



## 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:** Thursday, 17 November 2011

**Time:** 3.00pm

**Venue:** The Guildhall, York

### **AGENDA**

**Site visits for this meeting will commence at 11.00am on Wednesday 16 November 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 - 24)**

To approve and sign the minutes of the meeting of the West & City Centre Area Planning Sub-Committee held on Thursday 20 October 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 Wednesday 16 November 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) Castle Museum, The Castle, York, YO1 9RY (11/02267/FUL)**  
(Pages 25 - 36)

Alterations to land between York castle walls, River Foss and Tower Street including new paths, steps and lighting [*Guildhall Ward*] [Site Visit]

- b) York City Art Gallery, Exhibition Square, York, YO1 2EW (11/02175/FUL)** (Pages 37 - 46)

New landscaping and access to York Art Gallery site from Museum Gardens and demolition of hutment buildings. [*Guildhall Ward*] [Site Visit]

- c) York City Art Gallery, Exhibition Square, York, YO1 2EW (11/02172/CAC)** (Pages 47 - 52)

Demolition of hutment buildings to rear of art gallery [*Guildhall Ward*] [Site Visit]

- d) British Heart Foundation, 34 Piccadilly, York, YO1 9NX (11/01437/FUL)** (Pages 53 - 64)

Conversion of first and part of ground floor to create 9no flats [*Guildhall Ward*] [Site Visit].

- e) Town Farmhouse, 25 Church Lane, Nether Poppleton, York, YO26 6LF (11/01736/FUL)** (Pages 65 - 78)

Erection of 1no. dwelling and garage building in the garden of 25 Church Lane with associated access following the demolition of the garage at no.11 Poppleton Hall Gardens (resubmission) [*Rural West York*] [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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- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
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### **Further information about what's being discussed at this meeting**

All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

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The majority of councillors are not appointed to the Executive (38 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Decision Session) agenda. The Executive will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Executive meeting in the following week, where a final decision on the 'called-in' business will be made.

### **Scrutiny Committees**

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

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

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**WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE****SITE VISITS****Wednesday 16 November 2011****Members of the sub-committee to meet at Memorial Gardens at  
11.00am**

<b>TIME</b> (Approx)	<b>SITE</b>	<b>ITEM</b>
11.15	Town Farmhouse, 25 Church Lane, Nether Poppleton	4e
12:00	Castle Museum	4a
12:30	34 Piccadilly	4d
13:00	York City Art Gallery	4b & 4c

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City of York Council

Committee Minutes

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MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	20 OCTOBER 2011
PRESENT	COUNCILLORS WATSON (CHAIR), GILLIES (VICE-CHAIR), CRISP, GALVIN, GUNNELL, JEFFRIES, ORRELL, REID AND SEMLYEN

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## 17. INSPECTION OF SITES

The following sites were inspected before the meeting.

Site	Attended by	Reason for Visit
134 Boroughbridge Road	Councillors, Crisp, Galvin Gillies, Gunnell, Jeffries, Reid, Semlyen and Watson	As objections had been received and the officer recommendation was for approval.
Bootham School, 51 Bootham	Councillors, Crisp, Galvin Gillies, Gunnell, Jeffries, Reid, Semlyen and Watson	As objections had been received and the officer recommendation was for approval.
Bar Convent, 17 Blossom Street	Councillors, Crisp, Galvin Gillies, Gunnell, Jeffries, Reid, Semlyen and Watson	To familiarise Members with the site at the request of Councillor Watson
Hotel du Vin, 89 The Mount	Councillors, Crisp, Galvin Gillies, Gunnell, Jeffries, Reid and Watson	As objections had been received and the officer recommendation was for approval.
Cygnets Inn, Cygnets Street	Councillors, Crisp, Galvin Gillies, Jeffries, Reid and Watson	To familiarise new Members with the site at the request of Councillor Fraser.
Castle Museum, The Castle.	Councillors, Crisp, Galvin Gillies, Jeffries, Reid and Watson	To familiarise Members with the site at the request of Councillor Watson.

**18. 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 Gunnell declared a personal and prejudicial interest in plans item 5c (Cygnet Inn, Cygnet Street) as the applicant, who was present at the meeting, was a family friend. She left the meeting for this item and took no part in the debate or vote on this application.

**19. EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED:** That members of the press and public be excluded from the meeting during consideration of Annex A to agenda item 7 (Enforcement Cases Update) (Minute 23 refers) on the grounds that it contains information that if disclosed to the public, would reveal that the Authority proposes to give, under any enactment or notice by virtue of which requirements are imposed on a person or that the Authority proposes to make an order or directive under any enactment. This information 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.

**20. MINUTES**

**RESOLVED:** That the minutes of the meetings of the West and City Centre Area Planning Sub Committee held on 14 July and 18 August 2011 be approved and signed by the Chair as a correct record. subject to Minute 6 (Inspection of Sites) in the minutes of the meeting on 14 July 2011 being amended to show that Councillors Jeffries, Semlyen, Reid and Watson attended the site visit at 3 Little Stonegate.

**21. 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.

**22. 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.

**22a Monkbar Hotel, St Maurices Road, York, YO31 7JA (11/02185/FULM)**

Members considered a major full application (13 weeks) from Mr Rishi Sachden for a four storey extension to the rear to create additional bedrooms and conference rooms and alterations to the existing hotel (application to extend time period for implementation of permission 08/01647/FULM).

**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, residential amenity, highway safety and flood risk. As such the proposal complies with Policies HE2, HE3, HE10 GP1 and V3 of the City of York Local Plan Deposit Draft.

**22b The Bar Convent, 17 Blossom Street, York, YO24 1AQ  
(11/02220/LBC)**

Members considered an application for listed building consent by the Bar Convent (Trust) for internal alterations including the creation of a bedroom and two ensembles.

**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. As such, the proposal complies with Policies HE4 and GP1 of the City of York Development Control Local Plan (2005) ; and national planning guidance contained in Planning Policy Statement 5 "Planning for the Historic Environment".

**22c Cygnet Inn, Cygnet Street, York, YO23 1AG (11/02372/FUL)**

Members considered a full application from Mrs Suzanne Shaw for the erection of two 2 storey houses and four 3 storey houses with associated parking following the demolition of the existing public house.

Representations were received from the agent in support of the application. He stated that the applicant had originally proposed a block of flats for the site which had been rejected by planning at pre-application stage. An application was then submitted for 6 houses on the site and that no objections had been received in respect of the scheme for 6 houses until 5 months had passed. The application was then reduced to 5 houses and the application was approved. He advised the Committee that the currently submitted revised scheme provided a better relationship between the site and neighbouring properties, and that as the penultimate house was three-storey and the end house two-storey the impact upon the adjacent facing dwelling would not be harmful.

Members suggested that in respect of design, the row would be more balanced with a two bed house at each end and six

houses sat better visually than the 5 approved houses. They raised concerns with the existing approval that if the area at the end of the row was not built on this could potentially be used as a parking space or area where people could hang out. Members asked for clarification on what the space at the end would be used for if no house was build on it. There were advised it would be garden for the approved end house with a 1.6m boundary wall.

Officers advised that the additional house proposed would over-develop the site and the end elevation of the proposed house at plot 1 could be around 8.6m from the front elevation of numbers 7 and 8 Cygnet Street. They advised Members that it would be exceptional to grant a scheme with as small a separation distance as this.

Members acknowledged officers' concerns regarding overdevelopment and impact on residents amenity but accepted that the area consists mainly of terraced properties and is already quite densely built up, expressing the view that one further property would not change the situation.

Members agreed that there would be little difference in outlook from the living room at 8 Cygnet Street between looking out onto a boundary wall or the gable end of a house

RESOLVED:

That the application be approved subject to the following conditions.

- 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 development hereby permitted shall be carried out in accordance with the following plans:- SPD 01 H, HT 01 H

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

- 3 Materials: Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials. The houses shall each be of the same brickwork the roof of slate roof tiles

Reason: So as to achieve a visually cohesive appearance and to ensure the building preserves the character of the area.

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

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

- 5 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.
- a) Windows including notes on colour finish (windows to be set within reveals, sliding type and cream rather than white coloured).
  - b) Dormer type windows including notes on materials
  - c) Any Solar or PV panels (preferred type which are fixed flush with roof tiles)

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

- 6 Rain water pipes shall be coloured black and service boxes, and any means of extraction and ventilation to kitchens and bathrooms shall be colour coated to blend in with brickwork, unless an alternative dark colour is agreed.

Reason: In the interests of appearance.

- 7 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed hard and soft landscape scheme which shall include any hardstanding, the species, density (spacing), stock size and position of trees, shrubs and other plants. It will also include details tree pits and ground preparation. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing.

Reason: So that the Local Planning Authority may be satisfied with the overall appearance and variety, suitability and disposition of species, and quality of implementation that influences the planting's success, since the landscape scheme is integral to the amenity of the development.

Note: Holly and Robinia are not suitable tree species in this case, suggested alternatives include Pyrus calleryana 'Chanticleer', Sorbus 'Cardinal Royal' or S. 'Sheerwater Seedling' and /or more of the Malus and Crataegus. Driveways to be a colour which contrasts with the brickwork on the dwellings.

- 8 Tree protection: Prior to commencement on site, of demolition, clearance, site preparation, building or other development operations, including the importing of

materials and any excavations, protective fencing shall be erected around the recommended root protection area of the adjacent ash tree in accordance with BS 5837:2005. This fencing will also include the existing grassland. Before commencement on site the protective fencing line shall be shown on a plan and agreed with the local authority in writing and subsequently adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zone or within the canopy area of existing trees: excavation, raising of levels, storage of any materials or top soil, lighting of fires, parking or manoeuvring of vehicles, mechanical cultivation. Within the exclusion zones there shall be no site huts, no marketing offices, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process including the implementation of landscape works. A notice stating 'protection zone - do not remove' shall be attached to each section of fencing.

Reason: To protect existing trees and that make a significant contribution to the amenity of the immediate area grassland from damage and compaction.

- 9 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.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the proper drainage of the site, and to comply with guidance contained within Planning Policy Statement 25 (Development and Flood Risk).

- 10 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (a watching brief on all ground works by an approved archaeological unit) in accordance with a specification supplied by the Local Planning Authority. This programme and the archaeological unit



shall be approved in writing by the Local Planning Authority before development commences.

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

- 11 No gate shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

- 12 The development hereby permitted shall not be occupied until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with the approved plans, or arrangements entered into which ensure the same.

- Adoption of highway (footpaths to northeast and northwest of site).
- Removal of site from residents parking zone.

(See informatives for further information)

Reason: In the interests of the safe and free passage of highway users.

- 13 The development shall not be occupied until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the kerb to match adjacent levels.

Reason: In the interests of good management of the highway and road safety.

- 14 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A, B, D, E, F of Schedule 2 Part 1 of that Order shall not be erected or constructed.

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

- 15 No walls or fences other than those shown on the approved plans that would be over 1m high shall be added without planning permission.

Reason: In the interests of appearance and highway safety.

**REASON:**

The proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the loss of a community facility, provision of open space and education facilities in the area, design, amenity, archaeology and highway safety. As such the proposal complies with Policies GP1, C3, L1C, ED4, H4, HE10 of the City of York Development Control Local Plan.

**22d 134 Boroughbridge Road, York, YO26 6AL (11/02339/FUL)**

Members considered a full application by Mr Kevin Pallister for the conversion of a ground floor flat to a fish and chip shop with ground floor extension at the rear for storage and seating in eating area, plus first floor rear extension to the flat to create a three bedroom flat and alteration to vehicle parking and access in forecourt (resubmission).

Officers recommended an additional condition be added stipulating that the extraction flue serving the cafe/takeaway be painted a dark colour.

Officers advised that a consultation response has been received from Highway Network Management who raised no objection to the proposal subject to three additional conditions being appended to any permission, these being: Highway 9 Vehicular Areas Surfaced, Highway 17 Removal of Redundant Crossing and Highway 18 Cycle Parking Details to be agreed.

Officers drew Members' attention to the proposed forecourt works and advised them that they largely fall outside of the area of the applicant's control and are themselves Permitted Development. They asked that Members disregard their detail in determination of this application.

Officers advised that 13 further letters of objection have been received since the agenda was compiled. These objections raised concerns with regard to the following issues.:

- proposed parking and access works impinging upon the adopted highway to the detriment of the safety and convenience of highway users;
- noise from delivery vehicles attending to the proposed business and the associated impact upon the residential amenity of neighbouring properties;
- possible usage of the rear amenity area serving the proposed flat by users of the cafe/takeaway;
- impact from noise and odours from the extraction system to the cafe/takeaway use on the residential amenity of neighbouring properties;
- noise from the proposed cafe/takeaway use and its impact upon neighbouring properties;
- proposed opening hours and the potential for anti-social behaviour in the locality;
- adequacy of the drainage arrangements for the premises and possibility of contamination from waste from the takeaway/cafe use;
- impact of parking associated with the proposed business on the safety and convenience of highway users in the surrounding area.

Officers advised Members that following further investigation it had been established that the conversion of the property into two flats was undertaken over four years ago and as such the use had become lawful. Therefore Policy H8 of the Draft Local Plan may be disregarded in consideration of this application.

A letter which was received from Councillor T Simpson-Laing, Ward Member for Acomb was circulated to members of the

committee. The letter raised the following concerns of local residents.

