



## Notice of meeting of

### **West & City Centre Area Planning Sub-Committee**

**To:** Councillors Watson (Chair), Gillies (Vice-Chair), Crisp, Galvin, Gunnell, Jeffries, Orrell, Reid and Semlyen

**Date:** Wednesday, 7 December 2011

**Time:** 3.00 pm

**Venue:** The Guildhall, York

### **AGENDA**

**Site visits for this meeting will commence at 11.00am on Tuesday 6 December 2011 at Memorial Gardens.**

#### **1. Declarations of Interest**

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

#### **2. Minutes (Pages 5 - 16)**

To approve and sign the minutes of the meeting of the West & City Centre Area Planning Sub-Committee held on Thursday 17 November 2011.

#### **3. Public Participation**

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by 5pm the working day before the meeting, in this case **5pm on Tuesday 6 December 2011**. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

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

#### **4. Plans List**

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

- a) 47 Hunters Way, York, YO24 1JL (11/02819/FUL) (Pages 17 - 22)**

Single storey side and rear extension.

*[Dringhouses and Woodthorpe Ward]*

- b) Artful Dodger 47 - 51 Micklegate York YO1 6LJ (10/00965/LBC) (Pages 23 - 28)**

Replacement lighting to front. *[Micklegate Ward] [Site Visit]*

- c) Artful Dodger 47 - 51 Micklegate York YO1 6LJ (10/00966/LBC) (Pages 29 - 36)**

Internal alterations at ground and first floor levels including installation of new staircase from rear bar area. Replacement windows to rear. *[Micklegate Ward] [Site Visit]*

- d) Plot 6 Great North Way Nether Poppleton York (11/02318/FULM) (Pages 37 - 54)**

Erection of 3 storey 64 bed care home for older people. *[Rural West York Ward] [Site Visit]*

#### **5. 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](mailto:catherine.clarke@york.gov.uk) and [louise.cook@york.gov.uk](mailto: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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**WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE**

**SITE VISITS**

**Tuesday 6 December 2011**

**Members of the sub-committee to meet at  
Memorial Gardens at 11.00am**

<b>TIME</b> <b>(Approx)</b>	<b>SITE</b>	<b>ITEM</b>
11.15	Plot 6, Great North Way, Nether Poppleton	4d
12.00	Artful Dodger, 47 - 51 Micklegate	4b & c

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City of York Council

Committee Minutes

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MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	17 NOVEMBER 2011
PRESENT	COUNCILLORS WATSON (CHAIR), GILLIES (VICE-CHAIR), GALVIN, JEFFRIES, ORRELL, REID, SEMLYEN, WILLIAMS (AS A SUBSTITUTE FOR CLLR CRISP) AND RICHES (AS A SUBSTITUTE FOR CLLR GUNNELL)
APOLOGIES	COUNCILLORS CRISP AND GUNNELL

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**25. INSPECTION OF SITES**

The following sites were inspected before the meeting.

Site	Attended by	Reason for Visit
Town Farmhouse, 25 Church Lane	Councillors Galvin, Gillies, Jeffries, Reid, Semlyen and Watson.	To familiarise Members with the site at the request of Cllr Gillies.
Castle Museum	Councillors Gillies, Jeffries, Reid, Semlyen and Watson.	To familiarise Members with the site at the request of Cllr Watson.
34 Picadilly	Councillors Galvin, Gillies, Jeffries, Reid, Semlyen and Watson.	To familiarise Members with the site at the request of Cllr Watson.
York City Art Gallery	Councillors Gillies, Jeffries, Reid, Semlyen and Watson.	To familiarise Members with the site at the request of Cllr Watson.

**26. DECLARATIONS OF INTEREST**

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

Councillor Galvin declared a personal and prejudicial interest in plans items 4a (Castle Museum), b and c (York City Art Gallery) as his son-in-law was in an employment dispute with York Museums Trust which was due to be settled by an employment tribunal. He left the room for these items and took no part in the debate or vote on these applications.

Councillors Galvin, Gilles, Orrell, Reid and Watson declared a personal non prejudicial interest in plans item 4e (Town Farmhouse, 25 Church Lane) as they knew one of the speakers who was a former Councillor.

## 27. MINUTES

RESOLVED: That the minutes of the last meeting of the West and City Centre Planning Sub Committee held on 20 October 2011 be approved and signed by the chair as a correct record subject to:

- i) the resolution for Minute 22c (Cygnet Inn, Cygnet Street) being amended to read *“That the application be approved and that delegation be given to officers to agree the necessary conditions”*
- ii) in respect of Minute 22d (134 Boroughbridge Road), an additional paragraph being inserted before the resolution to state that *“A Member raised concerns about the potential for litter outside the fish and chip shop and officers advised that this could be covered by a condition.”*

## 28. PUBLIC PARTICIPATION

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

**29. 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.

**29a Castle Museum, The Castle, York, YO1 9RY (11/02267/FUL)**

Members considered a full application from Mr Martin Watts for alterations to land between York castle walls, the River Foss and Tower Street including new paths, steps and lighting.

The agent had registered to speak at the meeting but having attended the site visit, advised Members that he no longer felt the need to speak on the application. He thanked officers for the way they had dealt with the application and offered to answer any questions Members may have. He responded to a query from a Member regarding control of geese.

**RESOLVED:** That the 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 special interests of the listed building, the conservation area, the scheduled ancient monument, archaeology, bio-diversity, flooding. As such, the proposal complies with Policies HE2, HE4 HE9, HE10, GP9, GP15, NE1, NE2, NE7 NE8 of the City of York Development Control Local Plan ( 2005) ; and national planning guidance contained in Planning Policy Statements 1 "Delivering Sustainable Development," 5 "Planning for the Historic Environment" and 25 " Development and Flood Risk."

**29b York City Art Gallery, Exhibition Square, York, YO1 2EW  
(11/02175/FUL)**

Members considered a full application from Mr Michael Woodward for new landscaping and access to the York Art Gallery site from the Museum Gardens and demolition of hutment buildings.

Officers advised that condition 4 should be amended to require details of the hard standing by the two beech trees to be submitted so as to avoid damage to the roots and also to require replacement gates to the Marygate entrance to the Museum Gardens.

An email from "York Stories" raising concerns over the loss of the huts had been circulated to Members prior to the meeting. A copy of this email was shown to representatives of the York Museums Trust who were in attendance for their information at the suggestion of Members.

Representations were received from the agent acting on behalf of the University of York, occupants of Kings Manor. She noted that the proposals would open up the back of the art gallery for the first time. She asked that Members consider adding a condition to require the applicant to provide a higher boundary (in keeping with character of the area) to ensure the security of the Kings Manor grounds.

Officers stated that they did not believe that the proposals would impact negatively on the security of the university. However if Members felt that a fence was required for security reasons, they would ask that delegation be given to officers to agree the details of the fence and approve the application.

The applicant acknowledged concerns regarding security at the back of the university's buildings and advised Members that he had no objection to a fence being erected, as long as this was of a temporary nature, and was happy to accept a condition to this effect with the agreement of the university in order to allay fears.

Members discussed the practicalities of such as fence and questioned who owned the wall and who would be liable for the costs of erecting a fence. As it was not clear at this point in time whether the university's concerns over security would materialise, Members agreed that a condition should not be

imposed on the application but that if security became a concern in the future, it could be dealt with at a later date, either by the erection of a fence or use of security controls or CCTV.

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

Amended Condition 4

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

- a) Entrance to museum gardens to include ramp, steps, and gate.
- b) New entrance to Marygate to include gates and new edging.
- c) Dwarf wall around meeting space behind gallery and details of foundations/construction, the latter to avoid any damage to roots of the adjacent Beech trees.

Reason: To manage the impact/appearance of heritage assets

REASON: The proposal, subject to the conditions listed in the report and the amended condition above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on heritage assets and crime and disorder. As such the proposal complies with Policies GP4, HE2, HE3 HE5 and HE9 of the City of York Development Control Local Plan.

**29c York City Art Gallery, Exhibition Square, York, YO1 2EW (11/02172/CAC)**

Members considered an application for conservation area consent from Mr Michael Woodward for the demolition of hutment buildings at the rear of the art gallery.

**RESOLVED:** That the 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 character and appearance of the conservation area. As such the proposal complies with Policy HE5 of the City of York Development Control Local Plan.

**29d British Heart Foundation, 34 Piccadilly, York, YO1 9NX (11/01437/FUL)**

Members considered a full application from Mr Martin Burgess for the conversion of the first and part of the ground floor to create nine flats.

Officers advised the Committee that the following comments had been received from the applicant's agent O'Neills.

- Application relates to change of use of an existing building which the external changes have been approved. Tesco to open on 9.12. As such there will be no additional inhibition to Castle Piccadilly development.
- The timescale for Castle Piccadilly is unknown, and potentially compromised by developments at Monks Cross
- The applicants would be willing to work with Centros in the Castle Piccadilly scheme, regardless of the future of the building.
- It is suggested the development be approved subject to a legal agreement which would keep the dwellings in single ownership and the flats would only be let on a short term basis.
- Development is sustainable and should be approved.

Officers informed the Committee that the following comments had been submitted from Jones Lang Lasalle (on behalf of developers of Castle Piccadilly) in objection to the application.

