and 3405 sq.m outside). The site lies within the Racecourse/Terry's Factory conservation area. A number of the buildings within the

Racecourse are listed, namely the County Stand and Press Stand (Grade II), the Indicator Board and Clock Tower (Grade II), and the Guinness Bar (Grade II*).

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Racecourse CONF
City Boundary GMS Constraints: York City Boundary 0001
DC Area Teams GMS Constraints: Central Area 0002

2.2 Policies:

CYNE6-Species protected by law
CYNE7-Habitat protection and creation
CYHE2-Development in historic locations
CYHE4-Listed Buildings
CYGB10-Major development sites in GB
CYHE11-Trees and landscape
CYGP1-Design
CYGP4A-Sustainability
CYGP9-Landscaping
CYGB1-Development within the Green Belt

3.0 CONSULTATIONS

INTERNAL

- 3.1 Highway Network Management - There are no highway objections to these proposals
- 3.2 Property Services/ Lifelong Learning and Culture - Supports the application as landlord and manager of the Knavesmire and public open spaces
- 3.3 Design, Conservation and Sustainable Development (Design, Conservation and Sustainable Development) - no objections subject to conditions
- 3.4 Design, Conservation and Sustainable Development (Natural Environment) - No objections subject to conditions
- 3.5 Design, Conservation and Sustainable Development (Landscape Officer) - No comments received at time of writing

3.6 Environmental Protection Unit - No objections subject to informative relating to construction and demolition

3.7 Structures and Drainage - No objections subject to conditions

EXTERNAL

3.8 Micklegate Planning Panel - Seeks clarification about tree loss and suitable replacement landscaping; suggestion that a couple of benches outside the proposed perimeter wall would help walkers on the Knavesmire

3.9 Environment Agency- No comments at the time of writing and Members will advised of any response

4.0 APPRAISAL

4.1 Key Issues

- Impact on the openness of the Green Belt
- Visual impact on conservation area and listed building
- Impact on recreation and uses
- Protected species
- Flood risk
- Sustainability

POLICY GUIDANCE

4.2 The National Planning Policy Framework (NPPF) requires that proposals either sustain or enhance conservation areas. If development has a harmful effect, it should only be permitted when there are public benefits that outweigh the harm.

4.3 The relevant development plan is the City of York Council Development Control Local Plan (2005). 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 National Planning Policy Framework. The relevant policies include:

- Policy GB1 states that within the Green Belt, planning permission will only be granted where the scale, location and design of such development would not detract from the open character of the Green Belt, it would not conflict with the purposes of including land within the Green Belt, and it would not prejudice the setting and special character of the City of York, in addition to being for one of a number of specific purposes listed in the policy.

- Policy GB10 relates to Major Developed Sites in the Green Belt where limited infilling for the preferred use will be permitted subject to a number of criteria.
- Policy GP1 is a general design policy in the Local Plan that, inter alia, seeks to ensure that new development respects its surroundings.
- Policy HE2 seeks to protect heritage assets from inappropriate development.
- Policy HE4 relates specifically to listed buildings and states that consent for development in the immediate vicinity of listed buildings, demolition, internal and external alteration, and changes of use will only be granted where there is no adverse effect on the character, appearance or setting of the building.
- Policy GP9 advises that certain developments will require a landscape scheme that should be integral and appropriate to the development
- Policy CYHE11 advises that existing trees and landscape that are significant to the historic and amenity setting of a development should be retained, and provision made for planting where appropriate
- Policy GP15a seeks to achieve flood protection
- Policy GP4a requires all new developments to have regard to the principles of sustainable development.
- Policy NE6 advises that planning permission will only be granted where there would be no demonstrable harm to protected plants or animals, or their habitats.
- Policy NE7 seeks the retention and, where possible, measures to encourage development measures that would establish new habitats.

4.4 The Central Historic Core Conservation Area Appraisal is a material consideration for decision making. It was adopted by the Council following public consultation on the 24 November 2011, the final draft document fully reflecting the results of public consultation. The application site falls within key views of the city.

ASSESSMENT

GREEN BELT

4.5 Part of the site is identified within the Local Plan as a "Major Developed Site Within the Green Belt", where racecourse related uses may be acceptable subject to a number of criteria being satisfied. The proposed works comprising a new pre-parade ring, some of the new saddling boxes, media building within the Racecourse complex would be related to the equine needs and operation of the Racecourse,

consistent with this policy. The works would not lead to increased development on the site, but would largely reorganise the development within the application site with similar single storey buildings which would have no greater impact on the openness of the Green Belt and its purposes in this location.

4.6 The proposed extension of the area of the Racecourse to accommodate the relocated perimeter wall and saddling boxes, new washdown area, and relocated path and landscaping lies outside the area that forms the designated Major Developed Site in the Green Belt. This part of the application site is covered by Policy GB1 of the Local Plan. The proposed developments would result in a greater overall built footprint but would be small scale in relation to the scale of the existing Racecourse building, grandstands etc. The new buildings and works would reflect the character of the existing buildings and would not be a visual intrusion into the openness of this part of the Green Belt. It is considered that the extension of the site and the similar scaled buildings would be absorbed into the landscape without causing significant harm to the visual amenity of the Green Belt. Other informal recreational uses of the Knavesmire (eg dog walking, walking etc) would not be harmed and the proposed recreational nature of the works would be consistent with existing uses.

4.7 It is concluded that the proposals would not conflict with local plan and national Green Belt Policy. There are also very special circumstances in support of the application that positively plans for improved equine facilities and accommodation to ensure the future success and status of the Racecourse and its visual, economic and social contribution to the life of the City.

VISUAL IMPACT

4.8 The Racecourse and Terry's Factory site were designated as a conservation area in 1975 and an appraisal was approved in October 2006. The two groups of substantial buildings in their landscape setting represent a defining characteristic of York and are key landmarks in the local environment and in long distance views from south of the city (York Central Historic Core conservation area appraisal key views 6 & 7). The brick enclosing walls to the north and east of the site were introduced by Brierley following his masterplan of 1907-9 and these are considered to be undesignated heritage assets, but they make a positive contribution to the conservation area. Map evidence shows that the saddling boxes backing up to the north wall are slightly later and they have been added to and altered during the course of the intervening century. Some signs of these alterations are apparent on the outside of the brick wall where openings have been blocked and the wall has been extended or increased in height. Although the walls are unlisted, they are of evidential value as part of Brierley's work. The walls, cast iron, vents and slated roofs of the saddling boxes make an attractive boundary to the site when approaching from Knavesmire Road.

4.9 The new wall would form a line with the gate ensemble, and a similar stretch would enclose the west side of the relocated pre-parade ground. The outer walls would be reconstructed to a similar design using materials and details matching the original. The new saddling boxes would be similar in height to existing and have slated hipped roofs. Two sets of robust timber gates would be introduced between the built sections and an additional gate would be introduced into the Vet treatment box. The elaborate main gates and other enclosing brick walls which return to define the west side of Racecourse Road would be unaffected.

4.10 It is intended that the character of the brickwork of the new wall would be replicated in the rebuilt, realigned wall in matching brickwork. The alignment of the existing wall does not appear to be significant or precious to maintain. The new saddling boxes would incorporate the interesting cast iron columns in alternate bays. Whilst the new arrangement would result in a greater overall built footprint on open land in the conservation area, the important long distance views of the Racecourse would not be significantly affected. The development would not be overly obtrusive or detract from the character and appearance of the openness of this part of the conservation area. The relationship between the perimeter wall and the new buildings would reflect the similar height, scale, materials and form of the traditional smaller buildings within the Racecourse complex. The scheme would have neutral impact on views from Tadcaster Road and Knavesmire Road due to the relatively small scale of the buildings and walls in relation to the size and height of the main stands. It is also considered that the degree of harm caused by the enlargement would be justified as the works would allow easier and safer access to the equine areas, better segregation of horses and people, an improved approach to the main complex, and a more functional solution for managing the space within the Racecourse boundary.

4.11 The new buildings are of equal merit as they capture the distinctive characteristics and domestic scale of the existing compound enclosure. The broadcasting box is a much smaller structure which is experienced from within the site. Its timber base is utilitarian though the thatch gives it a curious rural domestic appeal. The proposed replacement building would be of higher quality and lightweight in appearance with a similar thatched top. It would also be less randomly located on site.

4.12 The trees on the site and in the surrounding area make a substantial contribution to the character of the Racecourse and its setting. The application is supported by a tree analysis and advice obtained from the Council's landscape architect. Members will be advised of her views on the submitted scheme in the meeting

4.13. The proposed development would result in the loss of 4 No. trees: one within the existing wash down area and 3 directly adjacent to the existing wall for the following reasons:

- 2 No. trees are to be removed to make way for the new saddling boxes;
- 1 No. tree be removed to allow for the pre-parade ring stepping and is situated in the future location of the proposed weigh-in building
- 1 No. tree adjacent to the Brierley Gates to be removed to allow for formation and effective functioning of the new access arrangements (specifically the medical access to the future weigh-in building).

It is considered that the trees adjacent to the existing wall are of relatively poor quality and limited amenity value. They do not form part of the line of trees that run along Knavesmire Road.

4.14 It is intended to plant 12 No. trees as part of the phase 1 development to mitigate for the loss of the four existing trees. 10 No. of these would be situated outside of the wall, reinforcing the parkland character of this part of the Knavesmire. 2 No. trees would be planted within the new pre-parade ring. It is further intended that as part of the imminent Phase 2 there would further additional planting, particularly along Racecourse Road adjacent to the car park area.

4.15 It is concluded that the loss of trees would not be significant in the wider setting of the Racecourse and efforts have been made to retain the existing mature trees. The proposed mitigation tree planting would largely compensate for the tree loss, and the sylvan character of the Racecourse and the Knavesmire would be enhanced in the medium to long term in accordance with Policies GP9 and HE11 of the Local Plan.

4.16 It is concluded that the new pre-parade ring, saddling boxes, broadcast box etc would have a low level impact on the heritage and visual assets. The configuration of the new wall, saddling boxes and wash down area would create more formal relationships with the main gates, the parade grounds, and the course itself. The proposals would represent an enhancement of the character and appearance of the site within the conservation area and an improvement in its aesthetic value. The design works which have evolved against the background of a masterplan and appropriate historical research should ensure that the phased works would eventually form a cohesive development at the north of the Racecourse. There is no conflict with Policies HE2, HE4, HE11, GP1 of the Local Plan and national planning guidance in the NPPF.

RECREATION AND USES

4.17 The Head of Leisure, Tourism and Culture as the manager of the Knavesmire/open spaces and Property Services on behalf of the Council as Landlords, would support the application. The proposals would fit in with then general upgrading of the Racecourse that has taken place over the past few years

to fully meet health and safety and other requirements and to provide facilities for all involved with racing commensurate with York's position as one of the leading courses in the country. The Council are freeholders, and have granted a long lease of the current buildings and parade rings, with rights to use the track and other facilities, to secure this and other investment. It is intended that the 0.33 acres of the Knavesmire would be included in the lease to the Racecourse subject to planning permission being granted following public consultation of the intention, and approval by the Cabinet Member for Leisure, Culture & Tourism.

PROTECTED SPECIES

4.18 The application is supported by a bat survey that was carried out in August and November 2012. No further survey would be needed as part of this current planning application as sufficient information has been provided. It is not considered that there are any bat roosts within the buildings which are to be demolished or part demolished as part of this scheme. As the existing buildings possess features which could be used by roosting bats, a suitable condition would be attached to any consent to ensure that there is a sensitive working approach during the demolition process and through the loss of trees. Policy NE7 would require habitat enhancement through the installation of habitat features to benefit bats during the construction work to provide new roosting habitat and to mitigate for the loss of any suitable features within the existing structures.

FLOOD RISK

4.19 Part of the application site is located in Flood Zone 3b which forms part of the functional floodplain where there is a requirement that existing levels should not be altered. The developer has been asked for further Information to determine the potential impact that the proposals may have on the existing drainage systems. This information agrees a drainage strategy 'in principle' i.e. existing and proposed permissible discharge rates and existing and proposed ground and finished floor levels. The remainder of the detailed design can be controlled by planning conditions if planning permission is granted. Members will be advised of any comments from the Environment Agency.

SUSTAINABILITY

4.20 The proposed development is small scale and is only in use for 17days/ year. It would not be reasonable to meet BREEAM Very Good, but the applicant proposes to deliver the development to the highest standards of sustainability. The proposals would include appropriate measures to ensure energy efficiency, the use of natural ventilation where possible, the use of low and zero carbon technologies, the use of grey water as part of the building services strategy, and the potential re-use of several of the existing saddling boxes as covered viewing for the new parade ring. There would be no conflict with Policy GP4a of the Local Plan.