- Removal of family housing - The property was originally a family house and could be returned to a family house.
- Lack of suitable, safe and appropriate amenity space.
- Concerns over pedestrian safety in view of the access to parking area and the location of the pedestrian crossing and bus stop.
- Overprovision of hot food retail units in this residential area.
- Long opening hours

Members discussed the issue of parking and the proposals to regulate the frontage with dropped kerbs and a marked “in” and “out” to a parking area with spaces for 3 cars. They acknowledged that a fish and chip shop would lead to people parking for a very short period. They noted that if the parking area was full, there was no option to park on the road which could cause a potential for problems. However they noted that Highways had not objected to the scheme subject to conditions.

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

Additional Condition

The extraction flue serving the cafe/takeaway use hereby authorised shall be painted a dark colour previously authorised in writing by the Local Planning Authority prior to the development being first brought into use and maintained as such thereafter.

Reason:- To safeguard the visual amenity of the wider street scene and to secure compliance with Policy GP1 of the York Development Control Local Plan.

Additional Condition

Prior to the development coming into use, all areas used by vehicles shall be surfaced, sealed and positively drained within the site, in accordance with the approved plans.

Reason: To prevent the egress of water and loose material onto the public highway.

Additional Condition

The development shall not be first brought into use until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the verge to match adjacent levels.

Reason: In the interests of good management of the highway and road safety.

Additional Condition

Prior to the development commencing details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

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

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 residential amenity of neighbouring properties, impact upon the living conditions of future occupants of the proposed flat, loss of an existing family house, impact upon the safety and convenience of highway users and impact upon the local surface water drainage system. As such the proposal complies with Policies GP1, T4, E4, H8, H9 and S6 of the City of York Development Control Local Plan.

**22e Castle Museum, The Castle, York, YO1 9RY (11/02229/LBC)**

Members considered an application for listed building consent from Mr Andrew Morrison for internal alterations to the visitors toilets including removal of walls.

Officers provided an update on the application. They advised that at the site visit a question had been raised as to whether building regulations approval was required for this work and they confirmed that Part M of Building Regulations would apply to this application.

Members questioned whether the layout of the proposed toilet complied with British Standard 8300 (Design of buildings and their approaches to meet the needs of disabled people. Code of Practice). Officers advised they would look into this issue but noted that granting this application for listed building consent would not affect the freedom to move fixtures and fittings within the room if this was deemed necessary to meet building regulations or comply with BS8300.

Members also questioned whether it would also be possible to incorporate baby changing facilities in the ladies' and men's toilets as well as the disabled toilet so as to avoid situations where the disabled toilet is available for a disabled person to use because it was being used to change an infant. The applicant advised that this may be possible in the ladies toilet but that there would not be space in the men's toilets.

Officers reminded Members that this was an application for listed building consent and therefore these issues were not a requirement which could be imposed as part of this application, however the applicant agreed to take members comments back to the organisation and investigate possible options.

**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. As such, the proposal complies with Policies HE4 and GP1 of the

City of York Development Control Local Plan (2005) ; and national planning guidance contained in Planning Policy Statement 5 "Planning for the Historic Environment".

**22f Bootham School, 51 Bootham, York, YO30 7BT (11/01998/FULM)**

Members considered a major full application (13 weeks) by Bootham School for alterations to the existing music building and the erection of a new single and two storey music and arts building as well as minor alterations to the assembly hall.

Officers explained that with regard to sustainability, condition 3 required the development to be constructed to a BRE Environmental Assessment Method (BREEAM) standard of "very good". Officers advised that the school had requested that the requirement for an assessment to be carried out be waived due to the prohibitive cost of this. However officers remained of the view that the requirement for a BREEAM assessment should be retained as a condition as it was council policy for developments of this size.

Officers also drew Members attention to condition 4 which requires 10% of the development's predicted energy requirements to be provided from on-site renewable energy sources. They advised that the applicant had requested that this condition be relaxed as their intention had been for photovoltaic panels to be situated on the sweeping roof but this roof was now to be a sedum roof therefore there would be fewer photovoltaic panels. They advised that the school still hoped to achieve the 10% level. They pointed out that the condition had a caveat which with the agreement of the local planning authority could provide flexibility by acknowledging that there were other ways of achieving the 10% such as air source heat pumps and a biomass boiler.

Representations were received from a local resident in objection to the application. She informed Members that the proposals did not preserve nor enhance the character or appearance of the conservation area. She expressed regret that some trees, which had been dedicated with plaques, would be removed during the development work. She advised Members that the window of

the performing space would look directly into her living room window. She noted that the report stated that residents would not be disturbed by the building work, but advised Members that she had been woken early the previous day by building work. In response to a query from Members, she stated that, according to the report, her property was 29m from the proposed building but in her opinion it was between 20 – 26m away.

Representations were also received from the school's Building Development Manager. He explained that the school had set out on a development programme which would take 5 years to achieve. He confirmed that there was no intention to increase student numbers, only to improve facilities for the students. He advised that the current music facilities were poor, although the school employed two full-time music teachers and 26 peripatetic teachers. He advised that the current art facilities offered little room for expansion but the new proposed space would provide enough space for music, art and drama with drama inheriting the former art space and gaining a studio. He advised that they were expecting a BREEAM pre-assessment rating of very good or excellent explaining that they had engaged a company to undertake an energy strategy report and hoped to reduce energy costs dramatically over the following 5 years. The Building Development Manager responded to Members' specific questions.

Members acknowledged the school's need to expand in order to improve facilities for their students. They also understood that the site was difficult to develop due to its location and mixed age of buildings. They recognised the need to link the new building to the existing Assembly Hall and the restrictions this posed for the location of the new building, and the associated loss of the garden area. With regard to design, they agreed that the proposed building would sit nicely amongst the existing buildings.

Members asked if the trees referred to by the speaker could be relocated to another part of the grounds. The agent advised that the school had been able to move some trees the previous summer but that there was a limit to the size/age of tree which could be moved. He advised that the school's intention was to rededicate the plaques to new trees in the planting scheme. One Member asked the agent to investigate the options for transplanting the rowan tree.



Members suggested that it may be possible to soften the view of the building from the speakers window by planting of additional trees around the temporary car park area but acknowledged that this area was not within the application site and suggested the school should liaise with neighbouring residents when they came to design the landscaping scheme in this area.

**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 impact on heritage assets, amenity, flood risk and highway safety. As such the proposal complies with Policies HE3, HE4, HE10, GP1, GP15 and ED1 of the City of York Development Control Local Plan.

**22g Bootham School, 51 Bootham, York, YO30 7BT (11/01999/LBC)**

Members considered an application for listed building consent by Bootham School for a new music and art building, including alterations and extension to the Assembly Hall building.

**RESOVLED:** 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 impact on heritage assets. As such the proposal complies with Policy HE4 of the City of York Development Control Local Plan.

**22h Hotel Du Vin, 89 The Mount, York, YO24 1BL (11/02039/FUL)**

Members considered a full application from Mr Stephen Rodwell for the permanent retention of a smoking shelter to the rear of the hotel following approval of temporary planning permission dated 13.05.2010 (10/00376/FUL).

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 Central Historic Core Conservation Area and the impact on residential amenity. As such, the proposal complies with Policies HE2, HE3 and GP1 of the City of York Development Control Local Plan.

**22i Go Mobile, 11 Church Street, York, YO1 8BG (11/00480/FUL)**

Members considered a full application from Mrs S Caglar for the change of use from retail (use class A1) to hot food takeaway (use class A5) with extract grille to the first floor window (retrospective).

Officers advised that the Environmental Protection Unit (EPU) had commented on the existing extraction system and stated that it was not acceptable in terms of its environmental impact. EPU recommend that a kitchen extraction system be installed at the premises which is adequate for the treatment and extraction of fumes so that there is no adverse impact on the amenity of occupiers of nearby premises by reason of fumes, odour or noise. In view of these comments from EPU, officers recommended an additional reason for refusal based on concerns regarding unsuitable extraction methods.

Members were shown a photograph of the front of the building which showed how a pane of glass in a first floor window to the front of the building had been removed to allow for an extraction vent to be fitted. Member agreed that this had caused harm to the character of the listed building and that the current extent of the ventilation system was inadequate for the current purpose of the building.

RESOLVED: That the application be refused.

REASON; It is considered that the blanking in of one of the lower panes to the first floor window and the insertion of a vent detracts from the architectural interest of the building. The works are therefore harmful to the character of the building and its contribution to the character and appearance of the Central Historic Core Conservation Area and there is inadequate justification and no public benefits that outweigh the harm caused. As such the proposals are contrary to PPS5; Planning for the Historic Environment, and policies HE3 and HE4 of the City of York Draft Local Plan.

The existing kitchen extraction system is not adequate for the treatment and extraction of fumes and therefore is likely to impact on the amenities of surrounding occupiers as a result of fumes, odour or noise. As such, to allow the development would be contrary to policy S6 of the Draft Local Plan which states that permission for A3 uses (food and drink) will be granted provided acceptable external flues and means of extraction have been proposed and any likely impact on the amenities of surrounding occupiers as a result of traffic, noise, smell or litter would be acceptable.

## **23. APPEALS PERFORMANCE AND DECISION SUMMARIES**

Consideration was given to a report, which was also being presented to the main Planning Committee and East Area Planning Sub-Committee informing Members of the Council's performance in relation to appeals determined by the Planning Inspectorate in the 3 month period up to 30 June 2011. The report also provided a summary of the salient points from the appeals determined in that period together with a list of outstanding appeals as at 30 August 2011.

RESOLVED: That the report be noted.

REASON: To update Members on appeal decisions within the City of York Council area and inform them of the planning issues surrounding each

case for future reference in determining planning applications.

**24. ENFORCEMENT CASES UPDATE**

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

RESOLVED: That the report be noted.

REASON: To update Members on the number of outstanding enforcement cases within the Sub Committee's area.

Councillor B Watson, Chair  
[The meeting started at 3.00 pm and finished at 5.15 pm].

**COMMITTEE REPORT**

**Date:** 17 November 2011      **Ward:** Guildhall  
**Team:** Major and                      **Parish:** Guildhall Planning Panel  
Commercial Team

**Reference:** 11/02267/FUL  
**Application at:** Castle Museum The Castle York YO1 9RY  
**For:** Alterations to land between York castle walls, River Foss and Tower Street including new paths, steps and lighting  
**By:** Mr Martin Watts  
**Application Type:** Full Application  
**Target Date:** 19 October 2011  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 This application seeks planning permission for works in the grounds of the Castle Museum, a Grade I listed building and Scheduled Monument within the Central Historic Core Conservation Area. The works would take place between the southern wall of the Castle Museum, the River Foss and Tower Street. The area was used as a coal merchant's yard in the 19th century and allotments in the early part of the 20th century. It is intended to develop the use of the site as a high quality resource for visitors to enhance their experience of the Castle Museum. It would act as an outdoor educational area, would provide an attractive outdoor space with seating areas, would develop and enhance the semi-natural setting of the River Foss and would create an ecological landscape maintaining a green corridor through the centre of York.

1.2 The site contains the Raindale Mill which is a relocated early 19 century flour mill from Pickering in 1935. The area was landscaped in the mid- 1960's and Raindale Water Mill was opened to the public in 1966. The mill is open to the public, but is limited to weekends and although the renovation of the waterwheel was completed this year, viewing of the wheel has been limited due to access and health and safety reasons. The proposed works would allow wheelchair users to access the lower level of the mill. The top level of the mill is fully accessible.

1.3 The large grassed area is accessible to the public when the riverside area is open, but suffers from limited visitor appeal, poor environmental conditions, and limited accessibility. The site is limited in the wildlife that it attracts, and is dominated by a variety of geese. The trees on the site are either ornamental and planted for amenity reasons or self-seeded, and their growth now obscures the Castle Walls. The landscaping improvements include; a new flight of steps with landing and handrail; a new 1.8m gravel path and paving linking the castle walls, Raindale Mill and the River Foss; new fencing and handrails; planting of traditional native

hedging, trees, wildflower meadow; creation of a wetland, cottage garden, and small pond; and the provision of artificial otter holt, bird and bat boxes.

1.4 The application has been the subject of a public involvement exercise and extensive pre-application discussions with public agencies, community groups, residents and employees. Another of the aims of the project is to create opportunities for community involvement in the area from the design process, through implementation, to the longterm maintenance of the site. Other aims include-

- a) Improved views of the Castle wall
- b) The integration of Raindale Mill to its surroundings and to enable safe and accessible viewing of its recently restored working wheel
- c) Promotion of the River Foss
- d) Creation of a bio-diverse urban landscape
- e) Improvement of the interpretation and educational potential of the site
- f) Improvement of the health and safety of the site and reduce risk to users.

1.5 This application is presented to the West and Centre Planning Sub-Committee at the request of Cllr Brian Watson given the importance of the site in the landscape of the City.