- Support officer's recommendation
- Comprehensive development of site is of significant importance to future of York centre. York's LDF evidence base advises that if the city does not enhance its retail offer there is a risk the share of expenditure will decline

having a harmful impact on the vitality and viability of the area.

- Piecemeal proposals such as the proposal could seriously prejudice the comprehensive regeneration of Castle Piccadilly, which is of strategic importance to York in terms of reversing its declining market share.

Representations in support of the application were received from a city centre resident, who also owned and occupied premises in Castlegate and worked as a chartered surveyor in the property market. He made the following points.

- Proposals would bring life back into a dormant building which had been an eyesore for a long time.
- Tesco were due to move into the ground floor at the start of December.
- First floor currently had permission for office lets, but due to downturn in property market, these units were not let.
- Apart from the rented residential sector, the market was stagnant therefore first floor offices likely to remain vacant for the foreseeable future.

Representations were also received from the agent in support of the application. She circulated a montage including photographs of the building and an aerial photo the position of the site within the Castle Piccadilly opportunity area, for the benefit of those members who had not been able to attend the site visit. She made the following points:

- the proposal does not inhibit the Castle Piccadilly development due to the low cost involved in buying out the flats if needed.
- Tesco have been offered a twenty year lease for the ground floor.
- This scheme would not prevent the masterplan for the Coppergate extension which could still go ahead but the process is lengthy and will take years if it does go ahead. Also need to take account of the recession.
- Client has offered to keep the flats in single ownership and let them on short term leases.
- Several letters of support received – only one in objection.

Members expressed their support for future plans for the Castle Piccadilly area and noted officers' arguments against the proposals due to the site being an important part of the Castle Piccadilly development and key to ensuring the development succeeds.

However they agreed that it was unfair that the owner of the property had suffered planning blight for so long as a result of future plans for the area and acknowledged that he had stated that he was willing to work with Centros on the future of area. They noted that they were not dealing with a completely empty property and that Tesco now had a 20 year lease for the ground floor of the property.

They stressed that if the application was approved, it was important to ensure the offer made by the owner to keep the flats in single ownership and let on short term leases was legally enforced, and a legal agreement entered into to cover this. With the inclusion of the legal agreement, they agreed that the proposals should not inhibit the long term plans for the Castle Piccadilly development.

RESOLVED: That the application be approved subject to the prior completion of a legal agreement to ensure that the flats were retained in single ownership and delegation be given to officers to agree the necessary conditions.

REASON:  
FOR

APPROVAL: The proposal, subject to the prior completion of a legal agreement including an obligation to place a restriction on the legal title preventing the sale of individual flats, so that they remain in single ownership, would not be contrary to policy SP9 e) of the Development Control Local Plan which states that planning permission will not be granted for any development which could prejudice the implementation of the comprehensive redevelopment of the Castle/Piccadilly Action Area.

The proposal would also comply with Policies GP15, L1c, ED4, H3, H4, H11 and HE3 of the City of York Council Development Control Local Plan (2005) in respect of flood risk, the provision of new open space in developments, developer contributions towards educational facilities, the conversion of upper floors to



housing and the impact of the development on local amenity and the character and appearance of the conservation area.

**29e Town Farmhouse, 25 Church Lane, Nether Poppleton, York, YO26 6LF (11/01736/FUL)**

Members considered a full application from Mr Robin Garland for the erection of one dwelling and garage building in the garden of 25 Church Lane with associated access following the demolition of the garage at 11 Poppleton Hall Gardens (resubmission).

Officers advised that the Conservation Area Advisory Panel had submitted further objections and three further letters had been received from neighbours in support of the officer's recommendation to refuse the scheme. Their objections included:

- Detracts from verdant character, covenant, inappropriate backland development and poor design.
- There is a covenant (from when the land was sold by north yorks Council in 1979) that only one house may be on the application site.
- Highway safety concerns.

Representations were also received from a local resident who spoke on behalf of immediate neighbours in objection to the application. He circulated a plan of the site, an aerial view of the surrounding area and a photograph of part of Poppleton Hall Gardens for the benefit of Members. He raised the following points:

- Proposals are detrimental to the character and appearance of the area.
- Contrary to 5 out of 9 policies in GP1.
- Contrary to majority of the 10 policies in the Village Design Statement, including its proximity to an ancient monument.
- Does not protect conservation area.
- Immediate neighbours would be overlooked by new property
- Existing long gardens have become wildlife havens.
- Concerns over highway safety – would exacerbate problems on the narrow cul-de-sac

- Loss of amenity for 11 Poppleton Hall Gardens due to creation of parking space in front of living room window.
- Policy GP10 states you may choose to sub divide gardens as long as it is not detrimental – this would be detrimental

Representations were also received from a parish councillor on behalf of Nether Poppleton Parish Council in objection to the scheme. He advised Members that he supported the officer's recommendation to refuse the application stating:

- Members of parish council had discussed the application at their meeting and agreed that it does not protect or enhance the conservation area.
- A covenant exists which should protect the land from further development.
- There is already congestion in Poppleton Hall Gardens, due to width of road. If cars are parked on the road at all, it makes traffic movements very difficult.
- Children play in cul-de-sac raising concerns over their safety.

Members acknowledged concerns over highway safety which had been raised by the speakers but noted that highways network management had not objected to the scheme. However they agreed that the proposals would be detrimental to the character and appearance of the conservation area.

**RESOLVED:** That the application be refused.

**REASON:** The proposed development, because of its location, the scale of the proposed house, the amount of associated development (ancillary building and vehicle parking and turning areas) and removal of existing landscaping would have an urbanising effect.

The application site is in part of the Nether Poppleton Conservation Area which is characterised by its green/open character, on the periphery of the settlement where the distinctive historic character is retained by the remaining historic plots with gardens that lead down to the river and the presence of the Scheduled Ancient Monument to the east.

The scheme would not preserve or enhance the distinctive character of the area, contrary to PPS1 and Local Plan policies GP1 and GP10, and there would be harm to the character and appearance of the Nether Poppleton Conservation Area, contrary to PPS5, Local Plan policies HE2 and HE3 and the policies within the Poppleton Village Design Statement.

Councillor Watson, Chair

[The meeting started at 3.00 pm and finished at 4.45 pm].

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Dringhouses/Woodthorpe Planning Panel - No objection

Response to neighbour consultation letters which expired on 21.11.11. - None received up to date of writing

## **4.0 APPRAISAL**

### **4.1 KEY ISSUES**

- Visual impact on the dwelling and surrounding area;
- Impact on neighbouring properties

4.2 The relevant development plan is The City of York Council Draft Deposit Local Plan, which was placed on Deposit in 1998. Reflecting points made, two later sets of pre inquiry changes (PICs) were published in 1999. The Public Local Inquiry started in 1999 but was suspended by the Inspector for further work to be done on the Green Belt. A Third Set of Changes addressing this further work was placed on deposit in 2003. Subsequently a fourth set of changes have been drafted and approved by Full Council on 12th April 2005 for the purpose of making Development Control Decisions, on the advice of the Government Office for Yorkshire and the Humber.

4.4 DRAFT LOCAL PLAN POLICY CYH7 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.

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

4.6 Supplementary Planning Guidance 'A Guide to Extensions and Alterations to Private Dwelling Houses' March 2001 states that (1.12) Good design and a scale of development that respects the original dwelling and established pattern of

development are essential to making a quality extension. An extension in the style of the existing dwelling is likely to be the most acceptable.

## ASSESSMENT

4.7 The design of the proposed extension, when viewed from the highway to the front, is considered appropriate. The width of the garage along with the eaves and total height is relatively modest, and a gap of approx. 1m to the common boundary with No. 45 Hunters Way would remain to give external access to the rear of the dwelling. Hedging along this common boundary will partially screen the extension. The hipped design of the roof also minimises the visual mass of the structure, and matching materials and fenestration are proposed. Ample amenity space will still be available with the rear garden; and sufficient car and cycle parking provision will be retained, although a condition is recommended to secure the use of a non-protruding garage door, to ensure any car parked on driveway will not overhang the highway. Many other similar side extensions are in place within the vicinity of the host site. Taking all of the above into account, it is not considered the proposal will harm the character or appearance of the dwelling nor surrounding area.

4.8 The proposed extension will project approx. 3 metres to the rear and no windows are proposed within the side elevations, and again taking into account the relatively modest height proposed and matching materials along with the good sized of the neighbouring garden at No. 49 Hunters Way, it is not considered that these residents will suffer any significant undue loss of amenity further to loss of light/overshadowing, loss of outlook or loss of privacy.

4.9 The other neighbouring dwelling at No. 45 Hunters Way already has a single storey side extension in place, which is higher than that proposed at the host, and is set slightly off the side boundary. The proposed extension will not project as far to the rear as this neighbouring extension. One small window is sited within the side elevation of this neighbouring structure, however, taking into account the proposed extension will be set 1 metre off this common boundary, that the proposed extension does not project as far back as this neighbouring side element, and again, the relatively modest height proposed, and hipped design of the roof, it is not considered any significant loss of outlook or light will occur.

## 5.0 CONCLUSION

5.1 It is considered that the proposal will not harm the living conditions of nearby neighbours or the appearance of the dwelling within the surrounding area. Approval is recommended.

