

Notice of public meeting of

West & City Centre Area Planning Sub-Committee

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

Date: Thursday, 18 October 2012

Time: 3.00 pm

Venue: The Guildhall, York

AGENDA

Site visits for this meeting will commence at 11.00am on Wednesday 17 October 2012 at Memorial Gardens.

1. Declarations of Interest

At this point in the meeting, Members are asked to declare any personal, prejudicial or disclosable pecuniary interest they may have in the business on this agenda.

2. Exclusion of Press and Public

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

3. Minutes (Pages 5 - 36)

To approve and sign the minutes of the meetings of the West & City Centre Area Planning Sub-Committee held on 16 August and 13 September 2012.

4. Public Participation

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by 5pm the working day before the meeting, in this case **5pm on Wednesday 17 October 2012**. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

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

5. Plans List

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

- a) **10 Bankside Close, Upper Poppleton, York, YO26 6LH (12/00921/FUL)** (Pages 37 - 56)

Erection of two storey detached dwelling and detached garage (Revised Scheme). [*Rural West York Ward*] **[Site Visit]**

- b) **107 Main Street, Askham Bryan, York, YO23 3QS (12/01796/FUL)** (Pages 57 - 74)

Erection of new dwelling after demolition of existing dwelling (resubmission). [*Rural West York*] **[Site Visit]**

- c) **107 Main Street, Askham Bryan, York, YO23 3QS (12/01797/CAC)** (Pages 75 - 80)

Demolition of existing dwelling. [*Rural West York*] **[Site Visit]**

- d) **78 Low Petergate, York, YO1 7HZ (12/02355/FUL)**
(Pages 81 - 90)

Change of use from shop (Use Class A1) to restaurant and cafe (Use Class A3) and alterations to shopfront. [*Guildhall Ward*] **[Site Visit]**

- e) **78 Low Petergate, York, YO1 7HZ (12/02359/LBC)**
(Pages 91 - 96)

Internal and external alterations associated with change of use to restaurant. [*Guildhall Ward*] **[Site Visit]**

- f) **First York, 45 Tanner Row, York, YO1 6JP (12/02118/FULM)**
(Pages 97 - 110)

Conversion and alteration of 45 Tanner Row and 4 Barker Lane from offices to 11no residential apartments. [*Mickelgate Ward*]

- g) **York City Art Gallery, Exhibition Square, York, YO1 2EW (12/02508/FUL)** (Pages 111 - 120)

First floor extension above south gallery, rear extension including first floor balcony and external stair, roof-mounted plant and enclosure and demolition of single storey timber building to north side of building. [*Guildhall Ward*] [**Site Visit**]

- h) **York City Art Gallery, Exhibition Square, York, YO1 2EW (12/02509/LBC)** (Pages 121 - 132)

Internal and external alterations including additional gallery floor above main gallery, internal demolitions, replacement windows following demolition of timber building to the north of the gallery, 1st floor extension to south wing to create new gallery area, external balcony at rear and roof mounted plant and enclosure.
[*Guildhall Ward*] [**Site Visit**]

6. Enforcement Cases Update (Pages 133 - 272)

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

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

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

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

Democracy Officers:

Name: Catherine Clarke and Louise Cook (job share)

Contact Details:

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

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

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

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

Contact details are set out above.

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- 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

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The majority of councillors are not appointed to the Cabinet (39 out of 47). Any 3 non-Cabinet councillors can 'call-in' an item of business following a Cabinet meeting or publication of a Cabinet Member decision. A specially convened Corporate and Scrutiny Management Committee (CSMC) will then make its recommendations to the next scheduled Cabinet meeting, 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 17 October 2012

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

TIME (Approx)	SITE	ITEM
11.10	10 Bankside Close, Upper Poppleton	5a
12:00	107 Main Street, Askham Bryan	5b & c
12:45	York City Art Gallery	5g & h
13:30	78 Low Petergate	5d & 5e

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City of York Council

Committee Minutes

MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	16 AUGUST 2012
PRESENT	COUNCILLORS WATSON (CHAIR), FUNNELL, GALVIN, GILLIES (VICE-CHAIR), JEFFRIES, LOOKER, ORRELL, REID AND GUNNELL (AS A SUBSTITUTE FOR COUNCILLOR SEMLYEN)
APOLOGIES	COUNCILLOR SEMLYEN

13. INSPECTION OF SITES

The following sites were inspected before the meeting.

Site	Attended by	Reason for Visit
Land at Westview Close	Councillors Galvin, Gillies, Jeffries, Reid and Watson.	As objections had been received and the officer recommendation was to approve.
Fox and Hounds, Top Lane, Copmanthorpe	Councillors Galvin, Gillies, Jeffries, Reid and Watson.	As objections had been received and the officer recommendation was to approve.
31 Albermarle Road	Councillors Galvin, Gillies, Jeffries, Reid and Watson.	As objections had been received and the officer recommendation was to approve.
76 The Mount	Councillors Galvin, Gillies, Jeffries, Reid and Watson.	As objections had been received and the officer recommendation was to approve.
Bora Bora, 5 Swinegate Court East	Councillors Galvin, Gillies, Jeffries, Orrell, Reid and Watson.	As objections had been received and the officer recommendation

		was to approve.
Lucia Bar and Grill, 9-13 Swinegate Court East	Councillors Galvin, Gillies, Jeffries, Orrell, Reid and Watson.	As objections had been received and the officer recommendation was to approve.