## **2.0 POLICY CONTEXT**

### **2.1 Development Plan Allocation:**

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

Floodzone 3 GMS Constraints: Floodzone 3

Listed Buildings GMS Constraints: Grade 1; Castle Museum The Female Prison Castle Precinct

Listed Buildings GMS Constraints: Grade 1; Crown Court And Attached Railings Castle Precinct

Listed Buildings GMS Constraints: Grade 1; City Wall From Tower Street To River Foss 0989

Listed Buildings GMS Constraints: Grade 1; Castle Museum (The Debtors Prison) Castle Precinct 0988

Scheduled Ancient Monuments GMS Constraints: SMR No.13275; York Castle(including Clifford's Tower)

### **2.2 Policies:**

CYHE4 Listed Buildings

CYHE2 Development in historic locations

CYHE10 Archaeology

CYGP9 Landscaping  
CYGP15 Protection from flooding  
CYNE1 Trees, woodlands, hedgerows  
CYNE2 Rivers and Stream Corridors, Ponds and Wetland Habitats  
CYNE7 Habitat protection and creation  
CYHE9 Scheduled Ancient Monuments

### **3.0 CONSULTATIONS**

#### INTERNAL CONSULTATIONS

##### Design Conservation and Sustainable Development

3.1 The Landscape Architect, Conservation Officer and Ecology Officer have no objections subject to conditions.

##### Property Management

3.2 The Council own the freehold of the land forming the area of the planning application and have leased it to the York Museums Trust, but the river sides are not included in the lease. Formal consultation should take place with the Council to allow the effect of any planting on the stability of the river bank to be assessed and the river sides where these are more formally constructed- drainage and landscape officers. Implementation of the works would require consent from Property Management. The proposed scheme would enhance the area of the riverbank and open it up visually.

#### EXTERNAL CONSULTATIONS

##### Guildhall Planning Panel-

3.3 No objections but have reservations in the creation of an historic period that is misleading to users.

##### Conservation Area Advisory Panel

3.4 Welcome the opening up of the area and the opportunity to expose the original gate into the museum by removing trees. Do not want to see too many interpretation boards and question whether hedging is the right boundary treatment. Prefer to see the riverside railings removed with a grassed bank and dwarf wall erected. The cottage garden should be fenced and any new trees should be native species. Concerned that there would be too many possibly conflicted themes being introduced and would prefer to see a calmer space.

##### York Natural Environment Panel

3.5 The panel welcome the scheme that would be a visual and content improvement to the area.

British Waterways

3.6 No objections

Environment Agency

3.7 No objections but recommend that an informative is attached regarding back filling and infilling.

English Heritage

3.8 The proposed works would substantially improve the significance of the heritage asset and its setting. Scheduled Monument Consent would be required from the Secretary of State before works can commence on site.

**4.0 APPRAISAL**

4.1 Key Issues include Land Use, Visual impact - listed building/ conservation area, Impact on archaeological remains, Natural environment, Flood Risk.

**POLICY CONTEXT**

National Policy

4.2 Planning Policy Statement 1: Planning for Sustainable Development ( PPS1) aims to protect the quality of the natural and historic environment. 'The Planning System: General Principles', the companion document to PPS1, advises of the importance of amenity as an issue.

4.3 Planning Policy Statement 5 "Planning for the Historic Environment " seeks to ensure that the special characteristics of listed buildings are not adversely affected by inappropriate alterations/ additions.

4.4 Planning Policy Statement 25: Development and Flood Risk explains how flood risk should be considered at all stages of the planning and development process. It sets out the importance of the management and reduction of flood risk in planning, acting on a precautionary basis and taking account of climate change.

Local Plan Policy

4.5 POLICY HE4 of the Local Plan relates specifically to listed buildings and states to ensure that there is no adverse effect on the character, appearance or setting of the building from resulting developments. POLICY HE2 of the Local Plan states that within or adjoining conservation areas, and in locations which affect the setting of listed buildings, development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials. POLICY HE9 advises that planning permission should not be granted for developments that would adversely affect a scheduled ancient monument or its setting. POLICY HE10 seeks to ensure that development in areas of archaeological interest respects the presumption in favour of the physical preservation of remains.



POLICY GP15a of the Local Plan requires that the proposal demonstrates any flood risk will be appropriately managed with the minimum environmental effect and ensure that the site can be developed, serviced and occupied safely. POLICY NE7 of the Local Plan seeks the retention and, where possible, measures to encourage development measures that would establish new habitats. POLICY NE1 seeks to protect existing the historical, amenity, landscape, and nature conservation value of trees on the site. POLICY NE2 protects the value of river and stream corridors and POLICY NE8 advises that planning permission should be supported for developments that ensure the continuation and enhancement of green corridors within the City. POLICY GP9 is a more general policy that supports the preceding policies.

## APPRAISAL

### Land Use

4.6 The site to the rear of the Castle Museum is currently a small, relatively under-used public open space alongside the River Foss. The site currently consists of an area of short grassland with scattered trees, and an area of dense scrub towards the northern part of the site as it runs alongside the river, and to the rear of the museum buildings. The proposed scheme would involve a number of enhancement and management opportunities aiming to bring this site and its mill back into use both by visitors of the museum and by the general public, and also aims to increase the biodiversity value which would be especially beneficial in this location. The increased accessibility and increased educational use of the site would significantly enhance the heritage assets in the area, their setting and provide considerable public benefit.

### Visual Impact

4.7 The proposed landscaping works would open up public views of the Castle Walls and generally improve access from the Castle Museum to Raindale Mill. The introduction of hedging and wildflower planting at the railed boundary with Tower Street would reduce noise and visual intrusion from vehicular traffic in Tower Street. The visual improvements would result in the opening of views to the restored water wheel and mill, an attractive setting for Raindale Mill together with new paths and planting beside the River Foss. Together this would result in a richer, more attractive bio-diverse urban landscape within the setting of the Castle Walls and the River Foss. The application is supported by an appropriate level of documentation defining the significance of the heritage asset in accordance with Planning Policy Statement 5. The scheme is also supported by a post-works Maintenance and Management scheme. There would be no conflict with Policies HE2 and HE4 of the Local Plan that seek to preserve the aesthetic and historical value of listed buildings within the conservation area.

### Landscape, Tree and Hedge Works

4.8 The scheme involves the removal and pruning of some trees to open up views from within and outside of the grounds. At the northern end of the site, ground light levels would be increased to encourage a greater diversity of ground flora. Although the existing ornamental Rowans at the southern end block some views, they also add to the attractive treescape in the area. It is considered that an appropriate balance would be met by removing three Sorbus and retaining four of them.

Similarly although the sycamore, elder and willow at the northern end of the site are 'self sown', they provide a semi-natural setting for the River Foss, and add to the general tree cover which partly screens the less attractive buildings on the opposite bank. Therefore the importance of some tree cover is recognised in the proposals.

4.9 The trees within the wooded section have not been managed, consequently the younger ones are in need of thinning and there are no particularly good, individual, mature specimens. The aim is to gradually replace the heavy tree cover of the sycamore with a more suitably spaced range of better quality native trees. The timing and suitability of such retention/removal of the trees will depend on the success of the replacement planting within the first phase, plus an assessment of wildlife activity in the area. The planning application drawings only show the tree removals within the first phase of works. The management plan proposes a second phase of removal in five years or so.

4.10 The removal of a number of trees from the river bank would increase the range of ground flora to include species such as bluebell, primrose, and wood anemone, and would also allow the introduction of a sparse under storey of hazel (which can be coppiced) and holly.

4.11 The proposed removal of some smaller vegetation – Hawthorn and Elder close to the mill has no great value both aesthetically or historically. It would be replaced with a small pond, and orchard trees of historic northern varieties of apple and pear, and a new more consistent native hedge to be kept trimmed at a lower height. Thus the final scheme would have greater amenity, educational and bio-diversity value, whilst also improving the setting of the mill.

4.12 The proposed maintained hedge along the boundary with Tower Street would be acceptable. It would serve to screen the passing traffic from within the museum's external area, whilst not blocking views of the castle from Tower Street.

4.13 The works would include improvements to the relationship with the river by utilising the steep retaining structure running between the mill and the bridge to create seating right by the river whilst re-siting the benches elsewhere within the grounds from where one can enjoy views of the castle. There would be some ground level changes within the middle section to aid access to the wildflower meadow area and River Foss.

4.14 The proposals present an improvement to the landscape setting and function to this rear area of the castle, and provide a better relationship with its surroundings, including the river Foss and Tower Street. They would be supported by Policies GP9 and NE1 of the Local Plan.

#### Archaeology

4.15 The application site lies within the Scheduled Monument of York Castle and the works would require consent from the Secretary of State. The impact on archaeological remains would be covered in the scheduled monument consent application.

#### Wildlife

4.16 The River Foss in particular provides very good habitat for a range of wildlife species and is also a regionally important green corridor as identified within the Local Plan and supported by Policy NE8. This site therefore contributes to this corridor and the proposals on the site seek to strengthen and enforce this important wildlife corridor as much as possible. The creation of wildflower areas, additional tree and hedge planting and management of the wooded area to the north of the site, the creation of wetland and marginal planting, and the creation of a cottage garden area would be welcomed and supported by Policy GP9 and NE7 of the Local Plan. The provision of bat and bird boxes across the site and an artificial otter holt created within the woodland area would further enhance biodiversity and be supported by Policy NE7 of the Local Plan. Otters, as well as water voles, have been recorded along this stretch of the River, and the river corridor also provides important foraging, commuting and roosting opportunities for the local bat population and a number of bird species.

4.15 The site is at present well used by geese and as such the grassland is kept very short and is quite compacted. As part of the scheme, it is intended to extend and enhance this grassed area through adopting an appropriate cutting/management regime, and through incorporating additional wildflower areas, including taller, more shade tolerant species alongside the new hedgerow and tree planting to the Tower Street frontage, a traditional wildflower meadow and an area of wet grassland. Cornfield annuals would also be planted close to the Mill building which would tie in well with the interpretation of this feature, along with the creation of a cottage garden which would provide nectar rich flowers. These are very beneficial for invertebrates, particularly bees and butterflies. The proposed seeding mixes for these different areas are considered to be suitable and would include native species indicative of these habitat types.

4.16 The existing scrub and wooded area which leads round the back of the museum buildings towards the car park is overgrown and consists of mainly self-seeded trees such as sycamore and willow. The proposed thinning and selective removal of trees/shrubs would be beneficial and would open up the area, allowing for some under storey planting as well as the establishment of woodland ground

flora. The proposed artificial otter holt would be incorporated into this area where it is not going to be disturbed by the public and the proposed new marginal planting and maintenance of this wooded area would ensure that there is suitable cover away from public use.

### Flood Risk

4.17 No objections have been received from the Environment Agency and the proposed importing of material onto the site would be acceptable. The possibility of using dredged material was discussed between the Council's Flood Risk Manager, the Environment Agency and the agent, and whilst preferable it would be costly and not essential. The Council's Flood Risk Manager raises no objections to the scheme and there is no conflict with Policy GP15 of the Local Plan and Planning Policy Statement 25: Development and Flood Risk.

## **5.0 CONCLUSION**

5.1 Through the proposed enhancement projects and through the introduction of specific and sensitive management regimes at this site, there is the potential for biodiversity and ecological benefits, as well as scope for increasing the educational use of the site and linking in with the museum collections. The landscape proposals would enhance the setting of the Castle Walls, improve access within the site, and enhance the character and appearance of this open space within the context of the Conservation Area. There would be no conflict with adopted local and national planning policies and the scheme would result in considerable public benefit.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years -

2 PLANS1 Approved Plans

3 Prior to the commencement of the works hereby approved, the following details shall be submitted for the written approval of the Local Planning Authority, and thereafter the works shall be implemented and retained in accordance with the approved details:

- a) Detailed landscaping plan showing the existing trees to be retained, trees to be removed as part of Phase 1, and trees to be planted as part of Phase 1
- b) All new surfacing materials
- c) Profile of pond
- d) Location and details of interpretation boards, bird habitat features, otter holt
- e) Lighting scheme
- f) Details of works that will affect the navigation of the River Foss

Reason: To ensure that the details would be acceptable in the interests of the landscape of the area, its bio-diversity, visual amenity and historical and architectural interest of the Listed Building and the amenity of the wider conservation area.

4 Any trees or plants which within a period of five years from the implementation of the submitted landscaping scheme that 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: So that the Local Planning Authority may be satisfied with the agreed variety, suitability and disposition of species within the site.

## **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 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."

#### **2. ENVIRONMENT AGENCY ADVICE**

The Environment Agency advises that the Infilling of soil behind the woven hazel will be acceptable provided it follows the line shown on the submitted plans. The use of dredged material for this back filling would be supported but it is not essential.

#### **3. PHASE 2 TREE REMOVAL WORKS**

The second phase of tree removal referred to in the management plan shall be subject to further notification to the local planning authority in accordance with Section 211 of the Town and Country Planning Act for works to trees in a conservation area.