## 6.0 RECOMMENDATION: Householder Approval

- 1 TIME2 Development start within three years -
- 2 VISQ1 Matching materials -
- 3 PLANS1 Approved plans - Drawing no. 11027 02 received on 21.10.2011
- 4 HWAY30 Non-protruding garage doors -

## **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 residential amenity of neighbours and the impact upon the streetscene. As such the proposal complies with Policies H7 and GP1 of the City of York Development Control Local Plan and City of York Supplementary Planning Guidance to Householders (Approved March 2001)

#### **Contact details:**

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**Tel No:** 01904 552405

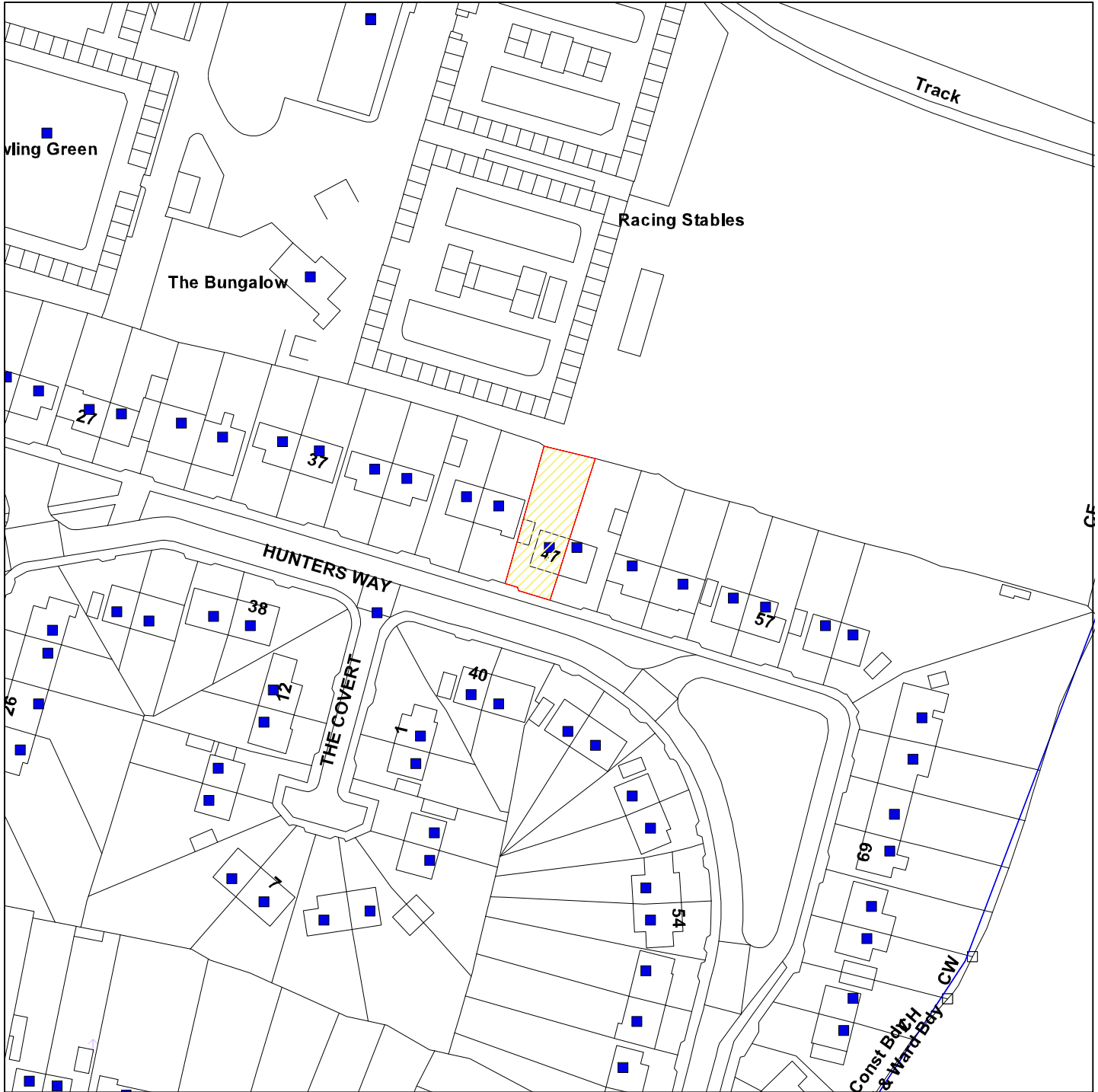


# 47 Hunters Way

11/02819/FUL



GIS by ESRI (UK)



Scale : 1:1250

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	
<b>Date</b>	21 November 2011
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 7 December 2011      **Ward:** Micklegate  
**Team:** West/Centre Area      **Parish:** Micklegate Planning Panel

**Reference:** 10/00965/LBC  
**Application at:** Artful Dodger 47 - 51 Micklegate York YO1 6LJ  
**For:** Replacement lighting to front  
**By:** Mr Marc Allinson  
**Application Type:** Listed Building Consent  
**Target Date:** 24 June 2010  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The Artful Dodger 47-51 Micklegate comprises a Grade II Listed 3 1/2 storey brick built Mid Victorian terraced property currently in use as a public house. It lies in a prominent location within the Historic Core Conservation Area and is adjacent to one of the principal approaches to the City Centre. Listed Building Consent is currently sought for erection of replacement external lighting to the main Micklegate elevation of the property. Consent has previously been refused in respect of a retrospective application for retention of the existing lighting at the property in October 2009 ref:- 09/01524/LBC. The current scheme has been amended to address concerns previously expressed in terms of its impact upon the elevational treatment of the property.

1.2 The proposal has been called in for consideration by the West and Centre Development Control Sub-Committee by Councillor Brian Watson to secure a consistent treatment with previous proposals at the site.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

Listed Buildings GMS Constraints: Grade 2; 47 Micklegate York YO1 1LJ 0186

Listed Buildings GMS Constraints: Grade 2 Star; 53 Micklegate York YO1 1LJ 0183

Listed Buildings GMS Constraints: Grade 2; 49 Micklegate York YO1 1LJ 0185

Listed Buildings GMS Constraints: Grade 2; 2 St Martins Lane York YO1 1LN 0188

Application Reference Number: 10/00965/LBC

Item No: 4b

## 2.2 Policies:

CYHE2 Development in historic locations

CYHE3 Conservation Areas

CYHE4 Listed Buildings

## 3.0 CONSULTATIONS

### INTERNAL:-

3.1 Design, Conservation and Sustainable Development raise no objection to the scheme as revised.

### EXTERNAL:-

3.2 Micklegate Planning Panel were consulted in respect of the proposal on 14th May 2010. No response has been forthcoming.

## 4.0 APPRAISAL

### KEY CONSIDERATIONS:-

#### 4.1 KEY CONSIDERATIONS INCLUDE:-

\* Impact upon the historic character and integrity of the Listed Building.

### IMPACT UPON THE HISTORIC CHARACTER AND INTEGRITY OF THE LISTED BUILDING:-

4.2 Policy HE4 of the York Development Control Local Plan sets a firm policy presumption that Listed Building Consent will only be forthcoming for development involving internal or external alterations where it would not have an adverse impact upon the character, appearance or setting of the building. The application site is used fairly intensively as a public house. As a use involving the "night time economy" a degree of external lighting is generally considered acceptable. The applicant has previously expressed concern in respect of security at the main Micklegate entrance to the property particularly at busy weekend periods. The scheme therefore envisages the erection of four stone coloured light fittings beneath the existing first floor balcony in order to light the approaches to the main street entrance. A sectional drawing has been submitted which demonstrates that the fittings can be accommodated without projecting beyond the existing facade and the fittings have been located so as to point downwards and so minimise any visual

intrusion. The previously refused scheme involved the use of substantial black coloured "bulk head" style fittings that were directed into the street causing significant harm both , in terms of impact upon the elevation of the Listed Building and in terms of its relationship to the wider street scene through leakage of light. As amended it is felt that the proposed lighting would have a minimal impact upon the character and appearance of the Micklegate elevation of the building and that the terms of Policy HE4 of the Draft Local Plan have therefore been complied with.

## **5.0 CONCLUSION**

5.1 The Artful Dodger 47-51 Micklegate comprises a Grade II Listed Mid Victorian brick built structure occupying a prominent location within the Historic Core Conservation Area adjacent to a principal approach to the retail core of the City Centre. Listed Building Consent is sought for the erection of four stone coloured light fittings beneath the first floor balcony directed downwards. The fittings would be closely contained below the level of the balcony and any impact upon the character and appearance of the elevation would be minimal. It is felt that the scheme as amended would safeguard the character and appearance of the Listed Building and that approval should therefore be recommended.

## **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:-

Drawing Refs:715/2 H Dated 4th October 2011 and 715/Sk1 Dated 16th June 2010.

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

3 Notwithstanding the application details hereby approved full details of the proposed light fittings including their colour ,the location of associated wiring and a programme of implementation shall be submitted to and approved in writing by the Local Planning Authority prior to the development being first commenced. The development shall thenceforth be undertaken in strict accordance with the details thereby approved within six months of the date of this permission.

Reason:- To safeguard the historic character and integrity of the Listed Building and to secure compliance with Policy HE4 of the York Development Control Local Plan.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the historic character and integrity of the Listed Building As such the proposal complies with Policy HE4 of the City of York Development Control Local Plan.