5.0 CONCLUSION

5.1 It is appreciated that the Racecourse needs improvement to ensure it continues to provide facilities that will attract future users, satisfy modern more complex requirements for the public, improve the standard of safety for visitors, equine uses and the demands of media communication. The proposed works would be sympathetic in scale, form, design and materials to the existing built form of the Racecourse. They would not be harmful to the openness of the Green Belt and would not be unduly harmful to the visual amenity of the wider conservation area. The benefits that would arise in terms of the operation of the Racecourse would be significant, and the wider recreational use of the Knavesmire would not be harmed. It is recommended that planning permission is granted 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 and other submitted details:-

Drawing No. PA21-P-001, Received 18.1.2013

Drawing No. PA21-P-003, Received 18.1.2013

Drawing No. PA21-P-004, Received 18.1.2013

Drawing No. PA21-P-005, Received 18.1.2013

Drawing No. PA21-P-006, Received 18.1.2013

Drawing No. PA21-P-008, Received 18.1.2013

Drawing No. PA21-P-009, Received 18.1.2013

Drawing No. PA21-P-010, Received 18.1.2013

Drawing No. PA21-P-011, Received 18.1.2013

Drawing No. PA21-P-012, Received 18.1.2013

Drawing No. PA21-P-013, Received 18.1.2013

Drawing No. PA21-P-014, Received 18.1.2013

Drawing No. PA21-P-015, Received 18.1.2013

Blackburn Wigglesworth, Proposed Drainage Layout, Drawing No. YO105/D/2, Received by email on 15.3.2013

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

3 Prior to the commencement of the use hereby permitted, details of the following 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) Samples of new external materials. Reclaimed sound materials shall be reused in areas agreed with the LPA. A sample panel of brickwork shall be set up on site next to a section of the remaining wall.
- b) A detail or method statement describing the abutment between the existing main gate ensemble and the realigned brickwork.
- c) Notwithstanding the drawings, large scale details of the interface between the top of the boundary wall and the structures built into and onto it (eaves and coping details)
- d) A setting out drawing showing the outward facing elevation of the new wall in relation to levels if there is a variation from the approved elevations
- e) A detail or method statement describing the abutment between the existing main gate ensemble and the realigned brickwork.
- f) Notwithstanding the drawings, large scale details of the interface between the top of the boundary wall and the structures built into and onto it should be provided (eaves and coping details)
- g) A setting out drawing showing the outward facing elevation of the new wall in relation to levels should be provided if there is a variation from the approved elevations
- h) Large scale details of the Winning Connections building should be provided; the thatch to receive some decorative detailing.
- i) A landscape scheme to include the arrangement and specification of planting, levels, steps, railings, other enclosures and paths. Materials other than tarmac to be considered for the new 3m wide path outside the enclosure.
- j) Details of the lighting scheme: lighting shall be at low level and luminaires shall be positioned to avoid light pollution.

Reason: In the interests of visual amenity of the conservation area, and the setting of the listed buildings.

4 Existing cast iron ventilation grills shall be reincorporated into the wall. Any new grills shall match the existing in design and materials.

Reason: In the interests of visual amenity

5 No development shall take place until full details of what measures for bat mitigation and conservation are proposed and have been submitted to and approved by the Council. The measures shall include:

- a) A plan of how work is to be carried out to accommodate the possibility of bats

being present.

b) Details of what provision is to be made within the new buildings to replace the features lost through the demolition of the original structures. Features suitable for incorporation for bats include the use of special tiles, bricks, soffit boards, bat boxes and bat lofts and should at least replace or substitute for what is existing.

The works shall be implemented in accordance with the approved details and timing unless otherwise approved in writing by the Council.

Reason - To take account of and to enhance the habitat for a protected species. It should be noted that under NPPF the replacement/mitigation proposed should provide a net gain in wildlife value.

6 Rainwater goods shall be of good quality in cast iron or aluminium, and painted.

Reason: In the interests of visual amenity

7 Before the commencement of and during building operations, adequate measures shall be taken to protect the existing planting on this site. This means of protection shall be agreed in writing with the Local Planning Authority and shall be implemented prior to the stacking of materials, the erection of site huts or the commencement of building works.

Reason: The existing planting is considered to make a significant contribution to the amenities of this area.

8 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Details to include:

- a) Peak surface water run-off from the proposed development must be restricted to a maximum 5.1 lit/sec.
- b) Site specific details of the flow control device manhole limiting the surface water to the 5.1 lit/sec.
- c) Storage volume calculations, using computer modelling must be provided, and must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. The full range of modelling should be provided.
- d) Site specific details of the storage facility to accommodate the 1:30 year storm

and details of how and where the volume above the 1:30 year storm and up to the 1:100 year storm will be stored.

- e) Proposed ground and finished floor levels to Ordnance Datum shall be shown on plans. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties or.
- f) No raising of levels or alteration to flood routes to the south west corner of the development that lies within Flood Zone 3b (functional floodplain).
- g) Details should be provided of the future management / maintenance of the proposed drainage scheme.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site and that provision has been made to maintain it.

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 function and openness of the Green Belt; the visual impact on listed buildings, the Knavesmire and the wider conservation area; recreational use; protected species; flood risk; sustainability. As such the proposal complies with Policies GP1, GB1, GB10, HE2, HE4, GP9, HE11, GP15a, GP4a, NE6, NE7 of the City of York Development Control Local Plan (2005); national planning guidance contained in the National Planning Policy Framework (2012); and the Central Historic Core Conservation Area Appraisal (2011).

2. DEMOLITION AND CONSTRUCTION INFORMATIVE

In the event that contamination is found at any time when carrying out the approved development, the findings must be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment must be undertaken, and where remediation (clean-up) is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part 2A of the Environmental Protection Act 1990.

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

- 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.

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

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

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

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

- There shall be no bonfires on the site

3. COUNCIL'S POSITIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve an acceptable outcome:

- Several pre-application site meetings with Council Officials, applicant, agent, architect regarding problems and subsequent proposals
- Meeting with applicant that included progress of the application
- Advice provided on local consultation of the application, drainage issues
- Request for clarification of the submitted tree information

- Use of planning conditions

Contact details:

Author: Fiona Mackay Development Management Officer (Wed - Fri)

Tel No: 01904 552407

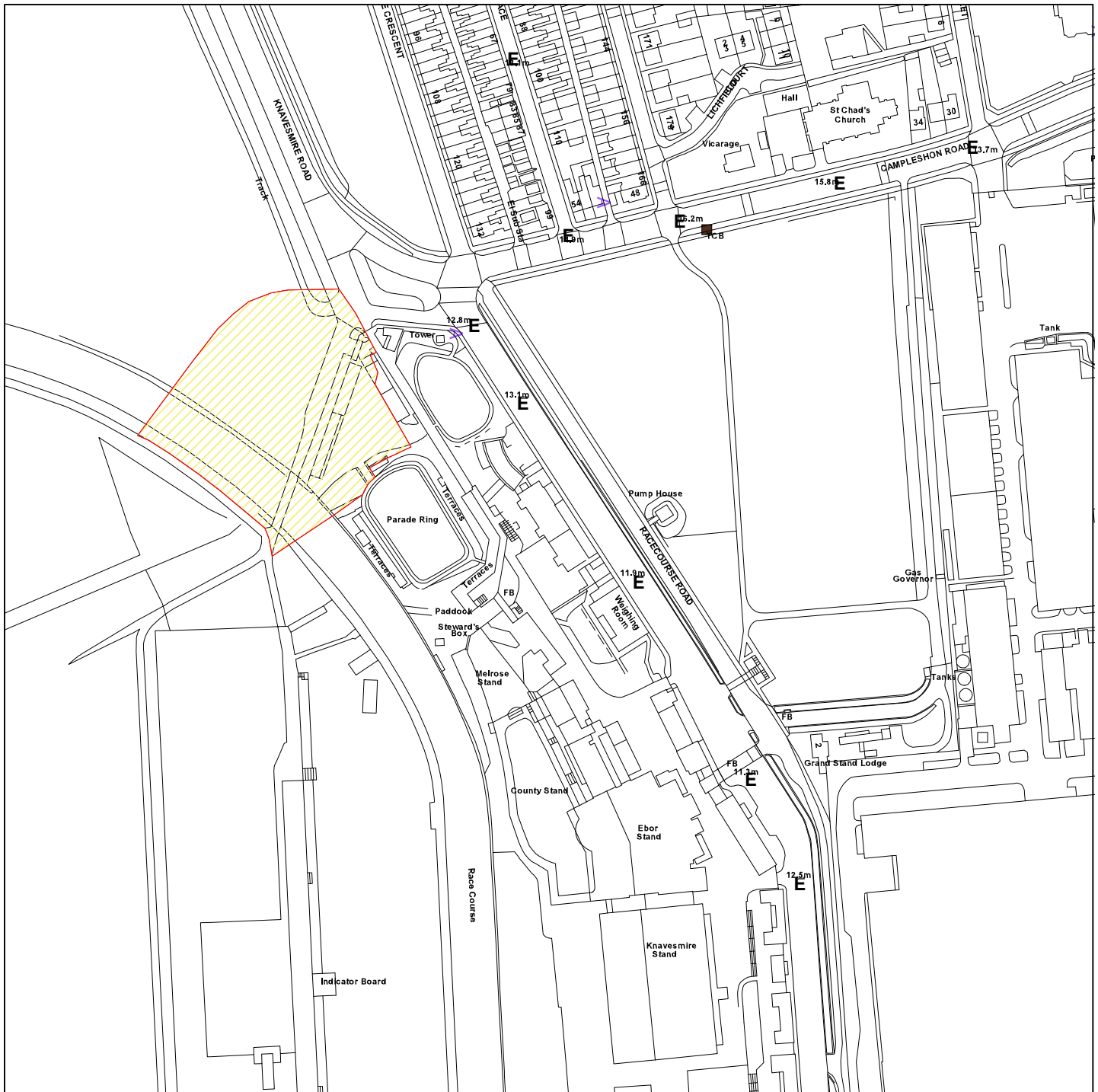
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Racecourse, Knavesmire, York

13/00090/FUL



GIS by ESRI (UK)



Scale : 1:2500

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Organisation	City of York Council
Department	City and Environmental Services
Comments	
Date	05 April 2013
SLA Number	Not Set

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COMMITTEE REPORT

Date: 18 April 2013 **Ward:** Micklegate
Team: Major and **Parish:** Micklegate Planning
 Commercial Team Panel

Reference: 13/00091/CAC
Application at: Racecourse Racecourse Road Knavesmire York YO23 1EJ
For: Demolition of existing perimeter wall, saddling boxes and
 broadcasting box
By: York Racecourse Knavesmire LLP
Application Type: Conservation Area Consent
Target Date: 18 March 2013
Recommendation: Approve

1.0 PROPOSAL

1.1 Conservation area consent is sought for the demolition of an existing perimeter wall, saddling boxes and broadcasting box located at the north end of the Racecourse. Members are asked to consider this application in relation to concurrent planning application, LPA Ref 13/00090/FUL, for the construction of a new pre-parade ring and Winning Connections building, erection of new perimeter wall, saddling stalls, washdown area and associated ancillary equine facilities including veterinary accommodation, provision of replacement path and associated landscaping. Both applications are presented to the Sub-Committee due to the importance to the city of the Racecourse and the Knavesmire.

1.2 The proposals involve the demolition and rebuilding of the section of perimeter enclosing wall running down and west from the main gates at the head of Knavesmire Road towards the racetrack, and demolition of the saddling boxes and other enclosures which back up to this wall. The main gates and other enclosing brick walls which return to define the west side of Racecourse Road would be unaffected. In addition the small timber and thatch broadcasting box would be demolished to be replaced with a slightly larger facility, more lightweight in appearance with a similar thatch skirt around its rooftop.

1.3 The Racecourse and Terry's Factory site were designated as a conservation area in 1975 and an appraisal was approved in October 2006. The two groups of substantial buildings in a landscape setting represent a couple of the defining characteristics of York. They are landmarks in the local environment as well as in the wider context of more long distance views from south of the city (see York Central Historic Core conservation area appraisal views 6 & 7).

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Racecourse CONF
City Boundary GMS Constraints: York City Boundary 0001
DC Area Teams GMS Constraints: Central Area 0002

2.2 Policies:

CYHE5 Demolition of Listed Buildings and Buildings in Conservation Areas
CYHE3 Conservation Areas

3.0 CONSULTATIONS

INTERNAL

3.1 DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT - The proposed development would preserve the character and appearance of the conservation area.

EXTERNAL

3.2 MICKLEGATE PLANNING PANEL - No response to date

4.0 APPRAISAL

KEY ISSUES

4.1 Impact on the character and appearance of the conservation area

POLICY

4.2 The NPPF requires that proposals either sustain or enhance conservation areas. If development has a harmful effect, it should only be permitted when there are public benefits that outweigh the harm.

4.3 Local Plan policy HE5 advises that in cases where demolition of building(s) in conservation areas is justified, considering the merits of alternative proposals, it will be required that no demolition takes place until redevelopment has been agreed and will take place. Policy HE3 also seeks to prevent buildings from being demolished in Conservation Areas where they make a contribution to the character and appearance of the area.

4.4 The Central Historic Core Conservation Area Appraisal is a material consideration for decision making. It was adopted by the Council following public consultation on the 24 November 2011, the final draft document fully reflecting the results of public consultation. The application site falls within key views of the city.

ASSESSMENT

Merit of the existing structures

4.5 The perimeter brick walls were introduced as part of Brierley's development proposals of 1907-9 and the conservation area appraisal (7.10) states that they make a positive contribution to the character and appearance of the conservation area. Map evidence shows that the saddling boxes backing up to the north wall are slightly later and they have been added to and altered during the course of the intervening century. Some signs of these alterations are apparent on the outside of the wall where openings have been blocked and the wall has been extended or increased in height. The walls are unlisted though they are of evidential value as part of Brierley's work. The walls, cast iron vents, and the slated roofs of the saddling boxes make an attractive boundary to the site when approaching from Knavesmire Road.

Merit of the proposed structures

4.6 The proposals would reposition the wall to form a line with the gate ensemble. The wall would be reconstructed to a similar design using materials and details matching the original. The new saddling boxes would be similar in height to existing and would have slated hipped roofs. Two sets of robust timber gates would be introduced between the built sections and an additional gate would be introduced into the Vet treatment box.

4.7 The broadcasting box is a much smaller structure which is experienced from within the site. Its timber base is utilitarian though the thatch gives it a curious rural domestic appearance. The proposed replacement building would be of higher quality, lightweight in appearance with a similar thatched top. It would also appear to be less randomly located on site.

4.8 It is considered that the loss of the wall would cause temporary harm to the conservation area pending the building of the new wall, new saddling boxes and wash down area which would form better relationships with the main gates, the parade grounds, and the course itself. The new proposals represent an enhancement of the character and appearance of the site. The replacement broadcasting box would be a small component of the conservation area and it would have neutral to positive benefit on the appearance of the area. The proposed demolition would not conflict with Policies HE3 and HE5 of the Local Plan and national planning guidance contained in the National Planning Policy Framework,

subject to the works not commencing until approval has been gained for the replacement scheme and a contract has been let for the works.