### **Contact details:**

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

**Tel No:** 01904 552407

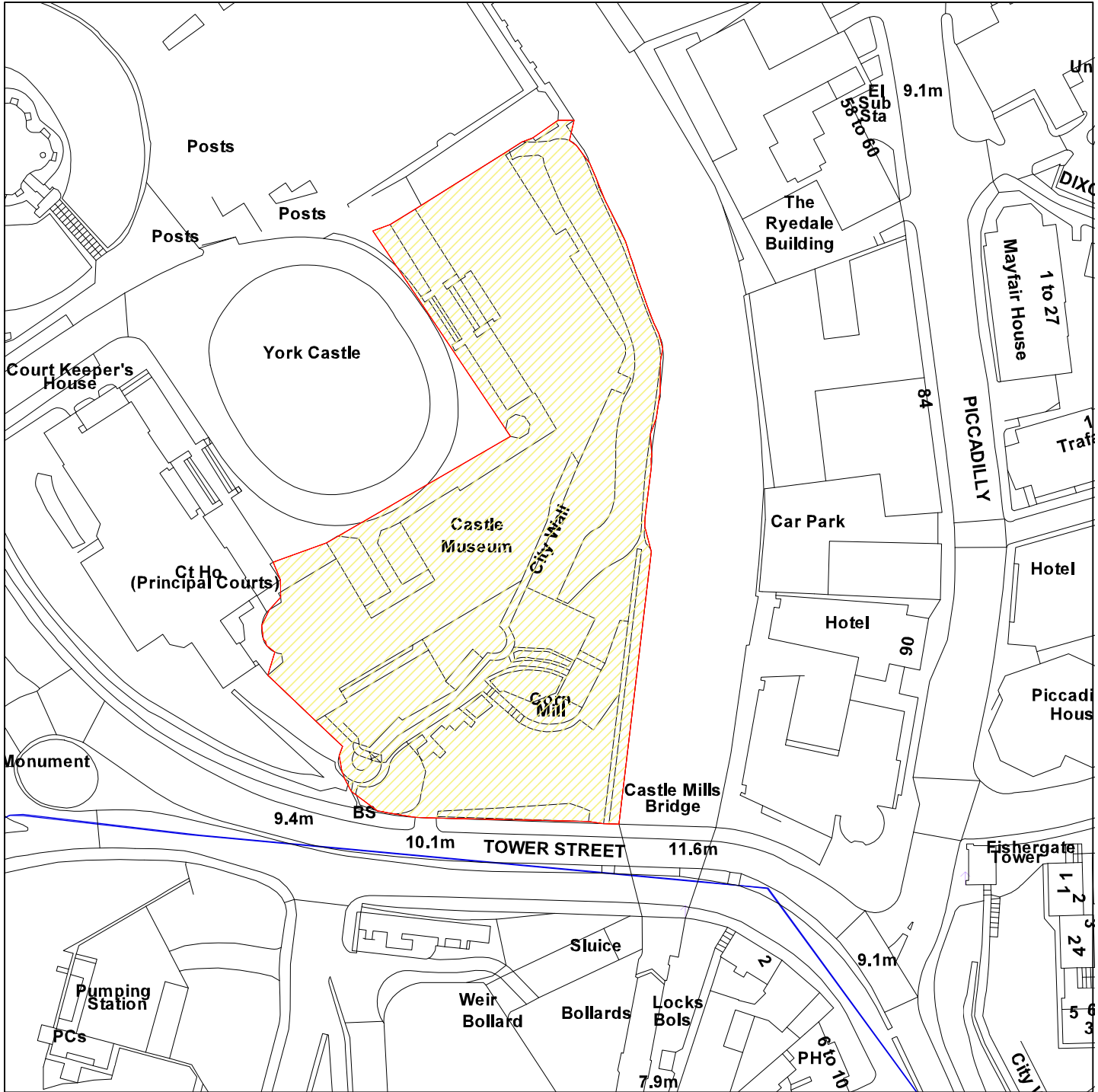
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# Castle Museum

11/02267/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>	07 November 2011
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 17 November 2011      **Ward:** Guildhall  
**Team:** Major and                      **Parish:** Guildhall Planning Panel  
                    Commercial Team

**Reference:** 11/02175/FUL  
**Application at:** York City Art Gallery Exhibition Square York YO1 2EW  
**For:** New landscaping and access to York Art Gallery site from Museum Gardens and demolition of hutment buildings.  
**By:** Mr Michael Woodward  
**Application Type:** Full Application  
**Target Date:** 7 October 2011  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The application affects the land to the rear (NW) of the York Art Gallery building. The site presently accommodates hutment buildings were introduced during the second world war, and a bowling green which is no longer in use.

1.2 The site is not allocated in the Local Plan for a particular land use. However it is within the Central Historic Core Conservation Area, the City Centre Area of Archaeological Importance and within the St Mary's Abbey Precinct - which includes the Museum Gardens area, King's Manor and the City Art Gallery. Part of the precinct (which is presently the museum gardens) is designated as a scheduled ancient monument, as are the precinct walls to the St Mary's Abbey which form the north and western boundaries to the site.

1.3 Planning permission is sought for demolition of the hutments and subsequent restoration of the site. The restoration involves extending the existing lawn, installing footpaths around the site including a connection into the Museum Gardens (footpaths to be in a matching material to those in the gardens), and an area of bound gravel immediately behind the gallery. It is intended the area where the hutments are would be used as an outdoor display area for sculptures.

1.4 The scheme has been amended since initial submission. Permission is no longer sought to remove later extensions from the NE side elevation. A temporary solution for making good the elevation following demolition was proposed and it has been agreed this work will be put on hold and an application made when the applicants have a permanent solution for restoration.

1.5 The application (and the companion conservation area consent application for demolition) are brought to committee at the request of Councillor Watson, to consider the historic importance of the hutments.

## 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 1; St Mary's Abbey Remains Precinct Walls
- Grade 1; St Mary's Tower St Mary's Abbey Remains 0485
- Grade 2; Railings And Gates Fronting Kings Manor 0618
- Grade1; City Walls St Mary's Tower To Bootham Tower 0611
- Grade2 ; 10 Bootham York 0613
- Grade 2; City Art Gallery Exhibition Square York 0615
- Grade 2 ; 8 Bootham York 0614

Scheduled Ancient Monuments GMS Constraints: SMR 12A St Mary's Abbey Precinct Walls SE 597520

### 2.2 Policies:

CYHE3

Conservation Areas

CYHE2

Development in historic locations

CYGP1

Design

CYHE9

Scheduled Ancient Monuments

## 3.0 CONSULTATIONS

### DESIGN AND CONSERVATION

3.1 Officers support the scheme. The wall that separates the site from the Museum Gardens is likely contemporary with the Art Gallery. The forming of an opening within the wall offers the potential for opening up to public access and enabling a greater appreciation of the site as a part of the wider St Mary's Abbey precinct. For comment on the hutments see associated conservation area consent application.

Landscape officer

3.2 The Landscape Works have been revised (Rev.B) by extending the lawn over the 'gravel area'; extending the shrub beds around the corner by the tower, and included some containerised trees. This will give a much more acceptable, softer appearance to the temporary landscape, whilst providing flexibility of use. Details will need to be submitted for approval of the dwarf wall constructions around the two existing Beech trees (at the NE side of the site) since these would need to avoid damage to roots.

#### ENVIRONMENTAL PROTECTION UNIT

3.3 Officers advise that the removal and disposal of asbestos is covered by its own legislation so it is not necessary to condition as part of the planning process. Officers do recommend conditions to cover potential land contamination due to previous uses, and a management plan to cover noise, vibration and dust during demolition.

#### ENGLISH HERITAGE

3.4 Officers support the principle of bringing the land to the NW of the art gallery into a positive use, as part of the art gallery, the public realm and as an extension to the existing Museum Gardens. The hutments are deemed to be of some historic and communal value, but their continued use is compromised by their high asbestos content and poor condition. Their removal is compensated for by the public benefits and enhancements to other heritage assets and as the hutments will be subject to a recording and report of their history. EH recommend that the landscaping works at the rear of the gallery are temporary in nature at this stage, so the alterations do not compromise long term change and enhancement of the gardens.

3.5 Officers also supported the proposals to remove the later extensions from the NE side of the gallery. However officers could not support the proposed method of making good, which would have seen the installation of temporary timber panelling. This temporary solution would cover up original features and be visually unsatisfactory, failing to support the architectural dignity and civic character of this important public building.

#### GUILDHALL PLANNING PANEL

3.6 Support the application.

#### SAFER YORK PARTNERSHIP

3.7 Support the application. Officers advise that the area to the rear of the Art Gallery has for many years suffered from problems associated with the misuse of drugs and the discarding of drugs paraphernalia. The huts it is proposed to

demolish have generated problems in respect of burglary as well as issues around 'rough sleeping'. It is considered the scheme will effectively eliminate these problems.

## PUBLICITY

3.8 One objection has been received which raises the following issues:

- No consideration given to the preservation and reuse of the hutment buildings. These are a rare survival in an urban setting, which should be re-used. There is deemed inadequate justification for demolition and the replacement landscaping would be 'uninspiring'.
- The hutments are not unduly compromised by asbestos, with asbestos only in the roof sheeting and added cladding. It is asked if any of the hutment structures could be relocated to Eden Camp.

## 4.0 APPRAISAL

### 4.1 Key Issues

- Impact on heritage assets
- Security, crime and disorder
- Bowling green

### Relevant policies

4.2 PPS5: Planning for the Historic Environment makes a presumption in favour of conservation. Alterations must be justified. However it also recognises that intelligently managed change may sometimes be necessary if heritage assets (listed buildings, conservation areas) are to be maintained for the long term. In determining applications local planning authorities should weigh the public benefit of the proposal (for example, that it helps to secure the optimum viable use of the heritage asset in the interests of its long-term conservation) against the harm; and recognize that the greater the harm to the significance of the heritage asset the greater the justification will be needed for any loss.

4.3 Part HE9.4 of PPS5 advises that where a proposal has a harmful impact on the significance of a designated heritage asset which is less than substantial harm, in all cases local planning authorities should:

- weigh the public benefit of the proposal (for example, that it helps to secure the optimum viable use of the heritage asset in the interests of its long-term conservation) against the harm; and
- recognize that the greater the harm to the significance of the heritage asset the greater the justification will be needed for any loss.

4.4 The hutments are not listed but being in a conservation area PPS5 regards them as a heritage asset. As such their historic interest is a material factor in determining whether their retention is necessary. Part HE12 of PPS5 advises that where the loss of the whole or part of a heritage asset's significance is justified, local planning authorities should require the developer to record and advance understanding of the significance of the heritage asset before it is lost, using planning conditions or obligations as appropriate. Part HE9 advises that where an element does not positively contribute to its significance, LPA's should take into account the desirability of enhancing or better revealing the significance of the World Heritage Site or Conservation Area, including, where appropriate, through development of that element.

4.5 Of the policies in the Local Plan relating to the historic environment HE2 states that within conservation areas, or locations which affect the setting of listed buildings development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regards to local scale, proportions, details and materials. Proposals will be required to maintain or enhance existing urban spaces, views, landmarks and other townscape elements, which contribute to the character or appearance of the area. HE9 advises that proposals which would adversely affect scheduled ancient monuments will not be supported.

4.6 Local Plan policy GP3 advises that crime prevention is a material planning consideration and identifies measures which should be considered in developments in order to create safer environments.

#### Impact on heritage assets

4.7 The buildings it is proposed to demolish are pre-fabricated structures introduced during the 2nd world war. They are of concrete construction with sheet metal roofing. The buildings are in a dilapidated state and contain asbestos. The buildings are of no architectural interest and visually detract from the area. The hutments are also presently vacant and have been subject to rough sleeping and break-ins. The removal of the hutments presents an opportunity to visually enhance the land behind the gallery, grant public access and add to the facilities offered by the gallery. Due to their original use the hutments have a level of historic interest, providing an understanding of developments during the war. However such buildings were erected on an ad-hoc basis and will not have been intended as long-term installations, hence many have subsequently been removed.

4.8 It is proposed that following removal of the hutments the existing grassed area will be extended, allowing the site to be used as display space. The new footpaths would be of a matching surfacing material to those in the Museum Gardens. Large scale details of the opening in the wall, which will allow passage between the gardens and the application site are required, although this can be dealt with as a condition. The demolition is the first phase of plans to improve this area, and it is

likely future proposals will involve some opening up of the rear elevation of the gallery and possibly further landscaping of this area. The works would adhere to Local Plan policies, in particular HE2 and HE9 as there would be appropriate enhancement of the area.

4.9 The English Heritage guidance note to PPS5 lists heritage benefits, which can justify any harm to heritage assets. Securing the optimum viable use of a heritage asset in support of its long term conservation, and making a positive contribution to economic vitality are benefits which would apply to the City Art Gallery in this case. In addition there are public benefits in that the site will be brought back into use, open to public access and the setting visually enhanced. The harm is limited; the hutment buildings were intended as temporary and presently detract from the historic setting yet they do have some historic interest. Their removal is justified due to the overall benefits of the proposals. In accordance with PPS5 a recording of the buildings prior to demolition will be required as a condition of approval.

#### Crime and disorder

4.10 The hutments appear to have been a desirable location in the past for rough sleeping, due to their vacancy. Demolition would remove this problem. There are no proposals to increase the height of the wall to King's Manor. There is inadequate justification for such works. King's Manor can already be accessed during the daytime from the Exhibition Square entrance. The Museum Gardens would be closed at night, as per the existing situation.

#### Bowling Green

4.11 Officers understand the (north) bowling green onsite is no longer in use. There is another bowling green in Museum Gardens but previous users of the north bowling green have been relocated to Clarence Gardens. Colleagues in leisure services are content that alternative facilities are available in the area and the loss of the bowling green has not been objected to.

### **5.0 CONCLUSION**

5.1 The scheme is supported. The changes are welcome as what is presently a derelict site will be brought into active use and visually enhanced. The proposals will enhance the setting of the St Marys Abbey Precinct make a positive contribution to the economic viability of the City Art Gallery, and increase public access to the area. These benefits outweigh any harm caused by the removal of the hutments.

### **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years -

2 Prior to demolition of the hutments an annotated photographic record of the buildings to be demolished (interior and exterior) shall be submitted to and approved in writing by the Local Planning Authority. The approved record shall be published in accordance with recommendations in part HE12 of PPS5: Planning and the Historic Environment.