#### **Contact details:**

**Author:** Erik Matthews Development Management Officer

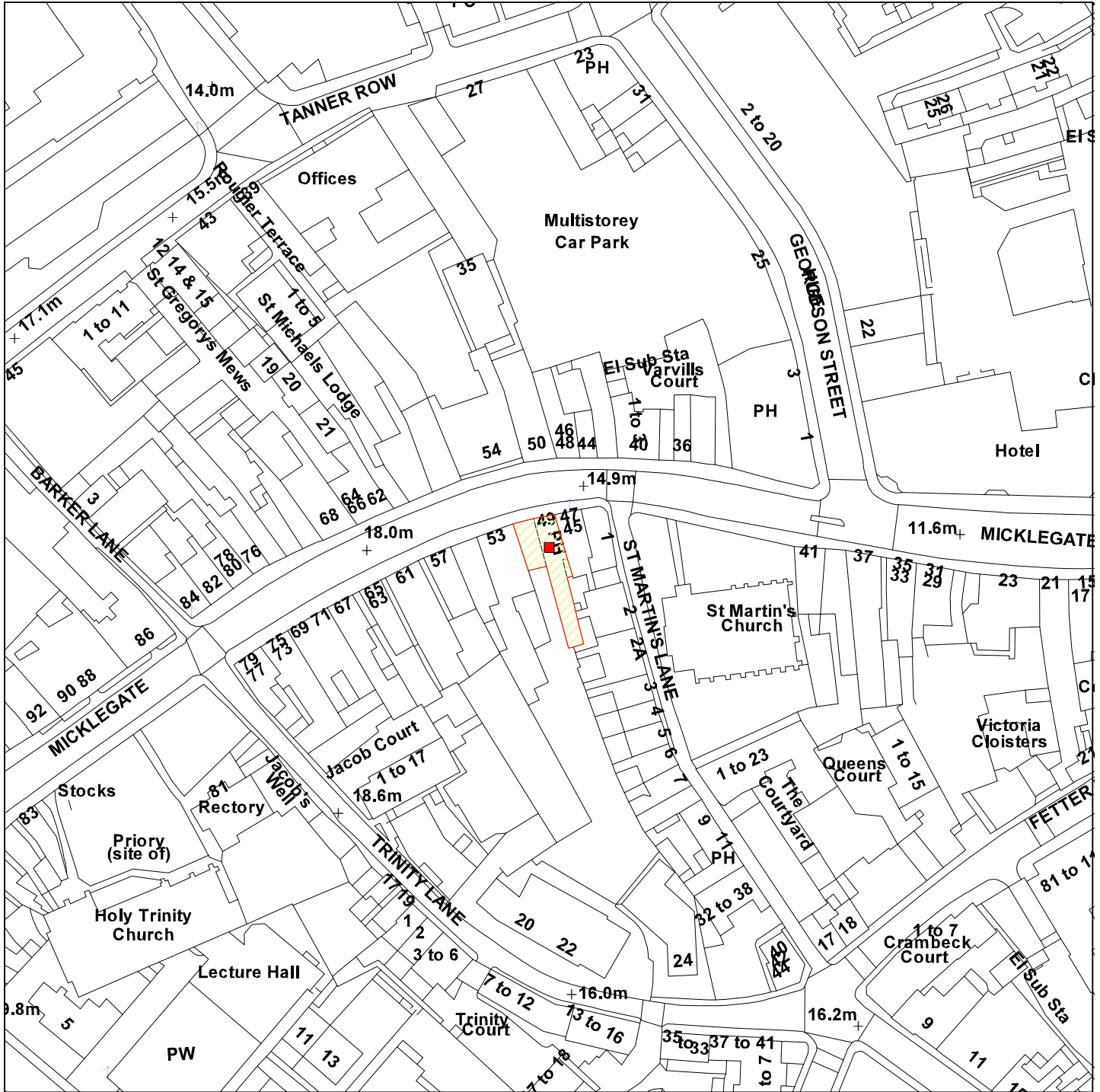
**Tel No:** 01904 551416

# Artful Dodger, 47-51 Micklegate

10/00965/LBC



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<b>Organisation</b>	City of York Council
<b>Department</b>	City Strategy
<b>Comments</b>	
<b>Date</b>	25 November 2011
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 7 December 2011      **Ward:** Micklegate  
**Team:** West/Centre Area      **Parish:** Micklegate Planning Panel

**Reference:** 10/00966/LBC  
**Application at:** Artful Dodger 47 - 51 Micklegate York YO1 6LJ  
**For:** Internal alterations at ground and first floor levels including installation of new staircase from rear bar area. Replacement windows to rear.  
**By:** Mr Marc Allinson  
**Application Type:** Listed Building Consent  
**Target Date:** 24 June 2010  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The Artful Dodger 47-51 Micklegate comprises a Grade II Listed 3 1/2 storey brick built property currently in use as a public house occupying a prominent location within the Historic Core Conservation Area. Listed Building Consent is currently sought for a number of internal alterations to facilitate the conversion of the presently disused first floor in to a function room including the insertion of a staircase from the rear bar area, the provision of secondary double glazing to the main Micklegate street elevation, the making good of an existing fireplace and the layout of the first floor bar area. The application is in part retrospective and two previous schemes have been refused on the grounds of adverse impact upon the character and appearance of the Listed Building refs:- 09/01180/LBC and 09/01655/LBC. The submitted scheme has been further revised to deal with concerns in respect of its impact upon the historic character and integrity of the building.

1.2 Councillor Watson has called the application in for determination by the West and Centre Development Control Sub-Committee in order to secure a consistent treatment with the previous development proposals at the site.

**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

Application Reference Number: 10/00966/LBC

Item No: 4c

Listed Buildings GMS Constraints: Grade 2; 47 Micklegate York YO1 1LJ 0186

Listed Buildings GMS Constraints: Grade 2 Star; 53 Micklegate York YO1 1LJ 0183

Listed Buildings GMS Constraints: Grade 2; 49 Micklegate York YO1 1LJ 0185

Listed Buildings GMS Constraints: Grade 2; 2 St Martins Lane York YO1 1LN 0188

## 2.2 Policies:

CYHE4 Listed Buildings

## 3.0 CONSULTATIONS

### INTERNAL:-

3.1 Design, Conservation and Sustainable Development raise no objection to the scheme as finally revised but wish to see large scale details of the stair case to the rear bar area, new internal doors, the proposed secondary double glazing and the ceiling nibs formed to reflect the former internal layout, submitted for further written approval.

### EXTERNAL:-

3.2 Micklegate Planning Panel were consulted in respect of the proposal on 14th May 2011. No response has been forthcoming.

## 4.0 APPRAISAL

### KEY CONSIDERATIONS:-

#### 4.1 KEY CONSIDERATIONS INCLUDE:-

\* Impact upon the historical character and integrity of the Listed Building.

### IMPACT UPON THE HISTORICAL CHARACTER AND INTEGRITY OF THE LISTED BUILDING:-

4.2 Policy HE4 of the York Development Control Local Plan sets a firm policy framework that Listed Building Consent will only be forthcoming for development involving internal or external alterations where there would be no adverse impact upon the character, appearance or setting of the building. The current development involves the conversion of the existing upper floor which has been disused since the early 1980s into a function suite associated with the public house use taking place on the ground floor. Elements of the work have already been undertaken and two previous schemes involving the insertion of integral double glazing to the main

street elevation and a suspended ceiling have been refused on the grounds of adverse impact upon the character and appearance of the interior of the building.

4.3 The scheme as commenced included a stair case rising via a half landing from the rear bar area into the rear former service wing of the building at first floor level. This seriously disrupted the understanding of the internal space and introduced a design entirely alien to the type and period of building. Ideally it would have been preferable for the existing staircase to the upper floors to be used to provide access to the proposed function room. This would however prove impractical in view of its physical relationship to the bar entrance and the need to form an additional entrance through the front bar wall, as well as the security implications in respect of the upper floors of the building. The amended stair case rather than adopting a half landing covers one straight flight in a form more appropriate to the building and allowing for the adoption of the characteristic Mid Victorian detailing.

4.4 The scheme as originally envisaged included a suspended ceiling above the rear section of the first floor and below the Bar Manager's flat above with services associated with the function room hidden within the resulting void. Again this caused significant disruption to the understanding of the interior of the building and its development with the Mid-19th Century plaster ceiling hidden from view. The amended scheme envisages the removal of the suspended ceiling and the restoration of the original Victorian detailing where it has sustained water damage. At the same time an office space with toilet has been created within the rear first floor service wing. As originally laid out this led to the severing of the existing first floor fireplace with its opening reversed. The amended scheme envisages the retention of the Victorian fireplace with appropriate mantle shelf detail as a feature of the rear first floor room.

4.5 The scheme as originally proposed envisaged the replacement of the existing glazed units at first floor level with integral double glazing. This was previously rejected as particularly damaging to the character of the principal street elevation of the building. The amended scheme envisages the retention of the existing Victorian glazing with the insertion of secondary double glazing to retain heat and provide noise insulation behind. This solution has a far lesser impact upon the historic character and integrity of the building and is ultimately reversible.

4.6 In order to undertake the layout of the function room on the upper floor a number of internal stud walls of Victorian date have been removed disrupting the understanding of the space as originally configured. In order to preserve the understanding of the area as a formerly subdivided space and to allow for the possibility of its recreation at some point in the future substantial nibs of 1 metre depth have been left to mark the position of former internal subdivisions whilst allowing for the use of the interior as one single large function space. This is in accordance with Central Government planning guidance in respect of "Planning and the Historic Environment" outlined in PPS5.