5.0 CONCLUSION

5.1 The proposed demolitions would allow equine facilities at the northern end of the Racecourse to be greatly improved without material harm to the character and appearance of conservation area or conflict with adopted planning policies. They would enable developments to take place that would generally enhance the character and appearance of the conservation area. It is therefore recommended that conservation area consent is granted subject to the following conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

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

2 The buildings/ walling shall not be demolished before planning permission for redevelopment is granted and a legally binding contract for the carrying out of the works of redevelopment of the site is made and evidence of the contract has been produced to and agreed in writing by the Local Planning Authority, or in the absence of such a contract an alternative confirmation of commencement of the development has been submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure that the premature demolition of the buildings does not take place to the detriment of the character and appearance of the Conservation Area.

3 Materials which are sound shall be carefully recovered from the demolition for re-use in the new wall e.g. bricks slates and vents.

Reason: In the interests of visual amenity and sustainability

4 A level 1 photographic recording of the north area and enclosing wall shall be carried out and submitted in electronic form for inclusion on the local planning authority's Historic Environment Records.

Reason: In the interests of the visual amenity, historical and architectural interests of the buildings and structures that contribute to the Racecourse complex.

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 character and appearance of the conservation area. As such the proposal complies with guidance contained within the National Planning Policy Framework and Policies HE3 and HE5 of the City of York Development Control Local Plan.

Contact details:

Author: Fiona Mackay Development Management Officer (Wed - Fri)

Tel No: 01904 552407

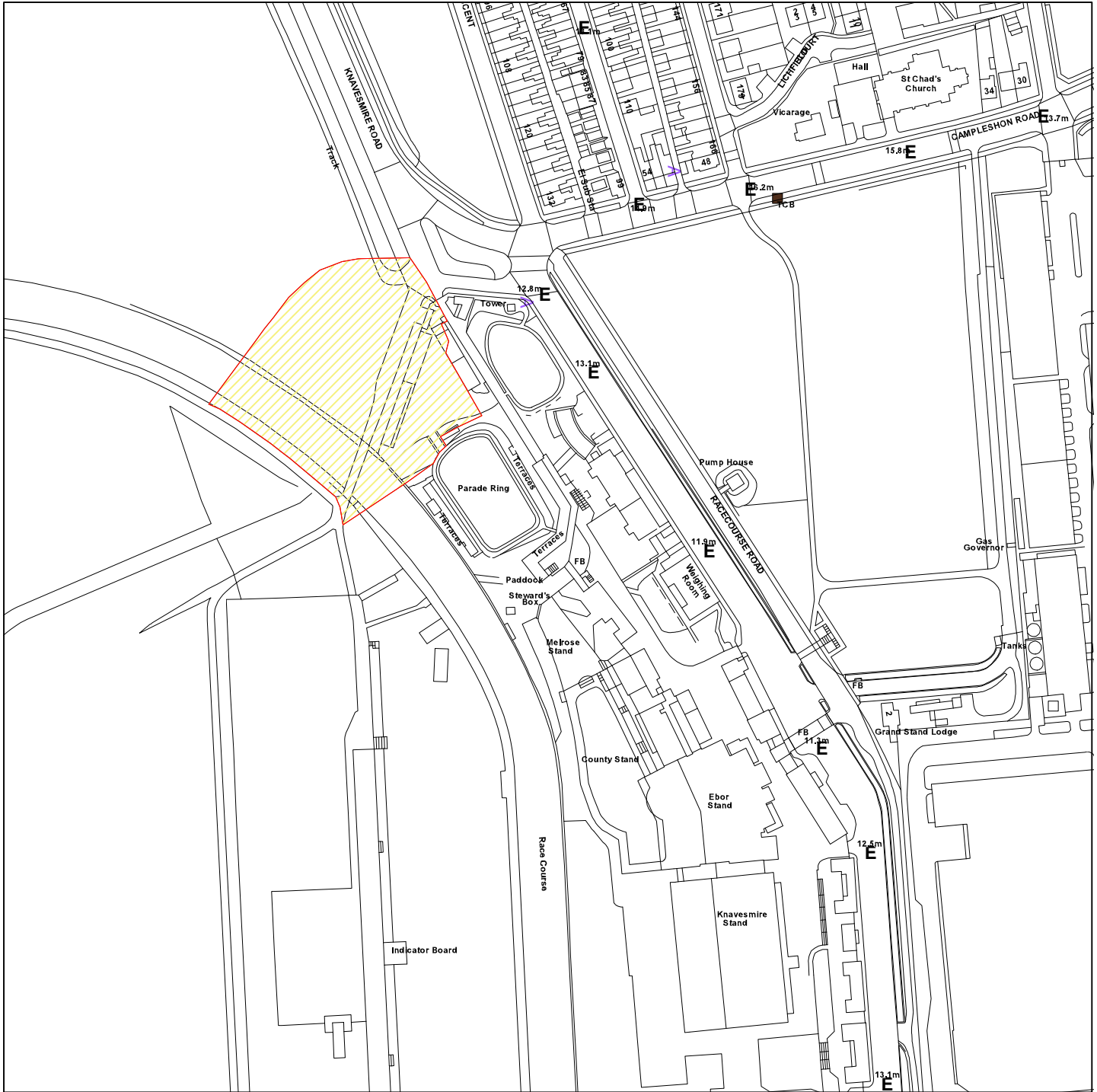
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Racecourse, Knavesmire, York

13/00091/CAC



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Scale : 1:2500

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Organisation	City of York Council
Department	City and Environmental Services
Comments	
Date	05 April 2013
SLA Number	Not Set

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COMMITTEE REPORT

Date: 18 April 2013 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
 Commercial Team

Reference: 13/00165/FUL
Application at: Robinson Court Walmgate York
For: Change of use of ground floor from office (use class B1) to 2
no. flats (use class C3) with external alterations
By: York Association For The Care And Resettlement Of
Offenders
Application Type: Full Application
Target Date: 14 May 2013
Recommendation: Approve

1.0 PROPOSAL

1.1 Planning permission is sought for the change of use of ground floor office space (Use Class B1) to form 2 No. flats (Use Class C3) at Robinson Court, Walmgate. The building is currently the headquarters for YACRO (York Association for the Care and Resettlement of Young Offenders) and provides accommodation and management offices in the adjoining residences in Robinson Court. The additional 5 no. bedrooms in 2 No. flats would allow YACRO to increase its capacity at Robinson Court. At present there is a waiting list of 43 customers for this type of accommodation.

1.2 Robinson Court is a two and three storey building that provides 12 No. 1 person bed-sitting rooms and 3 No. 2 person flats for special needs housing (7/05/7600/PA, permitted 8.1.1992). A single storey pitched roof extension at the rear was approved on 10.1.1996 to provide additional administrative and training facilities (7/005/07600B/FUL).

1.3 The current application seeks permission for 2 No. flats in the single storey rear extension and the ground floor offices. This would provide 5 No. additional study/bedrooms; 3 No. bedrooms in a flat fronting Walmgate accessed from the arched court and 2 No. bedrooms accessed from the garden fronting Pavers Lane. A small office would be retained within the rear extension and this would be occupied by the scheme managers.

1.4 Internally, the alterations would involve a refit to provide residential accommodation of an acceptable standard. Externally, 2 No. windows and 2 No. doors would be inserted in the side elevations of the building. They would be designed to match the existing doors and windows. Access would be improved by

providing a ramp adjacent to where an existing window would be replaced by a door.

1.5 This application would result in new residential accommodation in 2 No. flats in 63.6 sq.m and the retention of 5.4 sq.m office space.

1.6 The application is presented to Sub-Committee at the request of Cllr. Brain Watson as the changes would result in alterations to the management of Robinson Court. The presence of the on-site office was fundamental to the complex by providing supervision that has led to the success of the venture.

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

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: Central Area 0002

Listed Buildings GMS Constraints: Grade 2; 114C Walmgate York YO1 2TL 0909

Listed Buildings GMS Constraints: Grade 2; Gate Approx 100m SW St Margarets Church 0908

2.2 Policies:

CYHE3-Conservation Areas

CYGP1-Design

CYGP11-Accessibility

3.0 CONSULTATIONS

INTERNAL

3.1 Design, Conservation and Sustainable Development- No objections

3.2 Environmental Protection Unit- No objections

EXTERNAL

3.3 Guildhall Planning Panel- No objections

3.4 Safer York Partnership – In terms of security and management, having discussed the application with YACRO I have no issues or concerns with the application.

4.0 APPRAISAL

4.1 Key Issues

- Use
- Visual impact
- Impact on neighbouring amenity

POLICY CONTEXT

4.2 National planning policy is now contained in the National Planning Policy Framework (2012). It advises that local planning authorities should support a strong town centre economy and conserve and enhance the historic environment.

4.3 The relevant development plan is the City of York Council Development Control Local Plan (2005). 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 National Planning Policy Framework. POLICY HE3 seeks to protect the character and appearance of Conservation Areas. The policy states that proposals for development in conservation areas should reflect street proportions, which are given to floor heights, door and window sizes and disposition. POLICY GP1 is a general design policy in the Local Plan that, inter alia, seeks to ensure that new development respects its surroundings. POLICY GP11 seeks to support improved accessibility to existing and new developments.

ASSESSMENT

USE

4.4 The proposal to increase additional accommodation at Robinson Court stems from a pressing need to increase specialist accommodation. The existing housing scheme has been successfully managed, and the applicant has provided the following information to support the conversion of the rear annexe to 2 No. additional flats.

4.5 Currently, on site supervision takes place in the main building site where keyworkers, support staff, and a night worker have an open plan office. There would be no change to this. Robinson Court would remain a 24 hour staffed scheme and has the benefit of a full, monitored CCTV system covering the main building and the annexe, including a new camera covering the proposed new doorway. Staffing levels at Robinson Court have been agreed by Supporting People, who commission the service to ensure high quality supervision. There is a close liaison with North Yorkshire Police and there are no concerns about the proposed increase in residential capacity. YACRO also monitors a CCTV camera on the police's behalf

covering Margaret Street and the area around the One Stop, which has already aided investigations into a serious offence.

4.6 It is intended that the two scheme managers will continue to work from the annexe in the proposed office space. The main administration of Robinson Court is being run off-site from Tower House Business Centre, Fishergate. It contains a state of the art IP Telephone exchange system which answers the phone in Fishergate and connects callers to the Robinson Court site.

4.7 On the basis of the above information, it is considered that the loss of office accommodation within the main building and annexe would not detrimentally affect the management of Robinson Court. As such, the proposed residential use would be compatible with the surrounding residential uses in the locality and the conservation area. There would be no conflict with Policy HE3 of the Local Plan.

VISUAL IMPACT

4.8 The proposed external alterations to the building would match the existing and would not detract from the appearance of the modern building. The location of the proposed ramp would be visually contained and would not detract from either the building or the wider conservation area. It is considered that the alterations would respect their surroundings and comply with Policy GP1 of the Local Plan.

NEIGHBOURING AMENITY

4.9 The area is largely residential and the addition of 2 No. flats within the existing built form of Robinson Court would not detrimentally affect neighbouring amenity levels. There would be no conflict with Policy GP1 of the Local Plan.

5.0 CONCLUSION

5.1 The proposed additional residential accommodation at Robinson Court would meet a perceived and pressing need without impinging on the successful management of the scheme. There would be no conflict with Planning Policies HE3, GP1, and GP11 of the Local Plan and national policy guidance as contained in the National Planning Policy Framework.

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 and other submitted details:-

Drawing " Robinson Court: North Wing Proposed Plan Version 7," Received 25 January 2013

Drawing " Robinson Court: North Wing: Proposed Elevations, rev A, Received 25 January 2013

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

7.0 INFORMATIVES:- Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the use, the impact on the listed building, neighbouring amenity and flood risk. As such the proposal complies with Policies GP1, GP11, and HE3 of the City of York Development Control Local Plan (2005); and national planning guidance contained in the National Planning Policy Framework(2012).

2. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- Additional information about the use as requested and detailed in email of 20.3.2013
- Additional plan for clarification

Contact details:

Author: Fiona Mackay Development Management Officer (Wed - Fri)
Tel No: 01904 552407

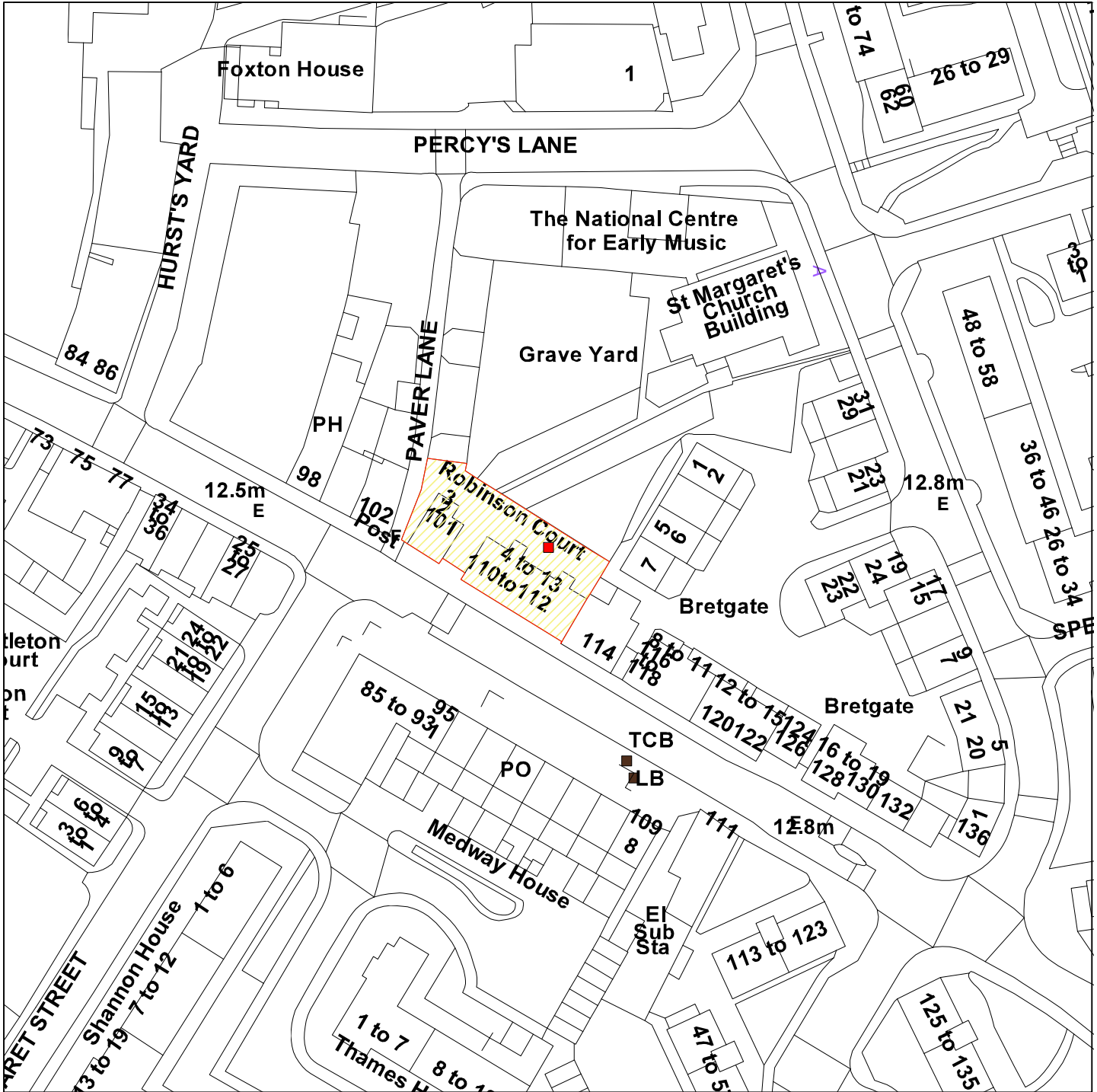
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Robinson Court, Walmgate

13/00165/FUL



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Organisation	City of York Council
Department	City and Environmental Services
Comments	
Date	05 April 2013
SLA Number	Not Set

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COMMITTEE REPORT**Date:** 18 April 2013**Ward:** Guildhall**Parish:** Guildhall Planning Panel**Reference:** 13/00210/FUL**Application at:** Proposed Dwelling Adjacent The Lodge Minster Yard York
For: Conversion and extension of existing potting shed and basement cellar and generator housing into a 2no. bedroom residential dwelling.**By:** Mr Mike Green**Application Type:** Full Application**Target Date:** 3 April 2013**Recommendation:** Approve subject to Section 106 Agreement**1.0 PROPOSAL**

1.1 The application site is within the grounds of the Purey Cust site, where the main building has recently been converted for residential use. The forecourt has been re-landscaped to provide each dwelling with car parking and a small front garden. The new layout retains a margin of shrubs and trees next to the mason's lodge (which sits next to the main entrance). The walls which surround the site enclose what was the former Minster stone yard before it moved to Minster Yard, and are listed at grade 2.

1.2 The site is within the Central Historic Core Conservation Area adjacent to the West front of the Minster (grade 1 listed) and alongside Dean's Park. The site is within the York Minster Cathedral Precinct which has scheduled monument status. Scheduled Monument Consent is required from English Heritage for the proposed development.

PROPOSALS

1.3 A 2-bed dwelling is proposed, which would re-use the redundant basement on the eastern side of the site and the 'potting shed' which sits against the SE boundary wall and next to the Mason's Lodge. The original cellar dates from around 1616 and was extended to include a generator enclosure which was installed in the early C20 to serve the hospital. It is proposed that two bedrooms would be accommodated in the cellar and an extension would be added directly above to provide living space. The new structure would be connected to the potting shed by a lightweight link (glass with timber framing) on the north side and there would be a zinc roof, which would be visually separated from the potting shed by the use of clerestory windows.

1.4 This application and the companion listed building consent application are brought to committee at the request of Cllr B Watson, in order to assess the impact on the setting.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area

Conservation Area GMS Constraints: Central Historic Core

Listed Building: Grade 2; Dean's Lodge Walls and Gateways Dean's Park

Scheduled Ancient Monuments: SMR 13280 York Minster Precinct including Section of City Walls

2.2 Policies:

CYGP1 Design

CYHE2 Development in historic locations

CYH4A Housing Windfalls

CYL1C Provision of New Open Space in Development

3.0 CONSULTATIONS

COMMUNITIES, CULTURE AND PUBLIC REALM

3.1 Commuted sums should be paid to the Council for the new dwelling for amenity open space and play space which would be used to improve a local site such as Clarence Gardens and sports pitches, which would be used to improve a facility within the East Zone of the Sport and Active Leisure Strategy.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

3.2 To an extent the scheme would detract from the setting of the listed building(s) and the character and appearance of the conservation area. Whilst this is an interesting and imaginative proposal in its own right with the potential for some creative detailing, the scheme would appear to be harmful to the site mainly by what it would take away from the existing context and setting - clarity and simplicity of form and space, openness and landscape, privacy and amenity.

- The C20th footprint of the site has a clear form. Structures - walls and buildings - hug the perimeter of the site allowing the centre to be open. The new structure would be an overly fussy and bulky intrusion into the space. Its general character and use of materials would be alien to the site. Although the scheme is imaginative and cleverly detailed in its own right it does not appear to belong to this particular location where there is a limited palette of traditional materials used in well ordered combination, and where buildings have a smaller proportion of

window openings to solid walls which helps to preserve the secluded character of the enclave.

- Further information should be provided to show how the new and existing roofs intersect.
- The above ground footprint would extend south to cover the larger plan of the underground chamber. This would likely cause the loss of a mature Birch tree which is highly visible from Dean's Park (although the tree is shown as retained on the proposed plans). The tree contributes to the character and appearance of the area and it helps enhance the setting of the buildings.

ARCHAEOLOGY

3.3 The development will involve the excavation down to a depth of approximately 1.2m below the current basement floor. This excavation will have a serious impact on the underlying, probably Roman, deposits.

3.4 This impact will be acceptable provided there is an archaeological excavation of all deposits down to the proposed formation level for the new floor. There will also need to be associated enabling engineering works to allow this excavation to take place and an archaeological watching brief on all other groundworks. Officers recommend the standard conditions which require a watching brief on groundworks and an excavation with the findings published. In addition a condition is recommended so that officers agree the enabling works that will be required to allow the basement to be lowered.

ENGLISH HERITAGE

3.5 Consider that the proposals should be approved, subject to a condition which requires archaeological mitigation, as there will be further excavation below the existing basement. English Heritage advise that a Scheduled Monument Consent application is currently under consideration, which has officer support.

GUILDHALL PLANNING PANEL

3.6 Object - proposals do not meet the pre-application advice given by the Local Planning Authority.

PUBLICITY

3.7 No written representations have been made.

4.0 APPRAISAL

4.1 KEY ISSUES

- Impact on heritage assets

- Amenity of existing and future occupants
- Species protected by law / biodiversity

IMPACT ON HERITAGE ASSETS

4.2 The Purey Cust building, the site boundary walls and the structures connected are grade 2 listed. The site is in the Central Historic Core Conservation Area, the City Centre Area of Archaeological Importance and the Minster Precinct, which has Scheduled Monument status.

4.3 The National Planning Policy Framework requires that proposals conserve or enhance heritage assets. In considering development proposals it is desirable they sustain and enhance the significance of heritage assets and put them to viable uses consistent with their conservation. It is also desirable that developments make a positive contribution to local character and distinctiveness.

4.4 Local Plan policy GP1 relates to design principles to be applied to all types of development. It states that development proposals must, respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with the surrounding area; avoid the loss of open spaces which contribute to the quality of the local environment; retain, enhance, or create urban spaces; provide and protect amenity space; provide space for waste storage.

4.5 Local Plan policy HE2 states that within conservation areas, or locations which affect the setting of listed buildings development proposals will be required to maintain or enhance existing urban spaces, views, landmarks and other townscape elements, which contribute to the character or appearance of the area. Policies HE3, HE4 and HE9 require that developments at least maintain the appearance and setting of conservation areas, listed buildings and scheduled monuments.

4.6 Local Plan policy HE10 requires that where development will affect archaeology a field evaluation is undertaken and that at least 95% of archaeological remains are either preserved during development or appropriately recorded.

4.7 The existing site configuration predominantly dates from C19 when the Purey Cust building, the east boundary wall (both 1845), the lodge building and the potting shed were added. The Purey Cust was extended and converted into a hospital in the early C20. Prior to this arrangement Ingram's Palace, constructed in 1616, occupied this area of the precinct. Part of the basement where the dwelling is proposed was thought to date from 1616. However the Archaeological Trust report undertaken suggests part of the basement may originate from the earlier, medieval Archbishop's Palace. The remainder of the basement was added in the early C20.

4.8 The proposed dwelling would extend above the footprint of the cellar and appear as single storey. The eaves height would be aligned with that on the 'potting shed' and the structure would remain under the boundary wall. The elevations would be predominantly in stone, with timber used for doors, window frames and solar shading. The roof would be zinc. Predominantly the roof would be flat, apart from where it would over-sail the potting shed. The materials have been chosen in an attempt to respect the setting. The potting shed has vertical timber cladding and the boundary wall is of stone. Although zinc would appear in contrast to the pantile roof on the potting shed, it has been chosen as it allows for a lightweight and contemporary form. It is also the roofing material used on the Minster.

4.9 The structure would be of contemporary design, using sympathetic materials which respect the setting, and as such would comply with one of the design principles of the NPPF; that developments respond to local character and history, and reflect the identity of local surroundings and materials, and that planning decisions should not prevent or discourage appropriate innovation.

4.10 The existing buildings on this side of the site - the lodge and the potting shed - sit against the boundary wall and there is a garden setting which provides openness. The proposed additional development above ground would reduce this openness, which officers raised concern over at pre-application stage. The site layout has been revised to address this concern, and to avoid the proposed building appearing overly imposing on its setting. The nearest car parking space to the building will be re-positioned, which will enable a reasonable amount of soft landscaping around the proposed dwelling. The proposals are that the prominent Birch tree next to the basement area is retained. Overall, there will be adequate landscaping to help reduce the prominence of the proposed building and as such there would not be undue harm to the setting.

ARCHAEOLOGY

4.11 The proposals involve lowering the basement floor in order to provide adequate floor to ceiling heights in the building, whilst providing a roof height that would not affect views of the Minster over the site boundary wall. It is likely archaeology of Roman date will survive beneath the existing floor structure. English Heritage support the scheme, considering the impact on archaeology. In accordance with Local Plan policy HE10, conditions are necessary that an appropriate scheme of investigation be undertaken. The archaeological work will bring public benefits as it will help explain the history of the basement.

AMENITY OF EXISTING AND FUTURE OCCUPANTS

4.12 The National Planning Policy Framework asks that developments always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Local Plan policy GP1: Design requires that development proposals

ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures.

4.13 Local Plan policy T4 seeks to promote cycling and states that all new development should provide storage for cycles in accordance with the standards the Local Plan.

4.14 Policy L1c of the Local Plan states developments for all housing sites will be required to make provision for the open space needs of future occupiers.

4.15 The proposed building would appear single storey and be at least 20m from the Purey Cust buildings. The Lodge building is orientated so it would not look towards the proposed house. As such there would not be an adverse impact on the amenity of the occupants of the other buildings on site.

4.16 The proposed dwelling would have adequate internal space and outlook. There would be internal space for storage, including for cycles. In accordance with policy L1c a contribution has been agreed towards open space, which would be secured through a unilateral undertaking.

SPECIES PROTECTED BY LAW / BIODIVERSITY

4.17 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. Planning permission will not be granted where developments will cause demonstrable harm to species protected by law or their habitats. Policy NE7 asks that where possible, developments include measures to enhance or supplement existing habitats and habitat creation is encouraged.

4.18 The existing buildings have been investigated and no evidence of bat roosts found. In accordance with policy a condition is recommended to provide additional facilities to encourage bat roosts within the site.

5.0 CONCLUSION

5.1 Approval is recommended. The proposed development makes use of the redundant basement area. The design is specific to the site, imaginative and contemporary. It is of the necessary high quality that is required in this historic setting and will contribute to the areas' character and distinctiveness, as required by the National Planning Policy Framework. Although the building will reduce openness within the site, the reconfiguration of the layout will mean there is a reasonable amount of space around it for vegetation, which will help integrate the building into its setting. Overall the impact on the setting would be acceptable.

5.2 There will be adequate levels of amenity and no undue adverse impact on heritage assets. There will be a unilateral undertaking to deliver the required contribution towards open space - £1,172. Conditions will require that no extensions/alterations can be carried out under permitted development (as this could harm the setting and the appearance of the host building) and that bat roost facilities are provided on site. The companion listed building consent includes conditions regarding materials and large scale detailing.

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 in accordance with the following plans:- drawings 011208

Location plan	100 P2
Proposed site plan	104 revision P3
Floor and roof plans	201, 202 P1
Proposed elevations	203, 204, 205 P1
Proposed sections	302 P1

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

3 LANDSCAPING

Prior to completion of the development hereby approved a detailed hard and soft landscaping scheme shall be approved by the Local Planning Authority which shall include the number, species, height and position of trees and shrubs to be planted. A suitable replacement tree shall be planted, to compensate for the Cherry tree which is shown as being removed on the proposed plans.