Reason: To record and advance understanding of the historic development of the site before the buildings are demolished in accordance with PPS5: Planning for the Historic Environment.

3 Following demolition the site shall be restored as shown on the proposed landscaping scheme; drawing GHA 1101 10 06B.

This scheme shall be implemented within a period of six months of the completion of the demolition. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

4 Large scale details of the ramp, steps, and gate, at the entrance to the Museum Gardens shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

Reason: To manage the impact/appearance of heritage assets

5 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.

Reason: To ensure that risks from land contamination are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable safety and health risks.

6 Prior to demolition, a detailed method of works statement identifying the programming and management of site clearance shall be submitted to and approved in writing by the Local Planning Authority and the development carried out accordingly.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

## **7.0 INFORMATIVES: Notes to Applicant**

### **1. INFORMATIVES**

Note that this permission does not give listed building consent or planning permission for demolition of any extensions to the City Art Gallery building.

#### **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 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.

#### **Contact details:**

**Author:** Jonathan Kenyon Development Management Officer

**Tel No:** 01904 551323

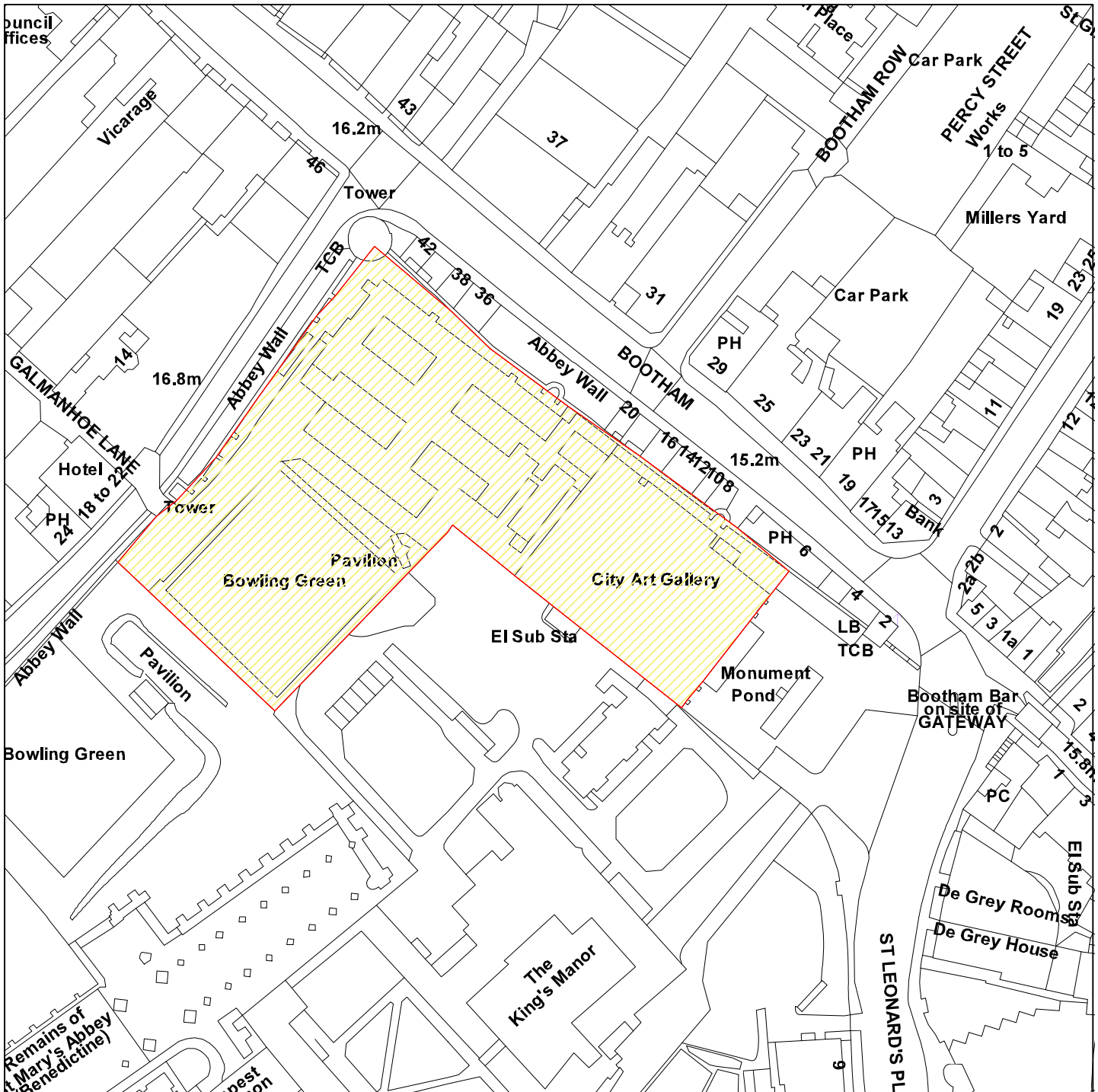


# York City Art Gallery

11/02175/FUL



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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	
<b>Date</b>	07 November 2011
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 17 November 2011      **Ward:** Guildhall  
**Team:** Major and                      **Parish:** Guildhall Planning Panel  
                    Commercial Team

**Reference:** 11/02172/CAC  
**Application at:** York City Art Gallery Exhibition Square York YO1 2EW  
**For:** Demolition of hutment buildings to rear of art gallery.  
**By:** Mr Michael Woodward  
**Application Type:** Conservation Area Consent  
**Target Date:** 7 October 2011  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The application affects the land to the rear (NW) of the York Art Gallery building. The site presently accommodates hutment buildings that were constructed during the second world war (1942), and a bowling green which is no longer in use.

1.2 The site is not allocated in the Local Plan for a particular land use. However it is within the Central Historic Core Conservation Area, the City Centre Area of Archaeological Importance and within the St Mary's Abbey Precinct - which includes the Museum Gardens area, King's Manor and the City Art Gallery. Part of the precinct (which is presently the museum gardens) is designated as a scheduled monument, as are the precinct walls to the St Mary's Abbey which form the north and western boundaries to the site.

1.3 Conservation Area Consent is sought for demolition of the hutments behind the art gallery and subsequent restoration of the site. The restoration proposed involves extending the existing lawn, installing footpaths around the site including a connection into the Museum Gardens (footpaths to be in a matching material to those in the gardens), and an area of bound gravel immediately behind the gallery. It is intended the area where the hutments are will be used as an outdoor display area for sculptures.

**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;  
City Art Gallery Exhibition Square York 0615

Grade 2; Railings And Gates Fronting Kings Manor 0618

## 2.2 Policies:

CYHE5 Demolition of Listed Buildings and Buildings in Conservation Areas

## 3.0 CONSULTATIONS

### DESIGN AND CONSERVATION

3.1 Officers advise that the St Mary's Abbey Precinct Conservation Management Plan (2005) prepared for the Museums Trust suggests that whilst the hutments are of local interest in the context of the overall history of the site and the WWII story in York they do not have any wider significance. The structures are of prefab concrete frame construction with clay brick infill panels and asbestos sheet roofing which was common for buildings of this type at the time. There are many surviving examples nationally and locally at Elvington and other airfields.

3.2 The buildings are of no particular merit architecturally and their historic interest is of local interest only. The buildings are in poor condition and beginning to deteriorate more significantly. They detract from the immediate setting of the St Mary's Abbey precinct. Officers support the analysis within the management plan and consider their demolition is acceptable, subject to the appropriate recording being undertaken.

### ENGLISH HERITAGE

3.3 Officers support the principle of bringing the land to the NW of the art gallery into a positive use, as part of the art gallery, the public realm and as an extension to the existing Museum Gardens. The hutments are deemed to be of some historic and communal value, but their continued use is compromised by their high asbestos content and poor condition. The removal is compensated for by the public benefits and enhancements to other heritage assets and as the hutments will be subject to a recording and report of their history. EH recommend that the landscaping works at the rear of the gallery are temporary in nature at this stage, so the alterations do not compromise long term change and enhancement of the gardens.

### PUBLICITY

3.4 Three objection comments have been received. Grounds as follows:

- The hutments have historical significance; they have a connection to the airmen of WWII. The Canadian link is also important (as it is in the Minster memorial). They are part of York's wartime history. A new development should incorporate at

least one of the buildings, properly conserved, as part of preserving the past of York - and also the history of this country.

- No consideration given to the preservation and reuse of the buildings. These are a rare survival in an urban setting, which should be re-used. There is deemed inadequate justification for demolition and the replacement landscaping would be 'uninspiring'.
- The hutments are not unduly compromised by asbestos, with asbestos only in the roof sheeting and added cladding. It is asked if any of the hutment structures could be relocated to Eden Camp.
- Security of King's Manor when site open to public (due to height of the boundary wall between the sites).
- Potential adverse impact on health due to removal of asbestos hutments.

## 4.0 APPRAISAL

### KEY ISSUES

4.1 Under the Planning (Listed Buildings and Conservation Act) Act 1990 conservation area consent is required for the demolition of unlisted buildings which are over 115 m cubed. In making a decision the material consideration is the requirement (of the aforementioned act) to preserve or enhance the character and appearance of the area. Policy HE5 of the Local Plan relates to demolition in conservation areas. HE5 advises that in cases where demolition 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. Issues of security and asbestos removal are covered in the companion planning application.

### ASSESSMENT

4.2 The existing buildings are dilapidated and vacant, and detract from the appearance of the conservation area. Their removal, and replacement with soft landscaping will improve the setting. Following English Heritage comment and through discussion with officers the landscaping scheme has been amended to provide more grassed areas, and the hardstanding immediately behind the gallery area can easily be altered, if desired, in future. The footpath into Museum Gardens will be of matching materials to the footpaths in the gardens. Officers are satisfied with the landscaping proposals, it is therefore recommended consent be granted for demolition of the hutments.

## 5.0 CONCLUSION

5.1 Demolition of the hutments is supported as the scheme to redevelop the site will enhance the appearance of the conservation area. Conditions concerning the subsequent redevelopment are detailed in the companion application for planning permission.

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Approve

1 Following demolition the site shall be restored as shown on the proposed landscaping scheme; drawing GHA 1101 10 06B.

This scheme shall be implemented within a period of six months of the completion of the demolition. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

2 TIME2 LBC/CAC Commence within 3 years

## 7.0 INFORMATIVES:

### Notes to Applicant

#### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference 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.

### Contact details:

**Author:** Jonathan Kenyon Development Management Officer

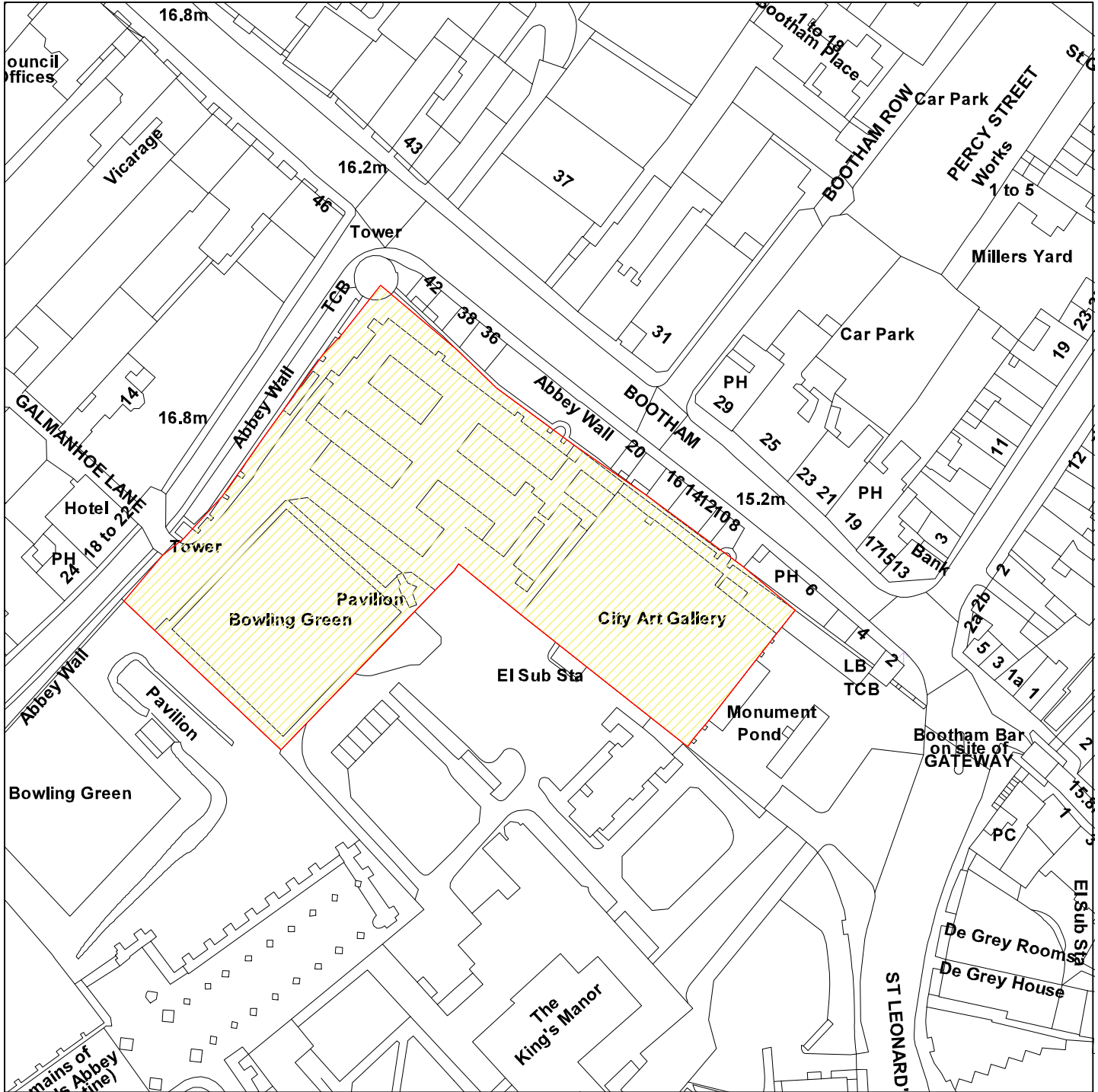
**Tel No:** 01904 551323

# York City Art Gallery

11/02172/CAC



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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	
<b>Date</b>	07 November 2011
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 17 November 2011      **Ward:** Guildhall  
**Team:** Major and                      **Parish:** Guildhall Planning Panel  
                    Commercial Team

**Reference:** 11/01437/FUL  
**Application at:** British Heart Foundation 34 Piccadilly York YO1 9NX  
**For:** Conversion of first and part of ground floor to create 9no flats  
**By:** Mr Martin Burgess  
**Application Type:** Full Application  
**Target Date:** 26 July 2011  
**Recommendation:** Refuse

**1.0 PROPOSAL**

1.1 The application relates to 34 Piccadilly which faces the junction between Piccadilly and Merchantgate and is bound by the River Foss to the west. The site falls just outside the central shopping area, as allocated in the Local Plan. It is in the Central Historic Core Conservation Area and within the Castle Piccadilly action area, which is designated for regeneration in the Local Plan (policy SP9).