## 5.0 CONCLUSION

5.1 The Artful Dodger 47-51 Micklegate comprises a 3 1/2 storey brick built Grade II Listed building currently used as a public house lying within a prominent site within the Historic Core Conservation Area. A series of internal alterations have been proposed and partially undertaken to convert the previously disused first floor area into a function room. This has involved the formation of a staircase linking to the rear ground floor bar area, the removal of a series of internal partitions at first floor level, the formation of an office and toilet area in the rear service wing with resultant alterations to the fire place serving the rear first floor room and the insertion of a suspended ceiling into the rear of the first floor room. The proposal to regularise and complete the development now applied for envisages the removal of the suspended ceiling, the making good of the altered fireplace, the formation of substantial nibs to mark the location of the former internal subdivisions, the reconfiguration of the inserted stair case and the insertion of secondary double glazing to provide some degree of noise insulation for the first floor. Taken together the various elements of the scheme as most recently amended are considered to be a significant improvement upon the original intention and on balance the scheme is felt to comply with the terms of Policy HE4 of the York Development Control Local Plan as well as Central Government Planning Guidance in respect of Planning and Listed Building Control outlined in PPS5.

## 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:-

Drawing Refs:- 715/2H Dated 4th October 2011. 715/6E Dated 23rd February 2010. 715/5B Dated 10th October 2011 and 715/3D Dated 22nd July 2010.

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

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

- i) Rear Staircase between ground and first floors including surrounding detailing,
- ii) New Internal doors including detailing,
- iii) Secondary Double Glazing including window sections,
- iv) Ceiling Nibs to mark the former position of internal walls.

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

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the historic character and integrity of the Listed Building. As such the proposal complies with Policy HE4 of the City of York Development Control Local Plan.

#### **Contact details:**

**Author:** Erik Matthews Development Management Officer

**Tel No:** 01904 551416

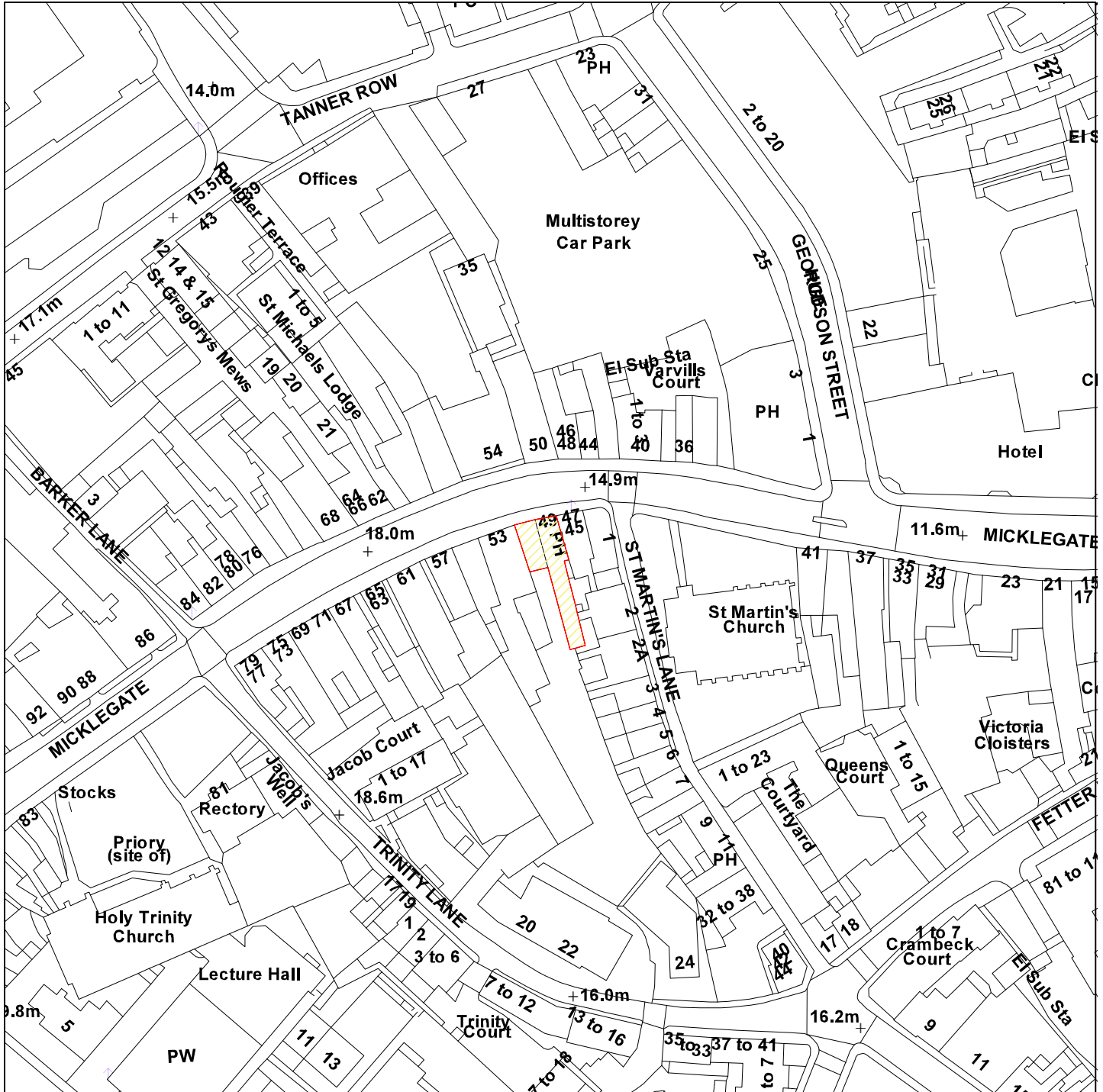
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# Artful Dodger, 47-51 Micklegate

10/00966/LBC



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<b>Organisation</b>	City of York Council
<b>Department</b>	City Strategy
<b>Comments</b>	
<b>Date</b>	25 November 2011
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 7 December 2011      **Ward:** Rural West York  
**Team:** Major and      **Parish:** Nether Poppleton Parish  
Commercial Team      Council

**Reference:** 11/02318/FULM  
**Application at:** Plot 6 Great North Way Nether Poppleton York  
**For:** Erection of 3 storey 64 bed care home for older people  
**By:** Miss Tracey Kay  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 29 December 2011  
**Recommendation:** Refuse

**1.0 PROPOSAL**

1.1 The application is for 64 bed care home spread over 3 storeys. The site is on a prominent corner plot adjacent on the junction of Great North Way and Esk Drive within the York Business Park, Nether Poppleton. To the south of the site is a housing estate. To the west and north are car dealerships. there is also a hotel and restaurants to the edge business park fronting onto the outer ring road To the east and north east are vacant plots while beyond these are buildings predominantly used for B1, B2, and B8 and the east coast main rail line.

1.2 The vehicle and pedestrian access to the proposed care home would be from Esk Drive. The proposed building would be in an L shape with the two wings along the north and west edges of the site. The elevation to the great North Way would be 48 metres in length and the elevation to Esk Drive would be 36 metres in length. There would be a car park in the centre of the plot (18 spaces), as well as a cycle store, together with landscaped gardens. It is proposed to have 1.8 metre high railings to the north and west boundaries with a hedging directly behind the other boundaries would be marked by close board fencing. The plans show the building external materials being ivory, blue, and multi red brickwork with a red roof tile. The building would have a number of feature gables together with three storey glazed feature hipped element to the south east elevation. The elevations show solar panels to the south facing roof slope.

1.3 The accommodation would be spread over the three storeys; each room would have en-suite facilities. Each floor would have lounge, dining room, and quiet lounge. The kitchen, laundry, and plant room, small shop, and hairdressers would be on the ground floor of the west wing of the building closest to the boundary with the residential properties.

1.4 The care home is to provide accommodation for people with dementia ranging from mild to high dependency and also general residential care. It is expected that

the residents will be from the local area. The applicant has submitted a needs survey for the type of accommodation proposed within a 3 mile radius of the proposal site. The survey shows that there is an existing supply of 658 beds within the catchment area (provided by 15 homes) with a demand of 622 beds. However the applicant states that much of the existing supply fails to meet 'minimum' quality standards. Within the catchment area the supply of 'quality' care beds (the benchmark being en-suite facilities) is 358 beds. The applicant states that there is a shortfall of 211 dementia care beds within the catchment area.

1.5 It is anticipated that 42 jobs would be created within a rotation shift pattern of employment. 86% of the position would be full time. During the 08.00 to 20.00 shift there would be 15 members of staff on site 7 of these would be care workers. During the night shift 20.00 to 08.00 hours there would be 6 members of staff on site including 4 care workers. The applicant expects to employ staff from the local area (within a 3 mile radius).

1.6 The site has been specified for employment use in the City of York Development Control Local Plan and the emerging CYC Core Strategy.

1.7 The site is designated as a Site of Importance for Nature Conservation (SINCs), on this particularly part of York Business Park the nature conservation interest is the calcareous grassland.