The approved 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 visual amenity and to allow the development to respect the setting.

4 TREE PROTECTION

Trees shown as being retained on the approved site plan shall be protected in accordance with BS: 5837 Trees in relation to construction.

Before the commencement of development, including the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include -

- location and type of tree protection fencing;
- parking and servicing arrangements for vehicles;
- locations for storage of materials;
- locations of utilities;
- details of existing and proposed levels and surfaces.

The protective tree fencing shall be retained at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, mechanical cultivation or deep-digging, parking or manoeuvring of vehicles; there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, or pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process including the implementation of landscape works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

Reason: To ensure protection of existing trees before, during and after development which make a significant contribution to the amenity of the area.

5 PROTECTED SPECIES - BATS

Prior to completion of the development details of measures to provide facilities for bats shall be approved by the Local Planning Authority and installed in accordance with the approved details. Details shall include provision to be made within the re-development of the site to replace the features lost through demolition and conversion work. Features suitable include the use of special tiles, bricks, and bat boxes.

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

6 ARCH1 Archaeological programme required

7 ARCH2 Watching brief required

8 No development shall commence until the applicant has submitted written and drawn details of the necessary enabling engineering works required to allow the archaeological excavation within the basement to take place and these details have been approved in writing by the local planning authority. The development shall occur in accordance with the approved details.

Reason: The development will destroy nationally important archaeological remains that must be recorded prior to development taking place.

9 Removal of permitted development rights – all in schedule 2 part 1

7.0 INFORMATIVES:

Notes to Applicant

1. LEGAL AGREEMENT

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

2. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome: revised plans to ensure an acceptable impact on the setting and the use of planning conditions.

3. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on heritage assets, amenity and protected species. As such the proposal complies with Policies GP1, HE2, HE3, HE4, HE10, H4a and L1c of the City of York Development Control Local Plan.

Contact details:

Author: Jonathan Kenyon Development Management Officer

Tel No: 01904 551323

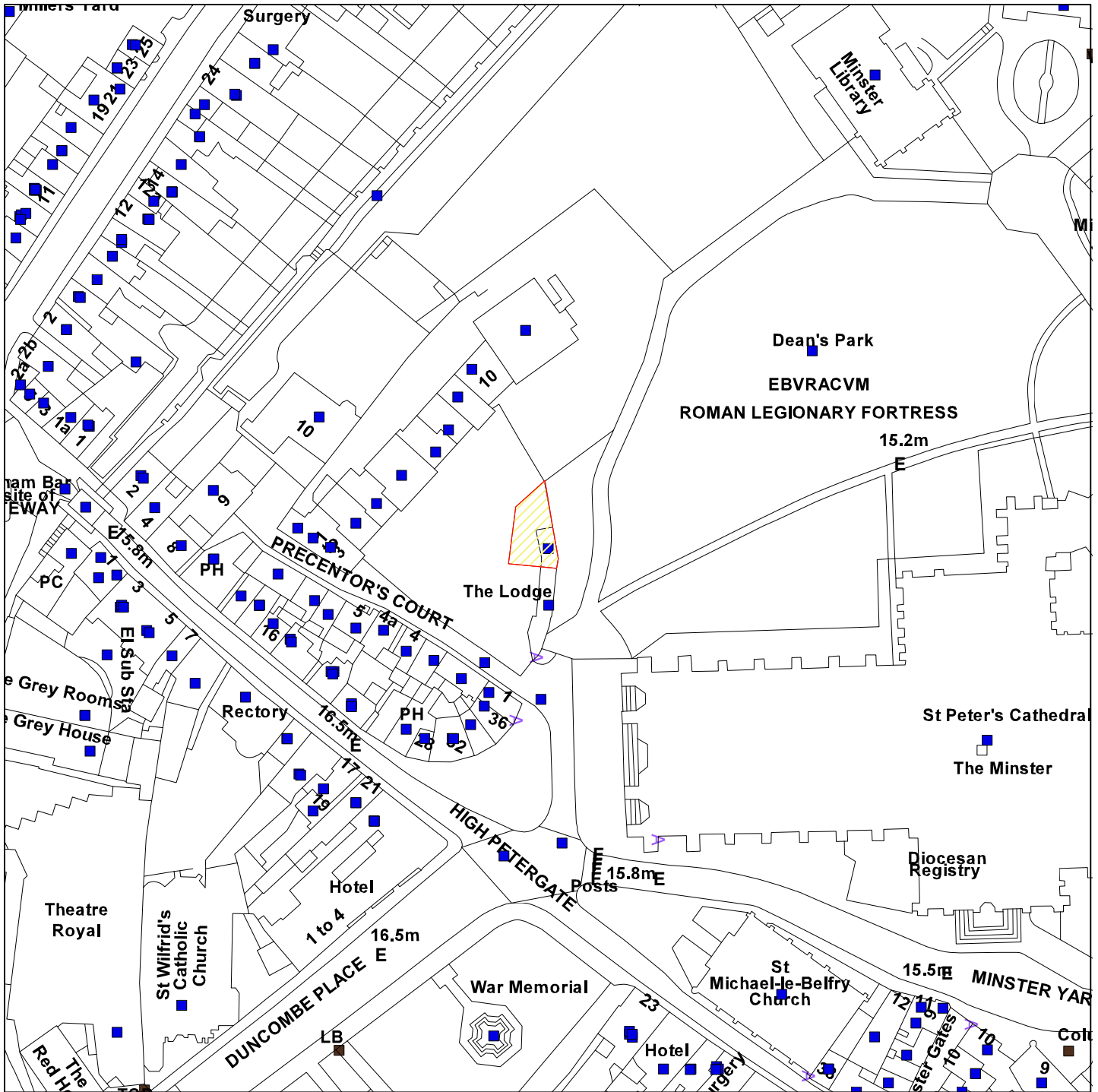
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13/00210/FUL

Proposed Dwelling Adjacent The Lodge, Minster Yard



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	08 April 2013
SLA Number	Not Set

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COMMITTEE REPORT

Date: 18 April 2013 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
 Commercial Team

Reference: 13/00211/LBC
Application at: Proposed Dwelling Adjacent The Lodge Minster Yard York
For: Conversion and extension of existing potting shed and
 basement cellar and generator housing into a 2 bedroom
 residential dwelling.
By: Mr Mike Green
Application Type: Listed Building Consent
Target Date: 3 April 2013
Recommendation: Approve

1.0 PROPOSAL

1.1 The application site is within the grounds of the Purey Cust, where the main building has recently been converted for residential use. The forecourt has been re-landscaped to provide each dwelling with a parking space and a small front garden. The new layout retains a margin of shrubs and trees next to the mason's lodge (which sits next to the main entrance). The walls which surround the site enclose what was the former Minster stone yard before it moved to Minster Yard, and are listed at grade 2.

PROPOSALS

1.2 Listed building consent is sought for a 2-bed dwelling, which would re-use the redundant basement on the eastern side of the site and the 'potting shed' which sits against the SE boundary wall and next to the Mason's Lodge. The original cellar dates from around 1616 and was extended to include a generator enclosure which was installed in the early C20 to serve the hospital. It is proposed that two bedrooms would be accommodated in the cellar and an extension would be added directly above to provide living space. The new structure would be connected to the potting shed by a lightweight link (glass with timber framing) on the north side and there would be a zinc roof, which would be visually separated from the potting shed by the use of clerestory windows.

1.3 This application and the companion planning application are brought to committee at the request of Cllr B Watson, in order to assess the impact on the setting.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

- Areas of Archaeological Interest GMS Constraints: City Centre Area
- Conservation Area GMS Constraints: Central Historic Core
- Listed Building: Grade 2; Dean's Lodge Walls and Gateways Dean's Park
- Scheduled Ancient Monuments: SMR 13280 York Minster Precinct including Section of City Walls

2.2 Policies:

CYHE4 Listed Buildings

3.0 CONSULTATIONS

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

3.1 To an extent the scheme would detract from the setting of the listed building(s) and the character and appearance of the conservation area. Whilst this is an interesting and imaginative proposal in its own right with the potential for some creative detailing, the scheme would appear to be harmful to the site mainly by what it would take away from the existing context and setting - clarity and simplicity of form and space, openness and landscape, privacy and amenity.

- The C20th footprint of the site has a clear form. Structures - walls and buildings - hug the perimeter of the site allowing the centre to be open. The new structure would be an overly fussy and bulky intrusion into the space. Its general character and use of materials would be alien to the site. Although the scheme is imaginative and cleverly detailed in its own right it does not appear to belong to this particular location where there is a limited palette of traditional materials used in well ordered combination, and where buildings have a smaller proportion of window openings to solid walls which helps to preserve the secluded character of the enclave.
- Further information should be provided to show how the new and existing roofs intersect.
- The above ground footprint would extend south to cover the larger plan of the underground chamber. This would likely cause the loss of a mature Birch tree which is highly visible from Dean's Park (although the tree is shown as retained on the proposed plans). The tree contributes to the character and appearance of the area and it helps enhance the setting of the buildings.

ENGLISH HERITAGE

3.2 Consider that the proposals should be approved, subject to a condition which requires archaeological mitigation, as there will be further excavation below the existing basement.

GUILDHALL PLANNING PANEL

3.3 Object - proposals do not meet the pre-application advice given by the Local Planning Authority.

PUBLICITY

3.4 No written representations have been made.

4.0 APPRAISAL

KEY ISSUES

4.1 Impact on listed buildings, including their setting.

RELEVANT PLANNING POLICY

4.2 The Purey Cust building, the site boundary walls and the structures connected which are grade 2 listed. The National Planning Policy Framework requires that proposals conserve or enhance heritage assets. In considering development proposals it is desirable they sustain and enhance the significance of heritage assets and put them to viable uses consistent with their conservation. It is also desirable that developments make a positive contribution to local character and distinctiveness. Where developments would have a harmful impact, it needs to be considered whether there are any public benefits which out-weigh the harm.

ASSESSMENT

4.3 The existing site configuration predominantly dates from C19 when the Purey Cust building, the east boundary wall (both 1845), the lodge building and the potting shed were added. The Purey Cust was extended and converted into a hospital in the early C20. Prior to this arrangement Ingram's Palace, constructed in 1616, occupied this area of the precinct. Part of the basement where the dwelling is proposed dates from either 1616 or earlier. The remainder of the basement was added in the early C20.

4.4 The proposed dwelling would extend above the footprint of the cellar and appear as single storey. The eaves height would be aligned with that on the 'potting shed' and the structure would remain under the boundary wall. The elevations would be predominantly in stone, with timber used for doors, window frames and solar shading. The roof would be zinc. Although zinc would appear in contrast to the pantile roof on the potting shed, it has been chosen as it allows for a lightweight and

contemporary form. The materials have been chosen to respect the setting. The potting shed has vertical timber cladding, the boundary wall is of stone and zinc is the roofing material used on the Minster.

4.5 The structure would be of contemporary design, using sympathetic materials which respect the setting, and as such would comply with one of the design principles of the NPPF; that developments respond to local character and history, and reflect the identity of local surroundings and materials, and that planning decisions should not prevent or discourage appropriate innovation.

4.6 The existing buildings on this side of the site - the lodge and the potting shed - sit against the boundary wall and there is a garden setting which provides openness. The proposed additional volume above ground would reduce this openness, which officers raised concern over at pre-application stage (as flagged up by the planning panel, see 3.4).

4.7 To avoid the proposed building appearing overly imposing on its setting, the adjacent trees will be retained. The site layout has been revised, so that the nearest car parking space to the building will be re-positioned, which will enable soft landscaping around the proposed dwelling. There will be adequate landscaping to assist in reducing the prominence of the proposed building and there would not be undue harm to the setting.

5.0 CONCLUSION

5.1 The site layout has been re-configured to provide a reasonable amount of space around the proposed dwelling which can be landscaped. This will avoid the proposed scheme appearing overly imposing on the setting. The proposed building itself is of appropriate materials, the design is specific to the site and of the necessary high quality that is required in such an historic setting. It is recommended consent be granted. Conditions are proposed to agree the exact materials and large scale detailing, to ensure the design quality indicated in the supplied drawings is executed in construction.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

2 The development hereby permitted shall be carried out in accordance with the following plans:- drawings 011208

Location plan 100 P2

Proposed site plan 104 revision P3

Application Reference Number: 13/00211/LBC

Item No: 5f

Page 4 of 5

Floor and roof plans	201, 202 P1
Proposed elevations	203, 204, 205 P1
Proposed sections	302 P1

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

3 Samples of the external materials to be used (including a sample panel of the proposed stonework) shall be approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: To ensure that the development is of appropriate quality given the impact on listed buildings and the conservation area.

4 Large scale details (at a scale of 1:10 or 1:20) 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) All new elevations and roofs, including typical intersections between elements. Sections through walls, showing the relationship between apertures, expressed structure, eaves, verge and plinth conditions.
- b) Connection points to existing structures.
- c) External doors, windows and window systems (including solar shading devices) and roof-lights shown in context.

Reason: To preserve the historic setting.