1.2 The host premises is a commercial building of early C20 origin. It is 2-storey high with a basement level. The ground floor area has planning permission for retail use (a certificate of lawfulness was granted in January 2010). The building is presently vacant. It is undergoing refurbishment and Tesco are set to occupy the ground floor. Permission was granted for refurbishments/alterations to the buildings exterior, including a new shopfront, replacement/upgraded windows and a new roof covering (application 10/01095/FUL).

1.3 Planning permission is sought for 9 flats, one of which would be at ground floor level, the others at first floor level. There would be 2 x 1-bed, 6 x 2-bed and 1 x 3-bed and storage/car parking space within the basement.

1.4 The application comes to committee at the request of Councillor Watson, to assess the impact on the area.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

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

## 2.2 Policies:

CYGP15	Protection from flooding
CYL1C	Provision of New Open Space in Development
CYED4	Developer contributions towards Educational facilities
CYH3	Sequential test for new housing
CYH4	Housing devp in existing settlements
CYSP9	Action Areas
CYH11	Conversion of upper floors to housing
CYHE3	Conservation Areas

## 3.0 CONSULTATIONS

### City Development

3.1 Ask that the scheme be refused. The Castle Piccadilly Planning Brief (March 2006) identifies that the vision and benefits of the redevelopment of the Castle Piccadilly area as a whole can only be brought forward through a comprehensive regeneration scheme, rather than piecemeal proposals. The application site occupies a crucial location in the wider redevelopment of the Castle Piccadilly scheme. Its development for residential at this time could have a significant impact on the design, layout and wider integration of the future redevelopment of the area.

3.2 PPS1 (Delivering Sustainable Development) supporting document 'The Planning System: General Principles' deals with the question of prematurity when a Development Plan Document is not adopted. Paragraph 17 of the document states that in some circumstances it may be justifiable to refuse planning permission on the grounds of prematurity where a DPD is being prepared or is under review, but has not yet been adopted. The test seems to be whether what is proposed would prejudice the principles underpinning the emerging plan. Given the location of the site within the wider redevelopment of Castle Piccadilly; the benefits and importance of the redevelopment of Castle Piccadilly for York; a comprehensive approach is deemed necessary to meet the principles set out in the adopted development brief for the area and the emerging City Centre Area Action Plan. Consequently, the proposal is considered premature at this stage.

### Design and Conservation

3.3 In principle, the proposed alterations can be supported. Following comments have been made:

- Subdivision of the loading bay would be detrimental to the appearance of the building, and its contribution to the street-scene to some extent, but this should be weighed against the benefit of finding a more viable economic use for the building which has been underused for many years.

- The re-positioning of the stair to the first floor is an improvement over the extant consent. However, justification is nevertheless required for its position and design as it remains incongruous in what remains a display window.
- The positions of the subdivisions and the access doors differ from the extant consent; revised elevation drawings should be required prior to the determination of the application. Details are also required of the sub-division between the shop and the residential entrance.
- The position and design of external vents and flues will have may have an impact on the historic character of the building. Full details should be required prior to the determination of the application.

### Landscape officers

3.4 Being right on the riverbank, the local area is very good for bats; there are good foraging habitat and commuting corridors within close proximity, and potential roosting sites. There is some potential for supporting roosting bats within the building, possibly within gaps between the brickwork. Officers ask if habitat features can be introduced, to benefit bats as well as some bird species, to retain or create new suitable roosting opportunities. This can very easily be done during the roofing work or other alterations, for example through the creation of bat tiles, or by simply leaving some un-pointed crevices and this would be particularly beneficial along the river side elevation.

### Environmental Protection

3.5 Officers are concerned that residents may be adversely affected due to noise disturbance and report there are air quality issues on Piccadilly. With regards noise, concern is that disturbance would occur due to traffic noise, deliveries to the ground floor retail premises and internal plant. Future changes to deliveries (times, amount, frequency) and internal plant cannot be controlled through the planning system as the retail use is extant. Piccadilly is within the Air Quality Management Area. As such officers have asked that alternative means of ventilation, rather than the windows, be provided for the rooms with windows onto Piccadilly.

### Emergency Planners

3.6 Environment Agency maps show that the ground floor would not be inundated should the defences (Foss Barrier) be breached, even in the case of a 1 in 100 year flood. The roadway outside the premises would similarly not be flooded, and therefore, access and egress to the premises should not be affected significantly. The basement of the building, which the developers propose to use as a garage for

the residential properties and storage, would be flooded, and therefore, officers would recommend that the following course of action be taken.

- That the building managers and all residents “sign up” to the relevant Environment Agency flood warning scheme.
- That a plan be developed, whereby all vehicles and other valuables stored in the basement of the building, be removed to a safe area in the event of such a flood warning being issued.

#### Education Officer

3.7 A contribution of £35,117 has been requested for 2 places at the local secondary school (Fulford Secondary).

#### Lifelong Learning and Culture

3.8 Ask for a contribution toward amenity open space, play space and sports facilities. The contributions would go toward improving local sites such as Tower Gardens, Womad's Cut, and facilities within the South Zone of the Sport and Active Leisure Strategy.

#### Highway Network Management

3.9 No objection. Note that on the drawings doors within the roller shutters open outward - officers ask that this does not occur.

#### Environment Agency

3.10 Object to the scheme. Ask that a topographic survey be provided of evidence of risk to the site, the impact of a 1 in 100 year flood (to 10.92 AOD) and subsequent arrangements, considering evacuation and the impact on the premises if the basement floods, where services are shown as being located.

#### Police Architectural Liaison Officer

3.11 No objection. Note that cycle parking will be secure, windows and doors will be secure to BS standards and that entry to the building will be controlled.

#### Guildhall Planning Panel

3.12 Support the application.

## Publicity

3.13 Seven letters in support received; comments are as follows:

- The proposals accord with Government opinion, which is that there should be a presumption in favour of development unless it is contrary to up to date planning policy.
- Small scale incremental improvements to Piccadilly would be far more favourable than the comprehensive redevelopment required in the Castle Piccadilly Planning Brief, which also includes the opposite side of the river. The planning brief is viewed as controversial and inappropriate, hence the delay in its implementation.
- The introduction of residential will bring life to the area. Residential units are in demand, and required, whilst there is an existing supply of office space, which is more desirable than the first floor of the host premises.

## **4.0 APPRAISAL**

### 4.1 Key Issues

- Principle of the proposed development and whether it would fit with the regeneration of Castle Piccadilly
- Flood risk
- Character and appearance of the conservation area
- Amenity for future occupants
- Open space and education contributions
- Highway safety
- Sustainability

### Principle of the proposed development

4.2 It is proposed to retain the retail use at ground floor level and bring the upper floor into residential use. The upper floor was last used as ancillary space to the ground floor retail unit, though it has been redundant since the mid-1990's. The proposal would make prudent use of the building and provide housing stock, which the Housing Market Assessment advises is required. As such and given the city centre location, the development in principle accords with the thrust of PPS1 and PPS3 and the aspirations and strategies of the Local Plan.

4.3 The site is within the Castle Piccadilly area which has been identified for regeneration in the Local Plan (policy SP9). SP9 advises such areas will be subject to comprehensive development briefs. Development within the areas will be

resisted when they conflict with the brief or if they would compromise redevelopment as set out in the brief.

4.4 An initial scheme for regeneration of Castle Piccadilly was subject to a public inquiry in 2003. The inspector at the public inquiry dismissed the scheme on the grounds of design and appearance. An application to convert the building into flats was refused in 2005 on the grounds that such piecemeal development would be premature prior to the formulation of a development brief and comprehensive masterplan for the area.

4.5 The pertinent current planning documents produced by the LPA regarding the area are the Castle Piccadilly Planning Brief March 2006, the Central Historic Core Conservation Area Appraisal: Consultation draft, and the City Centre Area Action Plan, the two latter documents are presently going through consultation.

4.6 According to the Castle Piccadilly planning brief the key objectives and vision for the area can only be met by looking at the area comprehensively, to secure the high quality enhancements that the brief seeks to achieve. Officers understand that plans for the comprehensive regeneration of the area are at an advanced stage and it is likely proposals, which will include a masterplan for the area, will go out to public consultation by 2012. On this basis it would be premature to approve this scheme, which could compromise the wider regeneration of the Castle Piccadilly area.

4.7 The Conservation Area Appraisal identifies the opportunities for enhancement of the area, these include improving views of the Clifford's Tower and Castle Area, increased access to the river by providing gaps between buildings, a new footbridge over the river aligned with St Deny's Road and improvement of the appearance of Piccadilly and the riverside. The area appraisal identifies possible connection points with the river and buildings that detract from the area. Retention of the host building would not conflict with the aspirations within the conservation area appraisal.

#### Flood risk

4.8 The application site falls within Flood Zone 3 where the risk of flooding is high (annual probability of 1%). Dwellings are classed as a more vulnerable form of development in PPS25: Development and Flood Risk and need to pass the sequential and exception tests in order to be permitted in flood zone 3. York's Strategic Flood Risk Assessment classifies ground floor flats as highly vulnerable; such uses are typically unacceptable in flood zone 3.

4.9 The proposal is deemed to pass the sequential test on the grounds that there is an identified need for housing in the city (the RSS advised 850 dwellings per year 2011-2021, the Strategic Housing Market Assessment in 2007 found the figure to be higher), the site is in a sequentially appropriate location for housing, and the development is deliverable. Additionally significant weight has to be given to the

fact that although the site is in flood zone 3, because of the ground level the development is at the building would not be inundated, even in the case of a 1 in 100 year flood. The exception test is passed as the development constitutes efficient use of brownfield land and reduces the need to travel by private car by virtue of its location.

4.10 The residential element proposed would be reasonably safe from flooding as the finished floor level, 11.5 AOD, is 1.75 m above the 1:100 year predicted flood level. Also the land outside the premises would not flood, so there would be reasonable means of access and egress in such times. The basement is intended to be able to flood. It is though protected to the 1:75 year flood level. Council's Emergency Planners recommend that a mechanism be in place to ensure valuables are removed from the basement in times of flood, which could be achieved through a condition. Services will be above ground level (proposal has been revised in this respect) so the building would still have power in times of flood.

#### Character and appearance of the conservation area

4.11 Minor external works would be required in association with the proposed residential use, for extraction and ventilation. The applicants have advised these can be located on the roof and where they would be least prominent. The specific location and appearance could be secured via an appropriately worded condition. There would be no change to the loading bay doors which would be as the 2010 approval. It can also be required the entrance doors to the residential element be sliding doors, so there is symmetry and consistency to the shopfront area.

#### Amenity for future occupants

##### **Air Quality**

4.12 The building is in part of Piccadilly which is in the Air Quality Management Area. The proposed use would not be detrimental to levels of air quality, and potentially constitutes an improvement on the basis that residential in the city centre would reduce the need for private car travel in the area. However mitigation is required to ensure amenity for future residents is acceptable. The units on the road side elevation would be exposed to pollution from traffic. The proposed mitigation is to draw air to ventilate the units from the rear of the building. This would be acceptable and could be secured through an appropriate condition.

##### **Noise**

4.13 In 2002 permission was granted for apartments on the opposite side of Piccadilly. At that time a noise report found average external noise levels to be 62dB during the day, 57dB at night. The World Health Organisation advises reasonable living conditions are 30-40dB average in living rooms and 35dB in bedrooms. It is proposed to install secondary glazing, which would give a noise attenuation rating of 34dB. The attenuation would provide acceptable living

conditions. The occupants advise that noise from the ground floor plant room will be attenuated, as part of their standard protocol, which requires noise levels in residential areas to not exceed 35dB. Delivery arrangements may change over time, but this has to be expected in the city centre and such a potential issue cannot be used to resist housing in the city centre, which is promoted in national policy and the local plan.