## **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

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

### 2.2 Policies:

CYGP1Design

CYGP3Planning against crime

CYGP4ASustainability

CGP15ADevelopment and Flood Risk

CYNE5ALocal Nature Conservation Sites

CYNE5B Avoidance of, Mitigation and Compensation for Harm to Designated Nature Conservation Sites

CYT2B Proposed Pedestrian/Cycle Networks

CYT4Cycle parking standards

CYT7C Access to Public Transport

CYT13A Travel Plans and Contributions  
CYH17 Residential institutions  
CYE3B Existing and Proposed Employment Sites

### **3.0 CONSULTATIONS**

#### INTERNAL CONSULTATIONS

#### HIGHWAY NETWORK MANAGEMENT

##### 3.1 No objections

- The Council's car parking standards call for a maximum of 22 spaces, the applicants propose 18 spaces which would be sited to the rear of the building and accessed from Esk Drive where an entrance is already formed. Experience at other care homes operated by this group has indicated that this number should prove quite adequate for visitor and staff needs.
- The applicants propose a two shift system for employees: a day shift between 08.00 and 20.00hrs when there will be a maximum of 15 staff and a night shift between 20.00 and 08.00hrs when 6 staff will be on duty. With the day shift commencing at 8.00am, there is likely to be a minimal impact on peak hour flows on the adjoining highway network. It can also be expected that the majority of staff will live in close proximity to their work place and as such journeys to work are more likely to be by sustainable modes of transport.
- It would be useful to add a couple of extra stands for visitors, close to the building's entrance and these cycle parking details should be conditioned as part of any approval. There are existing cycle routes linking the site via Millfield Lane and in a northerly direction along the outer ring road up to the A19 radial.
- The building will be within 400m of a local bus service travelling along Millfield Lane with a frequency of 30 minutes throughout the working day. An hourly service passes a little closer via Kyle Way with a one hour frequency between Askham Bar and Monks Cross.
- Access to the Care Home is to be taken off Esk Drive which is currently extensively affected by on-street parking associated with vehicles connected with local motor dealers premises situated nearby. It is likely that the road will need to be protected by waiting restrictions in the future in order to safeguard vehicle movements to buildings alongside it
- The application is supported by a framework Green Travel Plan setting out the principles of how they intend to promote sustainable modes of transport by staff and visitors. These needs to be followed up by an associated working document six months following occupation and a condition to this effect should be attached to any approval.
- Would like standard conditions: HWAY 9, 14, 18, 19, 31, and 40, and also Green Travel Plan within 6 months of occupation

## DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

3.2 No formal comments received at the time of writing the report

## STRUCTURES AND DRAINAGE

3.3 Object. Insufficient information has been provided to determine the potential impact the proposal may have on the existing drainage systems

## ENVIRONMENTAL PROTECTION UNIT

3.4 No objections

## CITY DEVELOPMENT

3.5 Object.

- This site is an allocated employment site (B1, B2, B8). Policy E3b (Existing and Proposed Employment Sites) seeks to resist the loss of employment sites.
- A material consideration should be the existing proposals for the new stadium and associated retail at Monks Cross (on employment land) and the pre-application proposal for a garden centre on York Business Park. Both of these applications are undetermined but the cumulative loss of employment land would have significant implications for York's future employment land provision. See below for specific figures.
- The Core Strategy Submission document indicates the level of employment land needed until 2029 to meet the level of employment growth in York during the plan period. This equates to 35.29 hectares in total. The proposal is for a 1.37 hectare site within a site known as Land south of Great North Way, York Business Park, identified within the ELR and emerging Core Strategy for B1(a) and B1(c), B2, B8 uses. The Monks Cross stadium application, if approved would result in the loss of 12.14 hectares of employment land. The proposed garden centre at York Business Park takes up 3.34 hectares. This, together with the proposed care home would leave just 18.44 hectares of employment land for the plan period (until 2031). This is significantly less than the amount recommended in the ELR and Arup report.
- In 1999, an appeal was allowed on York Business Park which renewed a 1996 permission for mixed use, commercial and industrial employment park. One condition was changed by the Inspector to restrict all future development in the business park to development within Use Classes B1, B2 and B8. This is a key consideration.
- There is a presumption in favour of retaining existing employment sites, unless it can successfully be demonstrated that the site is not needed for employment

use. This site is a longstanding employment site and forms part of the identified employment land supply in the emerging Core Strategy. Further evidence should be submitted with the application to allow us to identify whether the site is needed in quantitative or qualitative terms.

- At this stage however, the proposal seems unacceptable in terms of the loss of employment land.

## ECONOMIC DEVELOPMENT UNIT

3.6 No comments received at the time of writing the report

## YORK NORTH WEST TEAM

3.7 No comments received at the time of writing the report

## EXTERNAL CONSULTATIONS/REPRESENTATIONS

### NETHER POPPLETON PARISH COUNCIL

#### 3.8 Object

- The York Business Park development is restricted to B1, B2, and B8. The only exception was for the agreed development at the front of the business park
- When the original permission was granted a maximum height was discussed and agreed with the City Council's Planning Department to control the height of the building. This did not apply to Poppleton Park hence the height of Ings Court. The proposal exceeds the maximum height agreed and the Parish Council consider the overall height of the building should be the same as Westminster, Ingrams, and Concorde Buildings already erected on the adjacent site
- Should have the same open aspect as applies on all the development plots creating a sense of openness to the area and that the closed fence should be deleted from the drawings and something more open but still providing security on the site be substituted
- There is a lack of landscaping and green vegetation sufficient to create a suitable outside seating area
- Not a suitable build for this location
- Concerns regarding the level of traffic on the York Outer Ring Road and consider that with an indicative volume of additional traffic, control methods will need to be implemented to allow egress from Nether Poppleton village

### AINSTY INTERNAL DRAINAGE BOARD

3.9 No board maintained watercourses adjacent to the site. The applicant states that surface water is to be discharged to soakaways. The original design for the Business Park identified this plot as being connected to the proposed Yorkshire

water surface water system with a direct discharge to the River Ouse. Would like conditions regarding the suitability of soakaways, and other methods of soakaways are unsuitable, further details of surface water should be submitted prior to commencement.

## POLICE ARCHITECTURAL LIAISON OFFICER

### 3.10 No objections

#### 1 LETTER OF COMMENT

3.11 Pleased land is being used for something worthwhile. Concerned once the development is built, there is an existing parking problem on Esk Drive despite the parking restrictions. Deliveries to the car dealerships are every morning between 02.00 and 04.30 hours.

#### 1 LETTER OF OBJECTION

3.12 Proposal would result in a loss of light and loss of view. The height will be overbearing to neighbouring dwellings, a 2 storey building would cause less harm. The area is a protected wildlife area, there are newts on the site. There will be a 4ft illuminated sign facing the objectors property, causing light disturbance.

## 4.0 APPRAISAL

### RELEVANT SITE HISTORY

99/00238/OUT - Renewal of planning permission 6/116/164Q/OUT for a mixed business, commercial and industrial employment park (Appeal against non-determination Allowed 29.12.99)

6/116/164Q/OUT - Outline application for mixed business, commercial and industrial employment park, land at Millfield Lane - Approved

### KEY ISSUES

- Principle of Development
- SINC
- Design and Impact on the Street Scene
- Living Conditions of Future Occupiers of the Care Home
- Impact on the Living Conditions of Local Residents
- Car and Cycle Parking
- Drainage
- Sustainability

### ASSESSMENT

Application Reference Number: 11/02318/FULM  
Page 6 of 15

Item No: 4d

## PLANNING POLICY

4.1 National planning policy contained within PPS1 'Delivering Sustainable Development', states that good design is indivisible from planning. Design which is inappropriate within its context, or which fails to take opportunities for improving the character and quality of an area or the way it functions should not be accepted. 'The Planning System: General Principles', the companion document to PPS1, advises of the importance of amenity as an issue.

4.2 The relevant development plan is The City of York Council Draft Deposit Local Plan, which was placed on Deposit in 1998. Reflecting points made, two later sets of pre inquiry changes (PICs) were published in 1999. The Public Local Inquiry started in 1999 but was suspended by the Inspector for further work to be done on the Green Belt. A Third Set of Changes addressing this further work was placed on deposit in 2003. Subsequently a fourth set of changes have been drafted and approved by Full Council on 12th April 2005 for the purpose of making Development Control Decisions, on the advice of the GOYH.

4.3 The Core Strategy Submission (Publication) went out for consultation between 26th September - 7th November 2011. The Submission stage of the Core Strategy follows on from the Issues and Options stage which was consulted on in June 2006 (Core Strategy: Issues and Options 1 (2006)) and again in August 2007 (Core Strategy: Issues and Options 2 (2007)) and the Preferred Options stage (Core Strategy: Preferred Options (2009)), which was consulted on from June until August 2009 (but with an extension to allow additional comments until October 2009). The emerging Core Strategy document draws from the responses that were received during the consultation events as well as feeding in the evidence base findings and higher level policy such as national planning policy. As such it is considered to be a material consideration.

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

4.5 Policy GP4a 'Sustainability' of the City of York Council Development Control Local Plan (2005) states that proposals for all development should have regard to the principles of sustainable development.

4.6 Policy H17 'Residential Institutions' states that planning permission will only be granted for residential institutions where the development, together with existing residential institutions or unimplemented planning permission for that use, would not give rise to a concentration likely to have an adverse impact on residential amenity and where it is positively located relative to local facilities and public transport.