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 heritage assets. 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

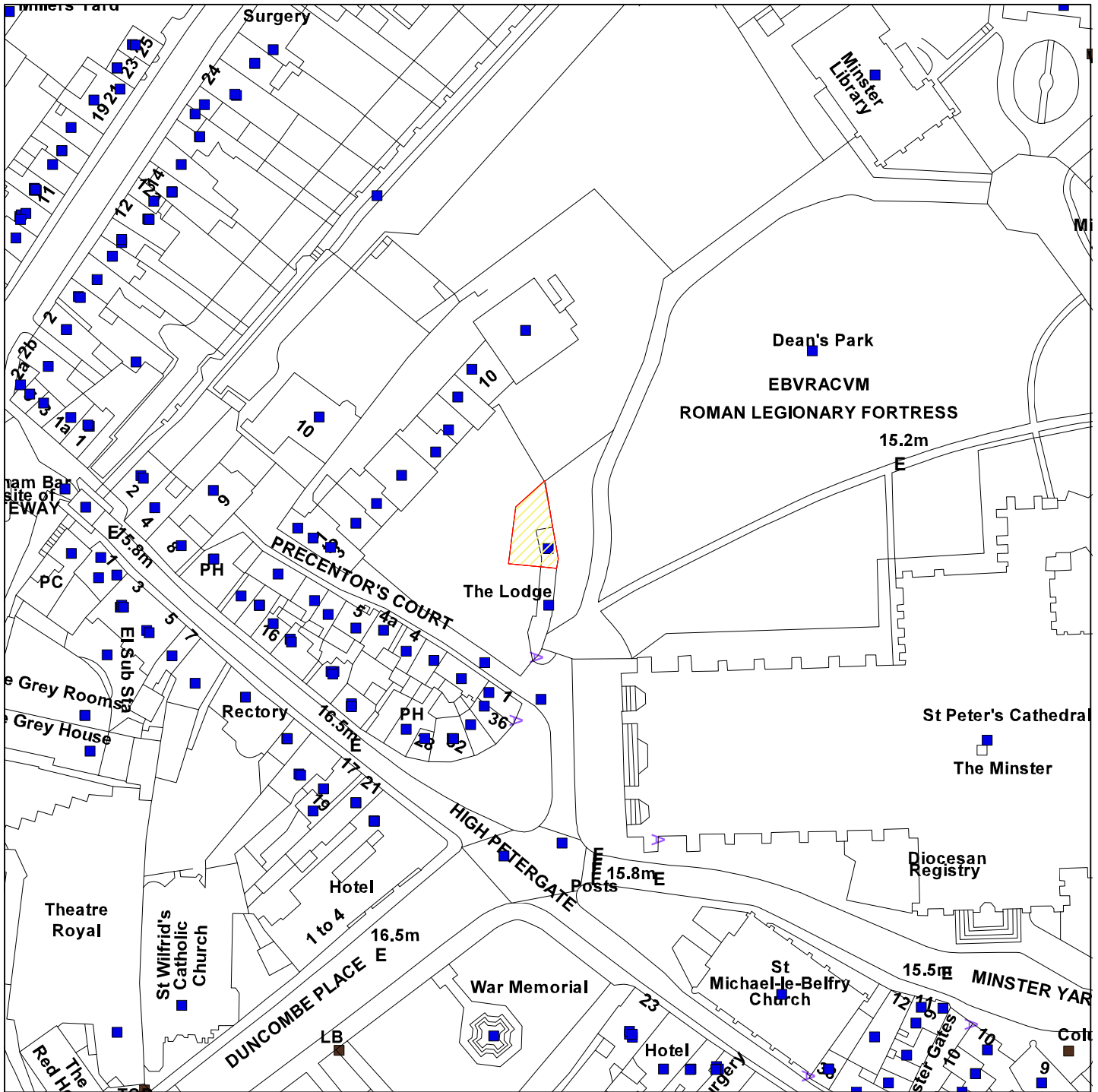
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13/00211/LBC

Proposed Dwelling Adjacent The Lodge, Minster Yard



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	08 April 2013
SLA Number	Not Set

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COMMITTEE REPORT

Date: 18 April 2013 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 13/00347/FUL
Application at: 3 Little Stonegate York YO1 8AX
For: Use of highway for placing of tables and chairs in connection
with approved bar/restaurant.
By: Arc Inspirations LLP
Application Type: Full Application
Target Date: 23 April 2013
Recommendation: Approve

1.0 PROPOSAL

1.1 The application relates to no.3 Little Stonegate, which has recently been given planning permission to operate as a drinking establishment/restaurant (application 12/02521/FUL, approved at committee in December 2012). This application is to allow the premises to have tables and chairs on the highway outside the premises.

1.2 There are cafes/bars to each side of the application site which have permission for pavement cafes - Bobo Lobo and Kennedys.

1.3 The host building is listed at grade 2 and is within the Central Historic Core Conservation Area. Little Stonegate is one of the city centre foot-streets

1.4 The application has been called to committee by Cllr B Watson, to assess the cumulative impact of such uses on this part of the city centre.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area

Conservation Area GMS Constraints: Central Historic Core

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

2.2 Policies:

CYHE2 Development in historic locations

CYS6 Control of food and drink (A3) uses

CYS7 Evening entertainment including A3/D2

3.0 CONSULTATIONS

Guildhall Planning Panel

3.1 No objection.

Police Architectural Liaison Officer

3.2 No objection.

Publicity

3.3 The deadline for comment was 29.3.2013. One representation has been received from Adam Sinclair on behalf of the Dining Warehouse opposite. The letter was not in objection to the proposal, but it did ask that the following measures were undertaken to mitigate the impact on amenity and the surrounding environment

- the area is cleared of litter at closing time
- there is no damage to neighbouring premises (stubbing out of cigarette ends has caused damage in the past)
- noise levels are controlled to avoid disturbance and to respect the character and appearance of the conservation area
- the use ceases to trade at midnight
- adequate space is retained for servicing/delivery vehicles (the property has morning deliveries and one servicing van which arrives at around 5pm each day).

4.0 APPRAISAL

KEY ISSUES

4.1 The considerations are the impact on the conservation area and setting of the host building, which is grade 2 listed, the vitality and viability of the city centre, the amenity of surrounding occupants and highway safety.

ASSESSMENT

4.2 The application asks for a single row of tables to be placed on the footpath. The requested operating hours were from 9am to midnight each day of the week, although the applicants have agreed not to put furniture out until the foot street hours apply. The neighbouring premises have permission to operate their pavement cafes as follows -

Bobo Lobo (5 Little Stonegate)

12/02242/FUL - operating hours 0900-2400 hours each day of the week

Kennedy's (1 Little Stonegate)

10/00979/FUL - operating hours 09:00 to 22:00 each day of the week

IMPACT ON HERITAGE ASSETS

4.3 The host premises are a grade 2 listed building and the site is within the Central Historic Core Conservation Area. Local Plan policies HE2, HE3 and HE4 are consistent with national planning policy in that they seek to preserve or enhance the character and appearance of conservation areas and the setting of listed buildings. A priority of the Central Historic Core Conservation Area Conservation Area Appraisal is to de-clutter the streets. The priority is intended to ease pedestrian movement and to improve the character and appearance of the conservation area.

4.4 The proposed pavement cafe would sit between two others, and therefore potentially would have a limited impact on views along the street. The permissions for the neighbouring premises each specifically advise that there should be no umbrellas, as these are unduly prominent and block views of attractive listed buildings which are of special architectural interest (note that there is an ongoing enforcement case against Kennedy's with regards their furniture). It will be necessary again in this case to prevent umbrellas being installed, and none are shown on the amended plans. The other furniture - tables and chairs and the enclosing barrier would be at a low level and would not have an undue visual impact.

4.5 Typically a condition is imposed on outside seating areas that furniture is stored inside the premises outside opening hours, in the interests of visual amenity.

VITALITY AND VIABILITY OF THE CITY CENTRE

4.6 The NPPF advises that planning policies should be positive, promote competitive city centre environments and set out policies for the management and growth of centres. Generally outside cafes within the central shopping area are supported in appropriate locations as they can add to vitality. In this case an outside seating area could help generate activity and footfall, which will assist other traders in the street, and to this extent the proposal complies with national and local planning policy.

AMENITY OF SURROUNDING OCCUPANTS

4.7 The NPPF requires planning decisions always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Local Plan policies S6 and S7 relate to the extension, alteration or development of premises for food and drink uses. The policy advises that such a use should only be permitted

provided there is no unacceptable impact on the amenities of surrounding occupiers, considering times of operation, noise, smell or litter.

4.8 In line with the seating areas to each side it is recommended the outside area closes at midnight and that recorded/amplified music is not audible outside the premises. Encouraging persons to use the area and the associated natural surveillance could arguably lead to more responsible behaviour in the area.

HIGHWAY SAFETY

4.9 Only a single row of tables are proposed outside the premises, which would be on the footpath, and leave at least 4m for vehicle and pedestrian access. Little Stonegate is a foot-street where vehicles are restricted through the day. There are bollards located between nos. 1 and 3 which block the road and at the junction with Stonegate.

4.10 Currently in the area outside no.3 there is a break in the tables and chairs on the highway, which allows servicing vehicles to enter this part of the street whilst allowing persons to pass. There is concern persons with mobility problems would not be able to pass were this not the case. As such the applicants have agreed not to put out furniture until the foot street hours apply. Given that servicing predominantly takes place in the morning, and only a few premises are serviced from this area, placing tables and chairs on the highway in the evening would not lead to the highway being blocked.

CRIME AND DISORDER

4.11 Matters of crime and disorder/security are predominantly dealt with through licensing legislation. No objections have been raised by the Police Architectural Liaison Officer.

5.0 CONCLUSION

5.1 By using conditions it can be ensured that the proposals have an acceptable impact, considering the appearance of the conservation area, the amenity of surrounding occupants, and the ability for the highway to continue to be used by all. Approval is recommended.

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 revised plan 211C. The furniture placed on the highway shall be confined to the area shown on the approved plan and no additional tables and chairs to those shown on plan shall be placed on the highway.

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 tables and chairs shall only be placed on the highway between the commencement of foot street hours in the morning (currently 11.00 Monday to Saturday, 10.30 Saturdays and 12.00 Sundays) and 24:00 each day of the week.

Outside of the operating hours, all equipment associated with the use shall be removed from the public highway and the public realm shall be left in a tidy manner (i.e. any litter shall be cleared).

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

4 The only furniture placed outside shall be tables and chairs, and any required means of enclosure to the cafe area. No umbrellas or other furniture shall be used and any replacement furniture shall be agreed in writing by the Local Planning Authority prior to its first use. The enclosure shall only be positioned as shown on the approved drawing and be in accordance with details shown on said plan. Any variation in the enclosure shall be approved in writing by the Local Planning Authority.

Reason: To maintain the appearance of the host building and the character and appearance of this part of the Central Historic Core Conservation Area.

5 There shall be no playing of amplified or recorded music.

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

7.0 INFORMATIVES: Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome: revised plans to make the proposals acceptable and the use of planning conditions.

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 impact on heritage assets, highway safety and amenity. As such the proposal complies with Policies HE2, S6 and S7 of the City of York Development Control Local Plan.

3. INFORMATIVE:

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

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

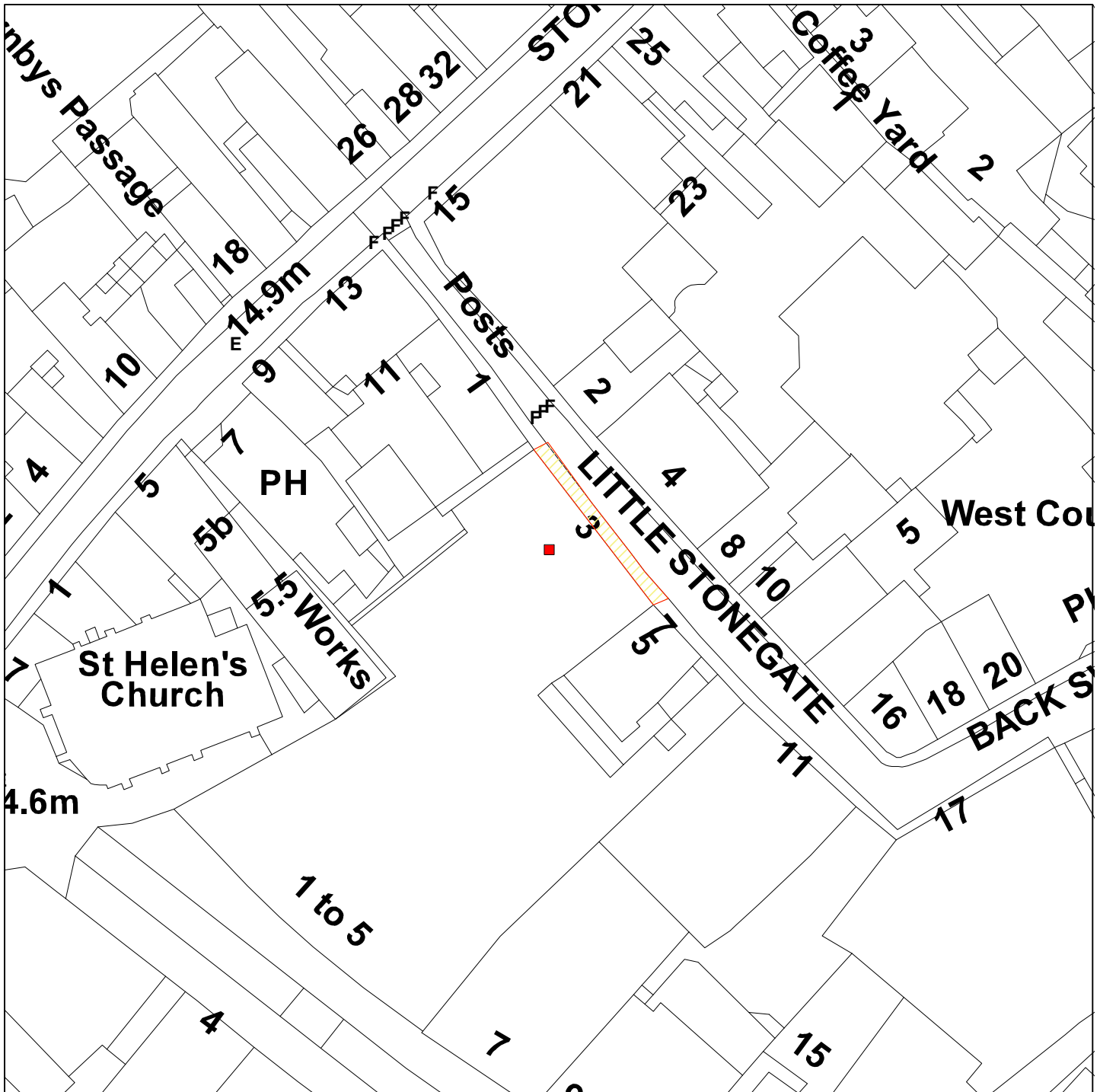
Contact details:

Author: Jonathan Kenyon Development Management Officer

Tel No: 01904 551323

3 Little Stonegate, YO1 8AX

13/00347/FUL



Scale : 1:625

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Organisation	City of York Council
Department	City and Environmental Services
Comments	
Date	05 April 2013
SLA Number	Not Set

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West and City Centre Area Planning Sub Committee	18 April 2013
East Area Planning Sub Committee	11 April 2013
Planning Committee	25 April 2013

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 January to 31st March 2013, 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. For a number of recent years, until the publication of the National Planning Policy Framework in March 2012, appeals performance in York was close to (and usually better than) the national average. The Government announced last year 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 January 2013 to 31st March 2013, for the corresponding period last year, and the full year to 31st March.