#### Amenity for surrounding occupants and living space for occupants of the proposed building

4.14 The building is a conversion and there are no issues with the amenity of any surrounding occupants. The residential units have adequate space for living, including storage space in the basement.

#### Open space and education contributions

4.15 Policy ED4 advises that in considering proposals for residential development any consequences for existing schools will be assessed. When additional provision is required as a result of the proposals, developers will be required to make appropriate financial contributions. The approved supplementary planning guidance note; Developer Contributions Toward Education Facilities establishes trigger points for contributions and the necessary contributions. Policy L1c requires a contribution toward open space for all residential development.

4.16 A contribution, of £17,559 would be required towards a secondary school place in the catchment area and £9,716 toward open space. The applicants agreed to make the contributions should approval be recommended.

#### Highway safety

4.17 No changes to the buildings appearance or operation are proposed that would have an effect on highway safety. The doors to the basement were agreed under a previous application (in 2010) and they are remote opening roller shutters.

#### Sustainability

4.18 In accordance with York's Interim Planning Design Guidance on Sustainable Construction the development would achieve a BREEAM Very Good rating and at least 10% of energy demand from on-site renewable can be achieved from the proposed installation of air sourced heat pumps.

## **5.0 CONCLUSION**

5.1 Although when considered in isolation the refurbishment and occupation of the building would be consistent with national planning policy, the development would



conflict with the Castle Piccadilly development brief which requires regeneration to occur in accordance with an approved masterplan for the entire Castle Piccadilly area. Such a document is under preparation and to grant planning permission for this scheme at this time would be premature and would be likely to compromise the forthcoming master plan. As such it is recommended that the scheme be refused.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION: Refuse**

1 The proposed development is within the Castle Piccadilly action area and would conflict with the Castle Piccadilly Development Brief 2006 which requires regeneration to occur in accordance with an approved masterplan for the entire Castle Piccadilly area. Such a document is under preparation and to grant planning permission for this scheme at this time would be premature and would be likely to compromise the forthcoming master plan.

As such the proposal is contrary to policy SP9 of the Local Plan which advises development shall only occur within the identified action areas which accords with the development brief and when it would not prejudice comprehensive redevelopment of the areas.

### **7.0 INFORMATIVES:**

#### **Contact details:**

**Author:** Jonathan Kenyon Development Management Officer

**Tel No:** 01904 551323

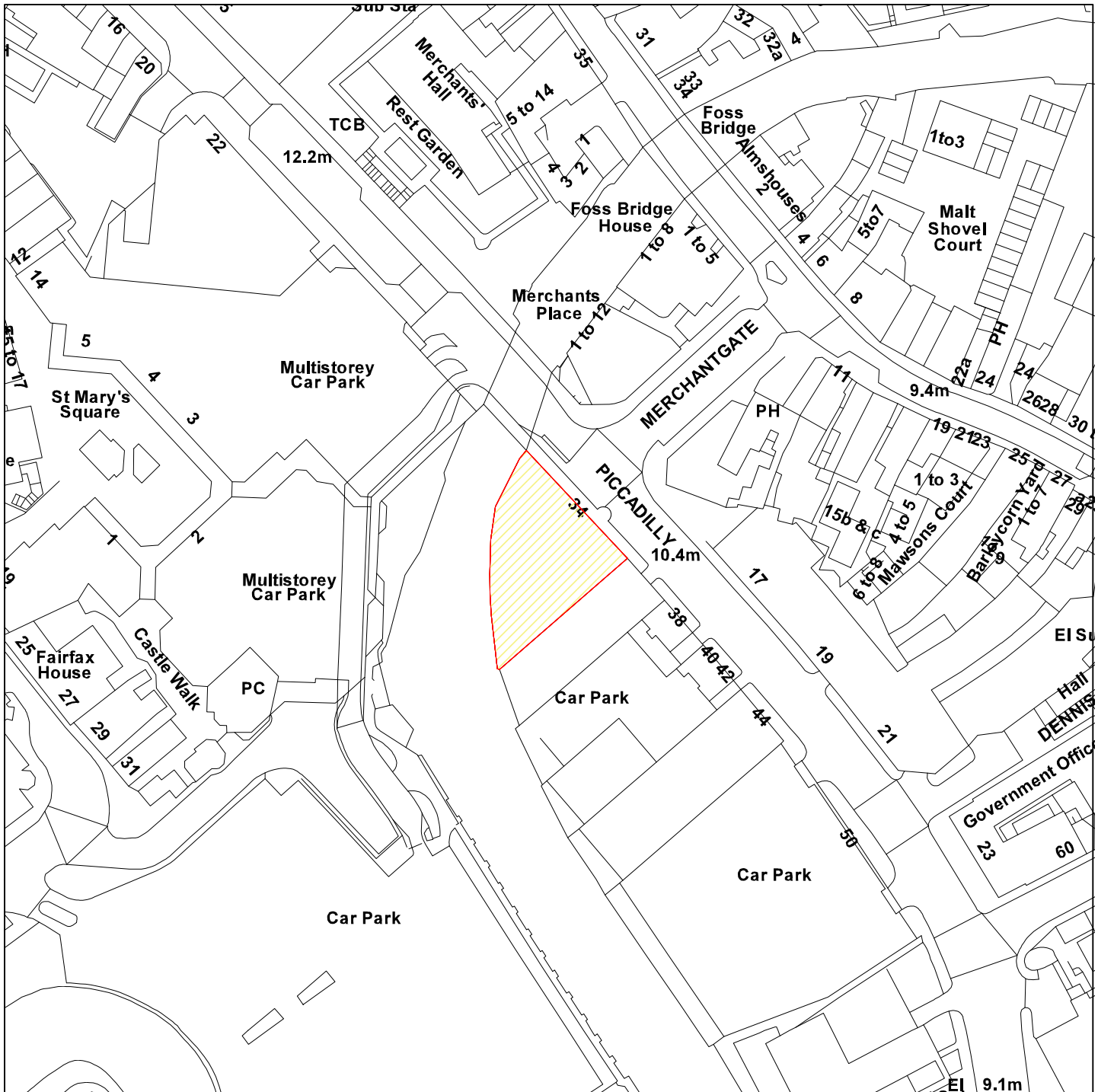
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# British Heart Foundation, 34 Piccadilly.

11/01437/FUL



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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	
<b>Date</b>	07 November 2011
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 17 November 2011      **Ward:** Rural West York  
**Team:** Major and                      **Parish:** Nether Poppleton Parish  
                    Commercial Team                      Council

**Reference:** 11/01736/FUL  
**Application at:** Town Farmhouse 25 Church Lane Nether Poppleton York YO26 6LF  
**For:** Erection of 1no. dwelling and garage building in the garden of 25 Church Lane with associated access following the demolition of the garage at no.11 Poppleton Hall Gardens (resubmission)  
**By:** Mr Robin Garland  
**Application Type:** Full Application  
**Target Date:** 1 September 2011  
**Recommendation:** Refuse

**1.0 PROPOSAL**

1.1 The application relates to the land which presently forms the rear garden of 25 Church Lane Nether Poppleton, and at 11 Poppleton Hall Gardens. Permission is sought for a single storey dwelling and detached garage in the rear garden of 25 Church Lane; vehicle access would be from Poppleton Hall Gardens, following demolition of the garage at no.11.

1.2 The site is in the Nether Poppleton Conservation Area, which includes the historic village core, St Everilda's Church and Manor Farm to the east and terminates at the river to the north of the village. The application site runs down to the river to the north, Poppleton Hall Gardens, a 1960's/70's development of 2-storey detached and semi-detached houses around a cul-de-sac is to the west and the rear garden of 27 Church Lane is to the east of the site. Further east is the Moat, a scheduled ancient monument.

1.3 The application is a resubmission, following application 10/01912/FUL which was refused in November 2010. The refused application was for the demolition of 11 Poppleton Hall Gardens, a replacement house and a new dwelling in the back garden of 25 Church Lane. The grounds for refusal were -

- The amount of associated development and removal of landscaping in the garden of 25 Church Lane would have an urbanising effect, in a part of the Nether Poppleton Conservation area which is characterised by its rural green/open appearance. The development would appear out of context, and detract from the character and appearance of the conservation area and its setting.

- The house would have an adverse impact on the amenities of 10 Poppleton Hall Gardens and 27 Church Lane.
- The replacement house in Poppleton Hall Gardens would be of a lesser quality than the existing dwelling, as such there would be harm to the appearance of the conservation area.
- Lack of affordable housing.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Nether Poppleton CONF

### 2.2 Policies:

CYGP1	Design
CYGP4A	Sustainability
CYGP10	Subdivision of gardens and infill development
CYHE3	Conservation Areas
CYHE11	Trees and landscape
CYH4A	Housing Windfalls
CYL1C	Provision of New Open Space in Development

## **3.0 CONSULTATIONS**

### DESIGN AND CONSERVATION

3.1 Design - Object as the proposed development fails to preserve the character or appearance of the conservation area. The open gardens such as that at 25 Church Lane contribute to the appearance of the settlement, and the site is particularly apparent in views from a footpath on the north bank of the river and in longer views of the settlement. The close relationship between the site and the neighbouring scheduled medieval moated site is also clear; in officers opinion the application site contributes to the setting of the scheduled monument.

3.2 Irrespective of the design of the proposed house, the siting fails to preserve the traditional pattern of frontage development which characterises the conservation area. Extensive glazing to the north elevation will draw attention, particularly in the months when the trees to the site are not in leaf.

3.3 Landscape - no objection. Officers reported when the previous scheme was under consideration that the proposed house would result in the removal of one large weeping willow and smaller trees and shrubs mid way down the garden which contribute to the general tree cover in the area. However these are of very limited

visibility from the public perspective of Church Lane and Poppleton Hall Gardens. The large, mature trees along the bottom of this and neighbouring gardens are an essential component of the attractive river side setting especially as experienced along the footpath on the opposite bank of the Ouse. Thus they have a high public amenity value and should be protected.

3.4 Bats - Officers did ask for a bat survey if 11 Poppleton Hall Gardens were to be demolished as the building has potential for supporting roosting bats. It has features such as loose roof tiles and gaps in the soffit boxes, which may provide suitable roosting opportunities. The building is also situated within an area which provides ideal bat habitat and a high level of bat activity has been recorded within the vicinity in the past.

3.5 Otter habitat - A suitable buffer zone should be in place during construction to avoid any disturbance and to minimise any potential impacts, and to ensure that suitable cover for otters and other species is retained away from public use. There are also opportunities for carrying out enhancement work to benefit otters and other wildlife species known to use the surrounding habitats.

## DRAINAGE ENGINEERS

3.6 Ask for the following further information on site drainage:

- Existing and proposed calculations for surface water levels.
- Details of existing surfacing.
- Proposed soakaways must be demonstrated to work adequately, to BRE 365 standards, to demonstrate the ground can accommodate surface water and not lead to flooding of adjacent sites. An alternative method of surface water drainage would be required if soakaways do not work, which would achieve a reduction in surface water run-off. (Surface water run-off should not be connected to any foul or combined sewer).

## LIFELONG LEARNING AND CULTURE

3.7 As there is no on site open space commuted sums should be paid to the Council for amenity open space and play space, which would be used to improve a local site within the Parish and sports pitches within the West Zone of the Sport and Active Leisure Strategy.

## HIGHWAY NETWORK MANAGEMENT

3.8 No objection to the revised scheme.

## BRITISH WATERWAYS

3.9 No objection.

## CONSERVATION AREAS ADVISORY PANEL

3.10 With regards the original scheme the panel considered the proposed house was of poor design and would be out of character with the character of the conservation area, of which rear gardens were an important part. The revised scheme will be considered by CAAP in November and an update will be available at committee.

## PARISH COUNCIL

3.11 Object on the following grounds:

- Report there is a covenant on the land that precludes development between the house and the river.
- Harm to the character and appearance of the conservation area and contrary to Government advice that advises gardens are not classed as previously developed land.
- The basement in the proposed building would have been susceptible to flooding (note a basement is no longer proposed).
- Increased levels of on-street parking would result, to the detriment of highway safety.
- Harm to the tranquil character of this part of the conservation area. The appeal decision from 7/9 Church Lane is also noted in this respect.
- Potential impact on an Otter holt within 50m of the site.

3.12 The parish council also comment that should the application be approved, the following conditions should apply:

- Development should be subject to an archaeological survey and English Heritage consulted due to the proximity to the - Moat, which is a scheduled ancient monument.
- A contribution should be made towards 'sustainability projects'
- Permitted development rights should be withdrawn for the proposed buildings.

## PUBLICITY

3.13 Objections have been received on behalf of 12 properties in the local area, predominantly from residents in Poppleton Hall Gardens and along Church Lane. The grounds of objection are as follows -

### Highway safety

- There are already problems with on street parking in Poppleton Hall Gardens. Increased activity, cars reversing onto the street and on-street parking, would each be detrimental to highway safety.