## PRINCIPLE OF DEVELOPMENT

4.7 The relevant local planning policy in establishing the principle of developing this site for a non-employment use (typically only B1, B2, or B8 uses are considered to be employment uses) is E3b. The Local Plan identifies York Business Park Centurion Park as a Standard Employment Allocation. Policy E3b seeks to protect employment sites and states that planning permission for other uses will only be given where:

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

4.8 The emerging Core Strategy (Policy CS16) also identifies York Business Park for employment use. The policy states that "To ensure continued economic success and prosperity the LDF will provide sufficient land and protect existing employment sites to allow York's economy to realise its potential". Proposals for non-employment uses which involve the loss of land and/or buildings which are either identified, currently used or were last used for industrial, business, office or other employment uses, will only be permitted where it can be demonstrated that the proposal would not have a detrimental effect on the future supply of employment land in either quantitative or qualitative terms.

4.9 The proposed care home is a residential use and therefore is a change of use of the site from its standard employment allocation. Part a) and one of parts b), c) and d) of Policy E3b would need to be satisfied in order to justify the loss of this employment site.

4.10 The applicant has submitted little justification for the loss of employment land. They have stated that the site has been actively marketed for the last 8 months, it is not clear if it was marketed before this date. The applicant has stated that the owner is a developer rather than a land agent, they have developed other parts of the York Business Park. The applicant has not demonstrated that there is a sufficient supply of employment land to meet both immediate and longer term requirements over the



plan period in both quantitative and qualitative terms and as such fails to comply with Part a of Policy E3b and Policy CS16. In addition the change of use of employment land has the potential to cause a precedent for surrounding sites to become residential.

4.11 The applicant makes reference to an application for a care home on Tribune Way in Clifton that was granted planning. The site was allocated as employment land, however in that case significant information had been submitted to demonstrate that the site was no longer required as employment land. Since the application on that site that Core Strategy has come forward together with the supporting information on employment land in the Employment Land Review Stage 1 and 2 (Entec 2007 and 2009), the Arup Employment Paper, October 2010 and the Core Strategy Supporting Paper 2:Economic Growth.

4.12 When considering part a of Policy E3b whilst the marketing of the site and the potential interest should be demonstrated together with the price that the land is being marketed at, the impact to the overall supply of land should also be considered, including other applications on employment land for example the stadium and shopping development at Monks Cross (on allocated employment land) and the pre-application proposal for a garden centre on York Business Park (on allocated employment land). Both of these proposals are undetermined but the cumulative loss of employment land would have potential significant implications for York's future employment land provision.

4.13 The Core Strategy Submission document indicates the level of employment land needed until 2029 to meet the level of employment growth in York during the plan period and this equates to 35.29 hectares in total. The Monks Cross stadium application, if approved would result in the loss of 12.14 hectares of employment land. The proposed garden centre at York Business Park takes up 3.34 hectares. This, together with the proposed care home would leave just 19.41 hectares of employment land for the plan period (until 2031). This is significantly less than the amount recommended in the Employment Land Review and Arup report. In addition when assessing the application on its own merits insufficient justification has been put forward to demonstrate that there is a sufficient supply of employment land to meet both immediate and longer term requirements over the plan period in both quantitative and qualitative terms that this site is no longer required as employment land.

4.14 In 1999, an appeal (APP/C2741/A/99/1023647) was allowed on York Business Park which renewed a 1996 permission for mixed use, commercial and industrial employment park. However the inspector raised concerns that the attractiveness of York Business Park offers a wide range of uses that could lead to a plethora of non-Business class uses. The inspector considered that if more non B1 (office/light industrial), B2 (general industrial) and B8 (storage and distribution) uses were allowed it would tip the balance and it would no longer be perceived as a business

park and this in turn “would detract from the attractiveness and image of the site and the image of York as a serious contender in the business park market at a regional and national level”.

#### SITE OF IMPORTANCE FOR NATURE CONSERVATION

4.15 Policy NE5a 'Local Nature Conservation Sites' of the City of York Council Development Control Local Plan states that Development likely to have an adverse effect on a Local Nature Reserve or a non statutory nature conservation site will only be permitted where the reasons for the development clearly outweigh the substantive nature conservation value of the site.

4.16 Policy NE5b 'Avoidance of, Mitigation and Compensation for Harm to Designated Nature Conservation Sites' states in exceptional circumstances where development is allowed under policies NE5a, which would have an adverse effect on the nature conservation value of the site the council will ensure that the appropriate use of planning conditions and planning obligations is undertaken in order to protect and enhance the site's nature conservation interest and to provide appropriate compensatory measures and site management.

4.17 Planning Policy Statement 9 'Biodiversity and Geological Conservation' states that planning decisions should aim to maintain, and enhance, restore or add to biodiversity and geological conservation interests. Local Planning Authorities should ensure appropriate weight is attached to designated sites of local importance. The aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. Where granting planning permission would result in significant harm to those interests, the LPA will need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. In the absence of any such alternatives, local planning authorities should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where a planning decision would result in significant harm to biodiversity and geological interests which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.

4.18 PPS9 states that sites of local biodiversity and geological interest, which include Local Nature Reserves and Local Sites, have a fundamental role to play in meeting overall national biodiversity targets; contributing to the quality of life and the well-being of the community; and in supporting research and education. Criteria-based policies should be established in local development documents against which proposals for any development on, or affecting, such sites will be judged. Policy CS20 of the emerging core strategy states that proposed development should result in no net loss to, and helps to improve, biodiversity (any unavoidable impacts must

be appropriately mitigated or compensated for, and secured through the planning process).

4.19 The site is designated as a Site of Importance for Nature Conservation (SINCs), on this particularly part of York Business Park the nature conservation interest is the calcareous grassland. As the site was allocated for business use before it was designated as a SINC site it has been the understanding that the site could still be developed as long as the application secured a mitigation strategy. The Countryside Officer has identified a suitable site at Bachelor Hill in Acomb for translocation. The translocation would require the prior completion of a legal agreement signed by all relevant land owners. The applicant has stated that they would enter into a legal agreement and a mitigation strategy has been submitted however it has very little detail and a more detailed strategy would be required. By reason of the lack of information and in the absence of a completed legal agreement which secures the translocation of the grassland, the applicant has not demonstrated sufficient intention to compensate for the loss of the SINC site and the application is therefore contrary to PPS 9, LDF Policy CS20 and Local Plan policy NE5b.

#### DESIGN AND IMPACT ON STREETSCENE

4.20 The proposed building is set on a prominent corner plot. The vertical emphasis of some of the brickwork panels together with the articulation of the gables and brickwork is considered to create an element of visual interest. The site is within an industrial estate which has a number of units some with brickwork, the majority are clad in metal sheeting, the site is adjacent to a housing estate constructed in the 1990s and the proposed building does reflect some of the design elements existing in the housing estate. There is a variety of building heights within the industrial park, however they are predominantly two storeys in height, there is the 4 storey office accommodation. The character of the business park is open and this is partially created by the undeveloped plots. The block of flats to the rear is three storeys in height, approx 10.5 metres in height to the roof ridge (proposed building is 11.9 metres to the roof ridge). The height of the building is not considered to be unduly prominent within the streetscene.

4.21 A 1.8 metre high fencing is shown along the north and north west boundaries although its appearance has not been detailed. In addition close boarded fencing is proposed on the other boundaries. The fencing details including appearance could be conditioned. The plans show a hedge behind to soften the appearance of the fencing.

#### LIVING CONDITIONS OF FUTURE OCCUPIERS OF CARE HOME

4.22 The outside garden space especially the secured garden area fronting onto the Great North Way is considered to be small, for the large number of residents, the

plans show limited outside seating areas. The proposed care home would provide general residential care as well as accommodation for people with dementia ranging from mild to high dependency. The applicant has states that there would be 7 care workers during the day, resulting in a care worker to every 9 to 10 residents.

4.23 There are limited shops and other facilities/amenities in the area. There is public transport within 400 metres although the applicant has stated that most of the residents would be unlikely to leave the site on their own. It is considered that a business park is not generally the most appropriate or suitable site for a care home, in addition there are concerns regarding the living conditions of future residents by reason of its outlook. The neighbouring dwellings have little outlook (from primary rooms) over the industrial estate as it is screened by a tall fence and the dwellings face into the housing estate rather than out. A letter from a neighbour raised concerns regarding the deliveries to the neighbouring car dealership stating the cars were being delivered during the night. However the approved hours of delivery for the car dealership is Monday to Friday - 08.00 to 18.30, Saturday 08.00 to 15.00 not at all on Sundays, Bank and Public Holidays. The proposed site would be surrounded on three sides by the industrial estate with a housing development directly adjacent to the rear. The condition of surroundings can have a direct impact on quality of life. Whilst the outlook and position are far from ideal on balance it is considered that there would not be sufficient harm to the living conditions residents of the care home to warrant refusal.

#### IMPACT ON RESIDENTIAL AMENITY OF NEIGHBOURING OCCUPANTS

4.24 The distance between the proposed building and the dwellings to the rear (Ings Court) would be 32 metres. The height of the proposed building would be 11.9 metres to the roof ridge. The proposal would alter the outlook from these dwellings however it is not considered to be overbearing or over dominant by virtue of the significant distance between the buildings. The views from the wing of the building running parallel to Esk Drive would be oblique and together with the distance are not considered to result in a loss of privacy to the occupants of the neighbouring dwellings. The windows in the wing of the building running parallel to the Great North Way would face the neighbouring dwellings however there would be minimum distance of 55 metres. By virtue of the distance from the neighbouring dwellings the proposed 3 storey building is not considered to result in an undue loss of light or overshadowing.