Analysis

- 4 The table shows that between 1st January and 31st March 2013, a total of 16 appeals relating to CYC decisions were determined by the Inspectorate. Of those, 6 were allowed. At 37.5%, the rate of appeals is higher than the 33% national annual average. By comparison, for the same period last year, 4 out of 17 appeals were allowed, i.e. 23.53%
- 5 For the full year between 1st April 2012 and 31st March 2013, CYC performance was 43.55% allowed, higher than the previously reported 12 month period of 39.60%
- 6 The summaries of appeals determined since 1st January 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, 2 appeals determined related to applications refused by Committee. Both had been recommended for approval.

Fig 2: Appeals Decided against Refusals by Committee from 1st January 2013

Cttee	Ref No	Site	Proposal	Outcome	Officer Recom.
Centre and West	12/01223/FUL	Vudu Lounge 39 Swinegate	Change of use from restaurant and bar (A3/A4) to bar (A4) retrospective	Allowed with costs	Approve
Centre and West	12/03023/FUL	Bora Bora 5 Swinegate	Extension of opening hours to 02:30 each day	Allowed/ one condition varied	Approve

- 7 The list of current appeals is attached at Annex B. There are 13 appeals lodged with the Planning Inspectorate, 5 in the West and City Centre Sub Committee area and 8 in the East Sub Committee area. 12 are proposed to be dealt with by the Written Representation process (W), and 1 by Public Inquiry (P).
- 8 The much higher percentage of appeals allowed since April 2012 raises certain issues:-

- 9 As previously reported the Council decided a proportion of the related applications prior to the publication of the National Planning Policy Framework. The presumption in favour of sustainable development in the NPPF development (and the interpretation of sustainable development) appears to have been a significant factor in consideration of appeals. In recent months the appeals performance has improved as the use and interpretation of policy and guidance within the NPPF (by both the Council and the Planning Inspectorate) has become more consistent. The performance at 37.5% is moving back towards the previous benchmark figure of 33% allowed.
- 10 Inspectors have continued to highlight 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 The main measures to be continued in response are:-
- i) Officers have continued 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 where significant planning issues are identified with applications, revisions are sought to ensure that they can be recommended for approval, even where some applications then take 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 planning application performance currently remains above the national performance indicators for Major, Minor and Other application categories.
 - ii). Additional scrutiny is being afforded to appeal evidence to ensure arguments are well documented, researched and argued

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

Author:

Jonathan Carr,
Head of Development
Management,
Directorate of City Strategy

**Chief Officer Responsible for the
report:**

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

01904 551303

**Report
Approved**



Date 2nd April
2013

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 January
and 31st March 2013**

Annex B – Outstanding Appeals

Appeal Summaries for Cases Determined 01/01/2013 to 31/03/2013

Application No: 11/02190/FUL
Appeal by: Mr C Forbes Adam
Proposal: Demolition of existing dwelling, erection of replacement dwelling and alterations (including demolition) to domestic outbuildings to form garage, stores and ancillary domestic accommodation
Address: Brick Farm Benjy Lane Wheldrake York YO19 6BH

Decision Level: DEL
Outcome: DISMIS

The appeal application was refused under delegated powers. It related to a site located with York's Green Belt on the outskirts of Wheldrake. The site contains a former farm house, farm buildings and undeveloped land, now disused. The application proposed the replacement of the modest farmhouse with a larger dwelling house and the conversion and alteration of the adjacent former farm buildings to ancillary accommodation. The undeveloped land surrounding the farmhouse and farm buildings was proposed to be private garden. The reasons for refusal were twofold: 1. The proposal was considered to be inappropriate development as the replacement dwelling was materially larger and no very special circumstances were demonstrated to outweigh harm to the Green Belt by reason of inappropriateness and other identified harm being the scale of the property and the domestication of the semi-agricultural area; 2. Loss of bat habitat without sufficient compensation. The Inspector concurred that only the house and the small areas of land immediately associated with it (being an area to the front and a small yard to the rear) had a lawful residential use. He accepted that the site lay within York Green Belt as established by RSS. The Inspector agreed with the green belt reason for refusal, concluding that there were no very special circumstances (including building to passive house standards of energy efficiency) to outweigh the harm identified from inappropriateness and to its openness from the site's character and appearance. He did not accept the second reason for refusal, considering that the mitigation proposals were acceptable as they were recommended by an appropriately qualified specialist. The appeal was dismissed on green belt grounds.

Application No: 11/03096/LBC
Appeal by: Mr Paul Gould
Proposal: 2no. rooflights to front
Address: 22 St Pauls Square York YO24 4BD

Decision Level: DEL

Outcome: DISMIS

Mid terraced residential property part of a curved terrace of 3-storey dwellings. Existing roof currently unpunctuated, though many within the area have either one of two rooflights or dormers. Inspector agreed that the curving of the front terrace presents a strong and generally coherent vernacular period character and appearance which makes a positive contribution to the Conservation Area; and that the size and design of the two proposed rooflights would draw undue attention within the roofscape rather than being discreet. as such they would result in appreciable harm to the significance of the listed building. The harm was not outweighed by other benefits.

Application No: 12/00940/OUT
Appeal by: Mr Ryan Unsworth
Proposal: Erection of two storey dwelling
Address: Proposed Dwelling To The South Of 39 Sandringham Close Haxby York

Decision Level:

Outcome: DISMIS

Outline planning permission was sought for the erection of a 2 storey dwelling on a suburban estate. All matters were reserved except access but an illustrative site analysis plan showed a 2 storey house within the site. The application was refused because the buildings scale, proportions and location, particularly its projection behind the adjacent dwelling, would have had an unacceptable impact on the adjacent occupiers. At the appeal the councils position was that whilst layout, scale and appearance were reserved, the applicant had not demonstrated that a house of the dimensions for which consent was being sought could be built on the site without having an unacceptable impact on the adjacent occupiers. The inspector found that a 2 storey house on the site would have an overbearing effect on the adjacent occupiers. He appreciated that the siting of the building was a reserved matter, but the constraints of the site were such that there was only limited room for manoeuvre. Whilst the appellant stressed that details of the scheme would be the subject of a further submission, that did not obviate the need to establish clearly at the outline stage whether an appropriate scheme could be developed, given the constraints of the site. On the basis of the information before him the inspector was not satisfied that that could be achieved. Nor did he consider that the imposition of conditions could secure a satisfactory scheme. As usual the inspector attached little weight to the local plan, which he referred to as - that unadopted document. Kevin O'Connell 15 March 2013

Application No: 12/01223/FUL
Appeal by: Mrs Pavlou
Proposal: Change of use of upper floors of Nos. 37 and 39 from mixed use restaurant and drinking establishment (Use classes A3/A4), to drinking establishment (Use class A4) (retrospective)
Address: Vudu Lounge 39 Swinegate York YO1 8AZ

Decision Level: CMV
Outcome: ALLOW

The appeal was against 3 conditions (numbered below as per the decision notice) imposed on the application to vary the opening hours(1)The use hereby permitted shall only be open to customers between the following hours; Sunday to Thursday, 1000 - 0100, following day, Friday to Saturday, 1000 - 0300, following day.(2) Temporary planning permission is granted until 13.9.13 for opening to customers between the following hours: Sunday to Thursday, 1000 to 0200, following day. Friday to Saturday, 1000 to 0300, following day. After 13.9.13 the opening hours shall revert to those in condition 1 of this permission unless a further planning permission has been granted.(5) Bottles and glass shall not be placed into bottle bins between the hours of 24.00 hours (midnight) and 08.00 hours on any day.The Inspector contended that with these conditions, the appeal premises will continue to have permission to open well into the night time period by 2 hours Sunday to Thursday and by 4 hours Friday and Saturday, and that this indicated some degree of satisfaction on the Council's part that the use of the premises would not unduly disturb nearby residents. He found it difficult to see what additional harm would result from longer opening hours.The inspector referred to the premises licence, in December 2010, to open until 04.30 every day. Circular 11/95 indicates in para 22 that a condition which duplicates the effect of other controls will normally be unnecessary. He considered that in this case, both the planning and licensing systems appeared to have regard to residential amenity and reliance on the licensing system would not appear to be at odds with the Council's attempt to achieve planning objectives. He therefore allowed the appeal against condition 1 and 2. He also varied the wording of condition 5 to prohibit bottles and glass shall not be placed into bottle bins sited externally of the building between 8.00 and 12.00 on any day.

Application No: 12/01461/FUL
Appeal by: Mr Thackray
Proposal: Two storey rear extension (resubmission)
Address: 72 The Old Village Huntington York YO32 9RB

Decision Level: CMV
Outcome: ALLOW

The appeal related to the refusal of a part two-storey and part single-storey extension on the rear of a terraced property in Huntington conservation area. The Inspector did not consider that any dominance issues, overshadowing, or loss of light to number 74 would justify dismissal of the appeal. He felt that car parking arrangements were satisfactory and that the development would preserve the character of the conservation area.

Application No: 12/01780/ADV
Appeal by: Mr Tomas Svoboda
Proposal: Display of externally illuminated fascia sign, non illuminated hanging sign and internal window sign (retrospective)
Address: Ruby Slipper 92 Main Street Fulford York YO10 4PS

Decision Level: DEL
Outcome: DISMIS

This application sought retrospective consent for the retention of existing signage, including a new fascia with illuminated trough light fitting; window display and projecting sign. The site lies within a small parade of shops of late Victorian origin, and lies within Fulford Conservation Area. The fascia sign is of a shiny modern appearance, which is neither sympathetic to the materials of the building nor the traditional materials currently in place within the immediate vicinity of the site within the Conservation Area. Returning the plastic fascia panel around the side of the projecting bay further compounds the intrusion of the strident yellow colour and shiny finish. The large light fitting adds clutter to the visual appearance of the area. improved design. The amount and scale of the window signs and vinlys are considered to harm the appearance of the shop, undermining the function of a shop window by obstructing any views through, and causing harm to the visual amenity of the Conservation Area. The projecting sign is of modern appearance, and again incorporates modern materials and appears at odds with the traditional appearance of the Conservation Area. The inspector agreed that the extent of signage was excessively strident and of modern appearance which was out of keeping with the character of the area.

Application No: 12/01938/FUL
Appeal by: Miss Sally Cakebread
Proposal: Change of use from dwelling house (Use Class C3) to house in multiple occupation (Use Class C4)
Address: 20 Hartoft Street York YO10 4BN

Decision Level: DEL

Outcome: DISMIS

The appeal related to the refusal of planning permission for a change of use from a dwelling house C3 to a house in multiple occupation HMO C4. The application site comprised of a two bed mid terrace, which proposed to alter the ground floor layout by providing one additional bedroom to the front and a shared communal living area, kitchen and bathroom facilities at the rear of the property. The application was refused because the number of existing houses in multiple occupation within 100 metres of the property already exceeded the 10 percent threshold set out in the draft SPD. The councils figures indicate that 13.1 percent of the homes within 100 metres of the property are HMOs. The Inspector acknowledged that the proposal would create just one additional occupant to the property, however dismissed the appeal on the basis of the already a high concentration of houses in multiple occupation in the locality detracted from its character and contributes to an imbalance in the make up of the local community. The Inspector also dismissed the arguments put forward by the appellant which stated that the thresholds should be set at 15 percent within a 100 metres of the property, due to the existing number of students living in this area. The inspector agreed with the council that the adopted thresholds are considered by the council to be the point at which a community can tip from balanced.

Application No: 12/01945/FUL
Appeal by: Mr Peck
Proposal: Change of use from dwelling house (Use Class C3) to house in multiple occupation (Use Class C4)
Address: 11 Feversham Crescent York YO31 8HQ

Decision Level: DEL

Outcome: ALLOW

The appeal related to the refusal of planning permission for the change of use from a dwelling house to a house in multiple occupation (HMO C4). The appeal is the first to test the SPD approved in April 2012 seeking to control the concentration of houses in multiple occupation. Within 100m of the property 15 percent of homes are calculated to be HMOs. The threshold set out in the SPD is 10 percent. Policy 5.7 of the document states that changes of use from a dwelling house to a HMO will not be permitted when the numerical threshold is breached. This is because the concentration of HMOs is considered to have negative implications on, for example parking, maintenance, noise and general community cohesion. The Inspector allowed the appeal. He stated that the approach in the SPD must be applied with a degree of flexibility and pragmatism. He stated that because of its design (a large terraced property with very small front garden) and location (close to the city centre, hospital and busy Wigginton Road) the impact of the specific proposal would not be unduly harmful. He felt that the street did not appear unkempt. He noted the objections of neighbours, however, considered that the local context was such that there was no cogent evidence that the proposal would unacceptably harm the character and appearance of the surrounding area. The Inspector included a condition requiring a management plan. The decision is significant as it seems to imply that where a change of use to a HMO would breach a threshold it would not necessarily justify refusal on cross city arguments relating to the need for balanced communities. Before refusing a proposal regard should presumably be given to whether there would be any significant identifiable harm to the particular location. Clearly this creates some uncertainty in respect to the consistent interpretation of the percentage based SPD.