Detrimental to character and appearance of the area and harmful to the conservation area

- The scheme constitutes backland development, contrary to policy GP10 in the Local Plan and the Poppleton Village Design Statement.
- Loss of trees (on the application site and as the development may lead to damage to mature Birch and Sycamore trees at no.27). It is also reported that there is no tree survey and the trees shown on the plans do not appear to resemble those present onsite).
- The urbanising effect the development would have and as it would be prominent from the river.
- Harm to the conservation area, the special character of which is the long gardens between Church Lane and the river. A precedent for resisting such development was set when the council and then the planning inspectorate refused plans to build houses in the back gardens of 7 and 9 Church Lane. The inspector ruled that the remaining garden plots which lead down to the river were a key characteristic of the conservation area and should be protected.
- The design for both the proposed new house and the replacement in Poppleton Hall Gardens (which is no longer proposed) would be alien to the area and harmful to the environment.

Amenity of neighbours

- Overlooking and overbearing over 10 Poppleton Hall Gardens and 27 Church Lane. Loss of outlook from 10 Poppleton Hall Gardens.

Sustainability

- The demolition and re-building of a house, to accommodate one new house would be unsustainable. (Officer Note: demolition is no longer proposed).

Precedent

- If the application were successful, it would lead to proposals to add a further house in the garden of 25 Church Lane and develop other back gardens in the area, both of which would be harmful to the character of the conservation area.

Drainage

- Soakaways may have an adverse impact on neighbouring gardens (due to the topography) and vegetation and as the soakaways are closer to neighbouring land than recommended (in particular 27 Church Lane).

## Wildlife

- Excavation by the riverbank may have an impact on a known otter habitat in the nearest part of Moat Field.

## **4.0 APPRAISAL**

### KEY ISSUES

4.1 The main issues are whether the revised scheme overcomes the grounds for refusal of the 2010 scheme; the harmful effect on the conservation area and residential amenity and the issue of affordable housing. In addition there are issues of highway safety, drainage and sustainable development.

### VISUAL IMPACT AND EFFECT ON THE NETHER POPPLETON CONSERVATION AREA

4.2 National planning policy advises schemes should only be permitted when they are of acceptable quality. PPS1 states design which is inappropriate to its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted. PPS3: Housing states development should be distinctive, maintain character and make efficient and effective use of land. Local Plan policies GP1 and GP10 follow PPS1 requirements in that they require schemes to respect or enhance the local environment and not be detrimental to the character and amenity value.

4.3 The site is in the Nether Poppleton Conservation Area, which includes the historic village core around Church Lane and Main Street. Within conservation areas the Local Planning Authority has a statutory requirement to ensure that developments preserve or enhance the character and appearance of the area.

4.4 PPS5: Planning for the Historic Environment advises that a successful scheme will be one whose design has taken account of the following characteristics of the surroundings:

- The significance of nearby assets and the contribution of their setting.
- The general character and distinctiveness of the local buildings, spaces, public realm and the landscape.
- Landmarks and other features that are key to a sense of place.
- Topography.
- Views into and from the site and its surroundings.
- Green landscaping.
- The current and historic uses in the area and the urban grain.

4.5 The Poppleton Village design statement establishes design guidelines which seek to preserve and respect the village setting. In particular it states 'new development on the village periphery should be in-keeping with both the surrounding properties and the countryside, and should give high priority to landscape design, to protect and enhance external views of the village'. The document advises that part of the special character of the Nether Poppleton Conservation Area is the historic layout, of note the traditional relationship between Nether Poppleton and the river.

4.6 In 2001 appeals were dismissed for the development of 2-storey houses behind nos. 7 and 9 Church Lane. In dismissing the appeals the inspector amplified that the special relationship between the village and the river, whereby frontage development is backed by long gardens running down to the river's edge, is a key characteristic of the conservation area. It was determined that the visual impact of the houses, coupled with the loss of trees, would have a harmful visual impact.

4.7 The amended scheme proposes a single storey 2-bed house within the rear garden and a detached garage. The new dwelling would be accessed via Poppleton Hall Gardens following demolition of the garage at no.11. The buildings would be of brick walls, with a pitched roof. Because the site slopes down to the river, the height of the house would be staggered, with varying eaves levels of 3.6m increasing to 4.5m, and 2.5m, the ridge level would be a further 2.6m higher. The access route and parking space in the existing rear garden of no.11 would be of re-enforced grass.

4.8 The development would have an urbanising effect on what is presently a landscaped rear garden. This would be evident in particular due to the height of the proposed house, which even though single storey would be 7m high to ridge level at its highest point, the proximity of the garage to the house and the likely presence of parked cars within the gardens of 25 Church Lane and at 11 Poppleton Hall Gardens. Additionally the front garden area at 11 Poppleton Hall Gardens and any front boundary treatment would be lost to accommodate hardstanding and car parking. The result would be harmful to the character and appearance of the conservation area, in particular the special character identified in the village design statement, contrary to planning policy and the statutory requirement to preserve the conservation area, established in the Planning (Listed Buildings and Conservation Areas) Act 1990. There is also a concern that should the proposed house be built, it would lead to demand for the further removal of trees by the riverbank. The trees made a positive contribution to the character and appearance of the conservation area.

## RESIDENTIAL AMENITY

4.9 Policy GP1 requires development proposals have no undue adverse impact from noise disturbance, overlooking, overshadowing or overdominance. Proposals are

also expected to provide adequate space for storage for future occupants, in particular for cycles and bins.

4.10 The proposed buildings would be single storey and main living windows are orientated so they would not look directly toward neighbouring land. Other windows could be obscure glazed where necessary to avoid direct overlooking and any future extensions/alterations restricted via removal of permitted development rights. On this basis there would be no undue harm to the amenity of surrounding neighbours. There is the potential for disturbance from cars coming and going, which would, due to the location of the access road and parking spaces, affect 12 Poppleton Hall Gardens. However the amount of disturbance that would result is not deemed to be grounds for refusal.

4.11 The development would provide adequate storage space for each dwelling.

## SUSTAINABLE DEVELOPMENT

4.12 The development is currently expected to meet the requirements of the Council's planning guidance Interim Planning Statement on Sustainable Design and Construction. The document asks that all new housing achieves a code for sustainable homes rating of 3 stars or more and that at least 5% of energy demand is met by onsite renewable resources.

4.13 The supporting documentation with the application advises it is expected that due to the level of construction and energy and water efficiency measures that could be incorporated, the building could achieve at least 4 stars; above the minimum requirement. No details of renewable energy have been provided, although the requirement could be requested as a condition if necessary.

## DRAINAGE

4.14 Policy GP15a: Development and Flood Risk requires that sustainable drainage is encouraged. Otherwise discharge from new development should not exceed the capacity of receptors and water run-off should, in relation to existing run-off rates, be reduced. It would be necessary, if the scheme were approved that prior to commencement it be demonstrated that the soakaway proposed would work, or surface water run-off would need to be reduced, to prevent flood risk elsewhere. The proposed houses are at an adequate AOD level, so they would not be at undue risk from flooding.

4.15 The proposed method of surface water drainage is via soakaways. If these did not perform to BRE standards then an alternative would be necessary. There is space on site for attenuation tanks underground onsite, if these were subsequently necessary (subject to archaeology). Drainage could suitably be dealt with via a

condition if necessary. Due to the AOD level of the proposed house it would not be at any unreasonable risk of flooding.

## HIGHWAY SAFETY

4.16 The revised plans provide 2 off street car parking spaces for the existing house and at least 2 spaces for the proposed house. There is adequate off-street car parking provided. It is unlikely the additional activity, due to one further dwelling, would have a material impact on highway safety in Poppleton Hall Gardens due to extra traffic.

## PROTECTED SPECIES

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 Due to the location of the proposed house development could commence with suitable measures to protect wildlife established by the river. A bat survey is not required as it is no longer proposed to demolish 10 Poppleton Hall Gardens. If the scheme were supported, a suitable condition could require features to encourage bat roosts within the development.

## ARCHAEOLOGY

4.19 The Moat site to the east of 27 Church Lane is a Scheduled Ancient Monument and it may be the site contains valuable archaeology. Local Plan policy HE10 requires archaeological deposits of national importance to be preserved in situ. To fulfil this requirement developers are required to undertake an archaeological survey to assess archaeological value. Sites should be developed so valuable deposits are retained in situ, otherwise an excavation of deposits will be required. A survey could be required as a condition if the scheme were supported, along with the requirement for excavation of deposits if this were necessary.

## AFFORDABLE HOUSING

4.20 As the site is within a village with a population of under 5,000, policy H2a applies as the site is over 0.03ha in area. As such a contribution towards affordable housing, in line with the 2010 Affordable Housing Viability Study, is potentially required. As only 1 house is proposed there would be no affordable housing requirement. The site could not potentially accommodate further development, so

there is no case here that the site would be underdeveloped to avoid an affordable housing contribution.

## OPEN SPACE

4.21 In accordance with policy L1c, a contribution toward open space could be secured through an appropriate condition, if the scheme were supported. Based on the 2011 figures the contribution would be £1,172 for a 2-bed house.

## 5.0 CONCLUSION

5.1 The scheme is not supported because of the urbanising effect the development would lead to. It would have a detrimental impact upon this part of the conservation area, which is at the periphery of the village, and lead to the loss of the distinctive historic character which is retained by the remaining historic plots with gardens that lead down to the river. The development would fail to 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 set out in the Poppleton Village Design statement.

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Refuse

1 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.

**7.0 INFORMATIVES:**

**Contact details:**

**Author:** Jonathan Kenyon Development Management Officer

**Tel No:** 01904 551323

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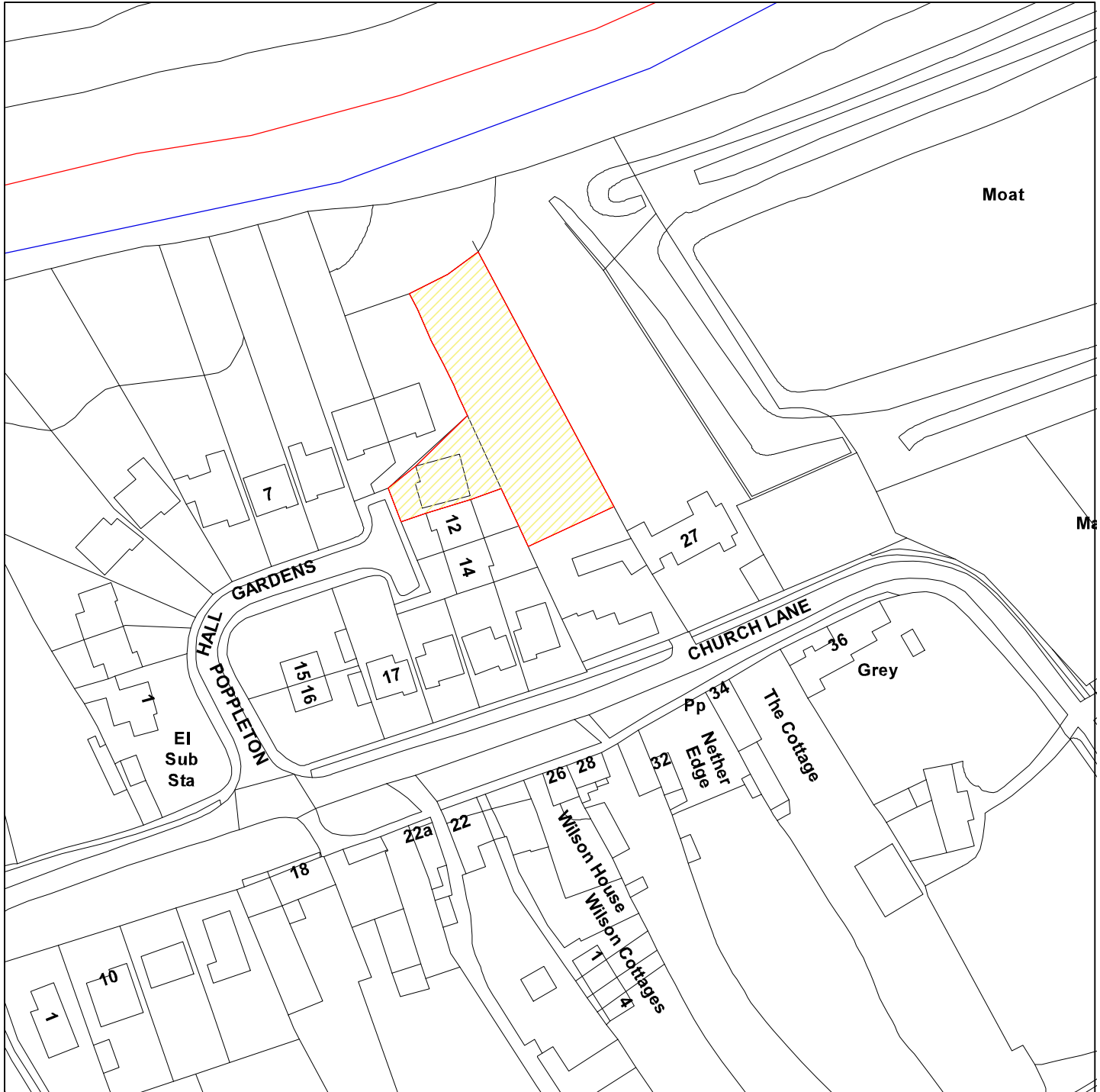


# Town Farmhouse, 25 Church Lane, Nether Poppleton

11/01736/FUL



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<b>Organisation</b>	City of York Council
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