#### CAR AND CYCLE PARKING

4.25 The vehicle and pedestrian access to the site would be from Esk Drive, it was noted that at the time of the site visits that there was significant parking on this street which would restrict access. Parking restrictions will likely be required. The level of proposed parking within the site is below the maximum parking standards for such a use. However given the low levels of traffic in connection with care homes the

parking levels are considered satisfactory. Additional cycle stands are required but this could be sought via a condition.

4.26 Because of the proposed shift times the increase in traffic from the development would be outside of peak hours. If the shift patterns were to alter, for example to peak hours, the minimal levels of traffic produced by the proposed development would not exacerbate existing traffic conditions or result in highway safety concerns.

4.27 Policy T7c 'Access to Public Transport' states that all new built development on sites of 0.4 hectares or more should be: a) within 400 metres of a bus service offering a day time frequency of 30 minutes or better; or b) within 1000 metres of an existing railway station. The gross floorspace of the proposal would be 2784 square metres. The site is within 400 metres of a bus service: Service 20/20a (Acomb - Clifton Moor - Wigginton - Haxby - Monks Cross - University - Fulford) and Service 10 (Stamford Bridge - City Centre- Poppleton) and as such provide access to public transport for staff and residents. The applicants have submitted a green travel plan which is satisfactory, should permission be granted a further green travel plan would be required within 6 months of the occupation of the building which could be requested as a condition.

## DRAINAGE

4.29 Structures and Drainage have objected to the proposed scheme on the grounds of insufficient information. The application site lies within Flood Zone 1 and is therefore not at a high risk from flooding. The existing site is undeveloped and has a permeable surface, therefore the proposed development has the potential to significantly increase surface water run-off which may affect areas downstream. The developer has not demonstrated that it would not increase the risk of flooding to surrounding properties. The applicant has stated that they intend to use soakaways however they have not demonstrated that they would be suitable in this location. As such it fails to comply with Policy GP15a of the Local Plan and Policy CS22 of the emerging Core Strategy

## SUSTAINABILITY

4.30 The applicant has stated that it is their intention to provide 29.97% of the total energy requirements of the care home from on site renewables in this case ground source heat pumps and solar thermal panels. The plans show 6 solar panels attached to the south facing roof slope. The agent has confirmed that further investigation is required before it can be established that ground source heat pumps are appropriate in this location. It is considered that further details of these methods can be conditioned to ensure they form part of the development and comply with the CYC Interim Planning Statement on Sustainable Design and Construction.

4.31 No mention has been made in the sustainability statement as to how the proposal will comply with BREEAM (multi-residential). This type of development would be expected that to achieve a BREEAM standard rating of 'very good'. It is considered that further details of how the building will achieve this rating can be requested by condition.

## **5.0 CONCLUSION**

5.1 The application site lies within a designated standard employment site (local plan and emerging core strategy). The applicant has failed to demonstrate that there is a sufficient supply of employment land to meet immediate and longer term requirements or that this site is no longer required in quantitative and qualitative terms for employment purposes and therefore is contrary to Policy E3b of the City of York Council Development Control Local Plan (2005) and Policy CS16 of the emerging City of York Council Core Strategy (2011).

5.2 Insufficient information has been submitted regarding the drainage of the site and the potential impact on neighbouring properties and area. As such it fails to comply with Policy GP15a of the Local Plan and Policy CS22 of the emerging Core Strategy

5.3 The applicant has not demonstrated sufficient intention to compensate for the loss of the SINC site and as such the proposal is contrary to Policy NE5b of the Local plan, Policy CS20 of the emerging Core Strategy, and PPS9 'Biodiversity and Geological Conservation'.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION: Refuse**

1 The application site lies within an area which is designated as a standard employment site in the Local Plan and the emerging Core Strategy. It is considered that it has not been proven that there is a sufficient supply of employment land to meet immediate and longer term requirements or that this site is no longer required in quantitative and qualitative terms for employment purposes and therefore is contrary to Policy E3b of the City of York Council Development Control Local Plan (2005) and Policy CS16 of the emerging City of York Council Core Strategy (2011) which seeks to ensure that existing employment sites are protected to allow York's economy to realise its potential.

2 Insufficient drainage details have been submitted to show how foul and surface water generated by the proposal would be properly attenuated and how flood risk from all sources to the development itself and to others will be managed. The application therefore conflicts with Policy GP15a of the City of York Council Development Control Local Plan; Policy CS22 of the emerging City of York Core

Strategy; the council's adopted Strategic Flood Risk Assessment; and Central Government policy contained within Planning Policy Statement 25 "Development and Flood Risk".

3 The applicant has not demonstrated or secured a scheme of mitigation to compensate for the loss of the Site of Importance for Nature Conservation and as such the proposal fails to comply with Policy NE5b of the City of York Council Development Control Local Plan, Policy CS20 of the emerging City of York Council Core Strategy, and Central Government policy contained within PPS9 'Biodiversity and Geological Conservation'.

## **7.0 INFORMATIVES:**

### **Contact details:**

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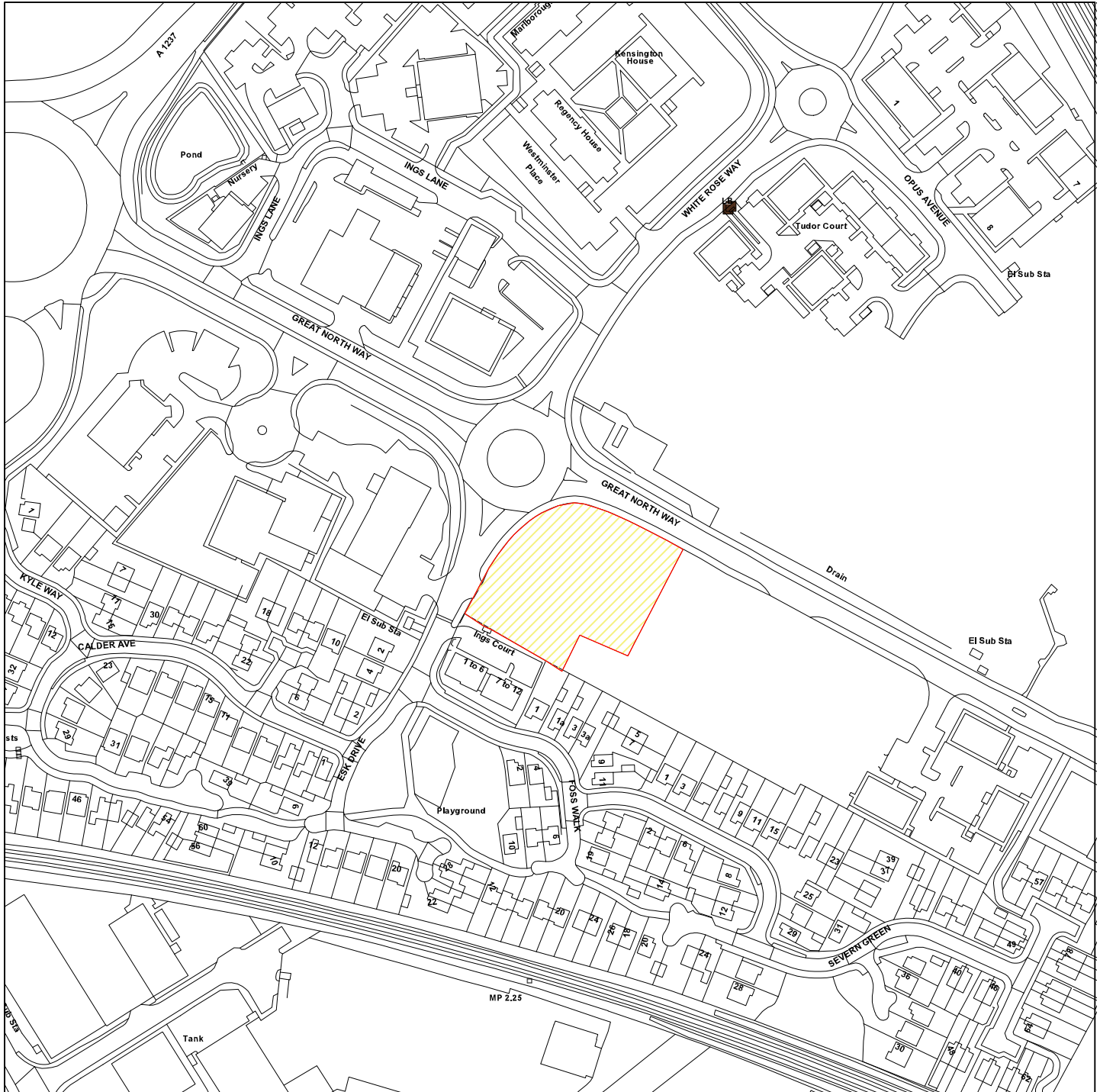


# Plot 6, Great North Way, N Poppleton

11/02318/FULM



GIS by ESRI (UK)



Scale : 1:2500

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<b>Organisation</b>	City of York Council
<b>Department</b>	City Strategy
<b>Comments</b>	
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