Application No: 12/02230/FUL
Appeal by: Individual Restaurant Company
Proposal: Replacement shop front
Address: 18 Bridge Street York YO1 6DA

Decision Level: DEL

Outcome: DISMIS

The development proposed was for a replacement shop front with bi folding glazed door system. It involved the removal of the present curved glass fronts of Art Deco style that sit on low granite stall risers which are a particular feature of the existing frontage. It is likely that they are in part modern replacements but they are specifically referred to within the 1997 listing description and they contribute to the overall architectural interest of this heritage asset. The inspector concluded the use of folding doors would result, when open, in the creation of an expanse of void which would appear ill at ease and odd within the context of the grander statement provided by the building's frontage to Bridge Street. Any commercial benefit that this might bring was not felt to outweigh the harm to the significance of this listed building, and was therefore contrary to the NPPF. The alterations were also considered to diminish the appearance and character of the conservation area, again contrary to the NPPF and also local plan polices (although limited weight was afforded to these non statutory polices).

Application No: 12/02231/LBC
Appeal by: Individual Restaurant Company
Proposal: Replacement shop front
Address: 18 Bridge Street York YO1 6DA

Decision Level: DEL

Outcome: DISMIS

This listed building consent application accompanied the planning application for the alterations, and the inspector dealt with both appeals in the same decision letter . Therefore please see the summary for the planning application 12/02230/FUL.

Application No: 12/02255/FUL
Appeal by: Mr Peter Dransfield
Proposal: Rooflight to front and 2no. dormers to rear
Address: 74 The Village Haxby York YO32 2HY

Decision Level: DEL

Outcome: DISMIS

The Planning Inspector considered that the terrace contributes very positively to the Conservation Area. This is particular the case for the street frontage. Although the Inspector acknowledged that the roof lights could be inserted under permitted development so no further reference was made to the frontage. The Inspector agreed with the Planning Authority and considered that the pair of dormers in the altered roof would look disproportionately large within the rear elevation, resulting in a cluttered, top heavy and unbalanced appearance which would be incompatible with the host building and detrimental to the Conservation area.

Application No: 12/02300/FUL
Appeal by: Sullivan Student Properties Ltd
Proposal: 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)
Address: 9 Green Dykes Lane York YO10 3HB

Decision Level: DEL

Outcome: ALLOW

Planning permission was sought for the change of use of 9 Green Dykes Lane from a small house in multiple occupation (Use Class C4) to a large house in multiple occupation with a two storey side and single storey rear extension and loft conversion creating 8 bedrooms. The site lies directly to the north of the University in an area of particular pressure in terms of houses being converted into HMOs. The property in question retained its domestic appearance with a well maintained rear garden. The proposal was to erect a substantial side and rear extension, which it was felt would substantially erode the domestic character of the site and add to the cumulative impact of the other similar conversions which have taken place in the surrounding area thereby altering its character. At the same time concern was felt that the effect of the proposed extension would be to reduce the level of on-site amenity space below an acceptable level. The application was refused accordingly and the applicant appealed.

Application No: 12/02640/FUL
Appeal by: Ruth And Nelson McConnell
Proposal: Single storey extensions to rear
Address: 15 Norfolk Street York YO23 1JY

Decision Level: DEL

Outcome: DISMIS

Permission was sought for a 4.8m long single storey infill extension to the rear of this mid-terrace dwelling along the common boundary with 17 Norfolk Street. Due to the street's incline the host dwelling is situated approx. 1.2m above No. 17. It was considered that the proposed extension, by virtue of its length, relative height and proximity to the boundary would appear as an unduly dominant and overbearing feature to the detriment of the amenity and outlook of neighbouring residents. The inspector stated that the impact on the living conditions of those using the kitchen at No. 17 would be significant as there would be a perception of being hemmed in, with the raised building height along the boundary leading to an oppressive and overbearing atmosphere. He concluded that this impact would be unacceptably harmful and un-neighbourly.

Application No: 12/02664/FUL
Appeal by: Mr & Mrs Simpson
Proposal: Use of former MOD land for the siting of 6 Yurts (Mongolian style canvas buildings with decking) for use as holiday accommodation and erection of timber reception building incorporating site office and showers together with associated access from Wheldrake Lane
Address: Moor Closes Elvington Park Elvington York

Decision Level: DEL

Outcome: DISMIS

The Inspector agreed that the proposed yurts, accommodation building and associated access road were inappropriate development in the Green Belt. The Inspector stated that the reception block would not significantly harm the openness of the Green Belt because it was replacing a building of similar size, however the 6 yurts and the timber decking around would reduce openness. It was also considered that the introduction of an access road across green fields would harm openness. The access road was considered to be more visually intrusive than the proposed yurts due to the existing landscaping around the proposed yurt site. There were no very special circumstances which overcame the presumption against inappropriate development in the Green Belt. The Inspector likened the proposed yurts to static caravans due to their level of permanence. The Inspector acknowledged that such developments and uses were discouraged under Policy V5 of the Development Control Local Plan. The Inspector agreed with the Council about concerns that this development would be reliant on the private car due to the sites isolation from the settlement limit of Elvington and the long and difficult access arrangements from the site. 'The long and tortuous route to the village facilities via the proposed access would not encourage walking and the likelihood is that virtually all trips would be undertaken by car. The length of the proposed access would also conflict with criterion e) of Policy V5, which requires sites to be readily accessible by public transport.' It was stated that the nature of the access would discourage integration with the village. The appeal was dismissed.

Application No: 12/03023/FUL
Appeal by: Mr Bora Akgul
Proposal: Variation of condition 3 of planning permission
12/01249/FUL to extend opening hours until 02:30 every day
Address: Bora Bora 5 Swinegate Court East Grape Lane York YO1
8AJ
Decision Level: COMM
Outcome: ALLOW

see L Drive for Cost decisionSummaryAppeal related to the operating hours of Bora Bora, which is located in Swinegate Court East. The premises wished to operate until 03.00, rather than midnight, as imposed by the Planning Committee. The site had a premises licence which allowed them to trade until 03.00 which imposed conditions in the interests of residential amenity (such as no amplified music audible outside the site). Ten complaints had been received by Environmental Protection Unit regarding Bora Bora & Lucia's (which is next adjacent) since they began trading after midnight. However E P U advised none of the complaints were justified (i.e. E P U did not observe a statutory nuisance) and did not object to the planning application. The inspector considered that as the appeal site is in an area with a high concentration of late night drinking establishments, a number of which are unencumbered by planning conditions regulating their opening hours; they are regulated solely by the licensing regime. In such a situation, the imposition of planning conditions to control the opening hours of some, but not all, of these premises would appear to be of limited effectiveness. The inspector granted costs to the appellants. The decision confirms that decisions/use of conditions must be backed by demonstrable evidence that they are relevant and necessary. In this case there is already late night activity due to existing bars. It is not adequate to apply the logic that more bars = more disturbance - this must be backed by clear evidence!

Application No: 12/03138/FUL
Appeal by: Mr P Brown
Proposal: Single storey rear extension with replacement attached garage to side (resubmission)
Address: 29 Sandringham Close Haxby York YO32 3GL

Decision Level: CMV
Outcome: ALLOW

The previous application was refused at committee, against officer recommendation, and the subsequent appeal dismissed. The Inspector considered the side extension would over-dominate the neighbouring property and result in loss of light. This revised application sought to address the reasons for refusal, by introducing a hip roof design instead of a gable, reducing the eaves height, and setting the extension away from the shared boundary by 500mm. The revised application was also refused at committee, against officer recommendation, on the grounds of loss of light and over-domination. At appeal the Inspector cited the three salient revisions set out above, and considered they were sufficient to allow the appeal.

Decision Level:	Outcome:
DEL = Delegated Decision	ALLOW = Appeal Allowed
COMM = Sub-Committee Decision	DISMIS = Appeal Dismissed
COMP = Main Committee Decision	PAD = Appeal part dismissed/part allowed

Outstanding appeals

Officer: Andy Blain						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
05/10/2011	11/00044/EN	APP/C2741/F/11/2160562	W	91 Micklegate York YO1 6LE	Appeal against Enforcement Notice	
Officer: Erik Matthews						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
27/11/2012	12/00066/NON	APP/02741/A/12/2187812	W	The Market Garden Eastfield Lane Dunnington	Agricultural building	
Officer: Fiona Mackay						Total number of appeals: 2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
15/10/2012	12/00059/REF	APP/C2741/E/12/2184740	W	Railway Station Road York	Replace existing advertising posters with 2 no. digital advertising units in the outer concourse	
14/01/2013	13/00004/REF	APP/C2741/H/13/2189963	W	Multyork Furniture Ltd 15 Piccadilly York YO1 9PB	Display of internally illuminated fascia sign and externally illuminated hanging sign	
Officer: Kevin O'Connell						Total number of appeals: 1
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	
Officer: Matthew Parkinson						Total number of appeals: 4
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	
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	
28/02/2013	13/00008/EN	APP/C2741/C/13/2193156	W	Flat C 2 Marlborough Grove York YO10 4AY	Appeal against Enforcement Notice Dormer to rear see 13/00007/EN	
25/02/2013	13/00007/EN	APP/C2741/C/13/2193157	W	Flat C 2 Marlborough Grove York YO10 4AY	Appeal against Enforcement Notice dated 15 January 2013	

Officer:	Neil Massey					Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
11/02/2013	13/00006/REF	APP/C2741/A/13/2191992	W	224 Melrosegate York YO10 3SW	Change of use from dwelling house (Use Class C3) to 7 bedroom house in multiple occupation		
Officer:	Rachel Tyas					Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
05/02/2013	13/00005/CON	APP/C2741/A/13/2192153	W	Lucia Bar And Grill 9 - 13 Swinegate Court East	Change of use to mixed use ground floor restaurant and first floor bar (retrospective)		
Officer:	Tim Goodall					Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
15/03/2013	13/00009/EN	APP/C2741/C/13/2194657	W	87 Newland Park Drive York YO10 3HR	Appeal against Enforcement Notice dated 6 February 2013		
Officer:	Victoria Bell					Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
21/01/2013	13/00003/NON	APP/C2741/A/13/2190980	W	Holly Corner 52 North Lane Haxby York YO32 3JP	Erection of 3no. two-storey houses		
Total number of appeals:						13	



West & City Centre Area Planning Sub-Committee

18 April 2013

Report of the Director of City Strategy

Enforcement Cases - Update

Summary

1. The purpose of this report is to provide Members with a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by this Sub-Committee.

Background

2. Members have received reports on the number of outstanding enforcement cases within the Sub-Committee area, on a quarterly basis, since July 1998, this report continues this process.
3. Some of these cases have been brought forward as the result of information supplied by residents and local organisations, and therefore "The annexes to this report are marked as exempt under Paragraph 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, as this information, if disclosed to the public, would reveal that the Authority proposes to give, under any enactment a notice under or by virtue of which requirements are imposed on a person, or that the Authority proposes to make an order or direction under any enactment".
4. In order to give Members an up to date report, the schedules attached have been prepared on the very latest day that they could be to be included in this report on this agenda.
5. Section 106 agreements are monitored by the Enforcement Team. A system has been set up to enable officers to monitor payments required under the agreement.

Current Position

6. 40 new cases were received for this area within the last 3 months. 54 cases were closed and 174 remain outstanding. There are 82 Section 106 Agreement monitoring cases outstanding for this area after the closure of 12 in the last 3 months. A total of £265,856.75 required as financial contributions as part of signed S106 agreements attached to approved developments in the West and Centre area has been received in the last quarter.
7. 2 Enforcement Notices have been served in this quarter in the West area and there are 2 further notices awaiting service. We currently have 1 on-going appeal against an Enforcement notice.

Consultation

8. This is an information report for Members and therefore no consultation has taken place regarding the contents of the report.

Options

This is an information report for Members and therefore no specific options are provided to Members regarding the content of the report.

9. The Council Plan 2011-2015

The Council priorities for Building strong Communities and Protecting the Environment are relevant to the Planning Enforcement function. In particular enhancing the public realm by helping to maintain and improve the quality of York's streets and public spaces is an important part of the overall Development Management function, of which planning enforcement is part of.

10. Implications

- **Financial** - *None*
- **Human Resources (HR)** - *None*
- **Equalities** - *None*
- **Legal** - *None*

- **Crime and Disorder** - *None*
- **Information Technology (IT)** - *None*
- **Property** - *None*
- **Other** - *None*

11. **Risk Management**

There are no known risks.

12. **Recommendations**

That Members note the content of the report. Officers do try to update the individual reports on cases when necessary but it is not always possible to keep up with these straight away. Therefore if Members have any additional queries or questions about cases on this enforcement report then please e-mail or telephone Andy Blain or Matthew Parkinson by 5pm on Wednesday 17th April. Please note that the cases are now presented in Parish order so hopefully this will make it easier for members to reference cases in their respective areas.

Also, if Members identify any cases which they consider are not now expedient to pursue and / or they consider could now be closed, giving reasons, then if they could advise officers either at the meeting or in writing, then that would be very helpful in reducing the number of outstanding cases.

Reason: To update Members on the number of outstanding enforcement cases within the Sub-Committees area.

Contact Details

Author:

Matthew Parkinson,
Planning Enforcement
Team Leader & Andy Blain.
Tel No. 551657/551314

Chief Officer Responsible for the report:

Michael Slater

Assistant Director (Planning and Sustainable Development, City and Environmental Services).

**Report
Approved**



Date 08/04/2013

Specialist Implications Officer(s)
None

Wards Affected: *All Wards in the West and City Centre area*



For further information please contact the authors of this report

Annexes

Annex A - Enforcement Cases – Update (Confidential)

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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