14. **DECLARATIONS OF INTEREST**

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

Councillor Reid declared a personal and prejudicial interest in plans item 4e (31 Albermarle Rd) as she knew the objector well. She left the room during discussion of this application and did not take part in the debate or vote on this application.

Councillor Gillies declared a personal and prejudicial interest in plans item 4j (Land between sports field and Westview Close) as he knew the owner of the land personally. He left the room after speaking as Ward Member and did not take part in the debate or vote on this application.

15. **MINUTES**

RESOLVED: That the minutes of the meetings of the West and City Centre Area Planning Sub-Committee held on 14 June and 12 July 2012 be approved and signed by the Chair as correct records.

16. **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.

17. 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.

17a 1 Salisbury Road York YO26 4YN (12/01921/FUL)

This application, for change of use from residential (use class C3) to House in Multiple Occupation (use class C4), was withdrawn by the applicant prior to meeting.

17b 76 The Mount York YO24 1AR (12/01253/FUL)

Members considered a full application from Mr Gee Yin Sung for a change of use from a sandwich shop (Class A1) to a hot food takeaway (Class A5) and the installation of a kitchen flue to the rear (resubmission).

Officer recommended a further condition to secured alterations in the public highway to prevent vehicles parking outside the premises as such practice would obstruct the bus route. It was noted that the applicant could meet the requirements of this condition by funding the installation of bollards/cycle stands to prevent this occurring.

Officers also advised the Committee that the opening hours of nearby takeaways controlled by planning conditions were as follows:-

- Fish and Chip Shop, No 49, 11.30-24:00 midnight every day of the week
- Takeaway at 51 – open till 24:00, 23:30 Sundays

Representations were received from a neighbour living at number 13 Holgate (to the rear of the site) in objection to the application. He advised the committee that 97 percent of the buildings around the shops were residential use. He raised concerns about the potential for bad smells and noise disturbance from hot food takeaways. He expressed concerns that the proposed use would lead to him and his partner, who was ill, being disturbed by noise created by staff cars being

driven away from the staff parking at the rear of the building in the early hours of the morning as this was below his bedroom window.

Representations were received from the applicant in support of the application. He confirmed that, if granted, the intention was to stay open until midnight on Friday and Saturday nights only, with 11 – 11.30pm closing during the week and on Sundays. He confirmed that the rear yard would only be used for staff parking, and the garages would be used for storing dry goods, not additional vehicles. In response to concerns which had been raised regarding the extraction system, he advised Members that this was a modern system which included smell and grease filters and a silencer.

In response to questions he provided the following additional information:

- Deliveries would take place early in the evening (covered by condition 5)
- Majority of customers place orders by phone then collect at a given time thus preventing a build up of customers waiting on the premises.
- No delivery service is offered (also covered by condition 5). The proposed delivery service was a reason for refusal of a previous application due to potential for noise disturbance to neighbours.
- Premises would close at either same time as neighbouring businesses or earlier
- Intention is for only one car to be parked in the rear yard.

Members acknowledged that the applicant had agreed to everything possible to avoid disturbance to neighbours and acknowledged that they could not control movement of vehicles in and out of the yard, which was not just used by these premises.

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

Additional Condition 7

The development shall not come into use unless and until a scheme to prevent vehicles parking outside the application site has been

submitted to and approved by the Local Planning Authority.

Reason: To ensure that cars do not attempt to park on the highway immediately outside the site, as such practice would obstruct the highway, the detriment of highway safety and traffic movement on what is a main route into the city centre.

REASON: The proposal, subject to the conditions listed in the report and the additional condition above, would not cause undue harm to interests of acknowledged importance, with particular reference to amenity, highway safety and the character and appearance of the conservation area. As such the proposal complies with Policies GP1, S6 and HE3 of the City of York Development Control Local Plan.

17c Bora Bora, 5 Swinegate Court East, Grape Lane, York YO1 8AJ (12/01249/FUL)

Members considered a full application from Mr Bora Akgul for a change of use from a café (use class A3) to a drinking establishment (use class A4).

Officers advised the Committee that further letters of objection had been received from Barrie Crux & Lund's Court residents association which stated that these establishments were making residents lives a misery. They expressed the view that if approved, other drinkers would come here to take advantage of the 3am closing time resulting in extra noise, disturbance, vandalism and partying in the streets after 3am. They noted that, at a time when the council is worried about empty properties in the city, it seemed surprising that they were allowing early morning drinking to drive people away from living in the centre.

Representations were received from a local business owner and resident of the area. She asked the Committee to take account that the noise created by people in the courtyard and spilling onto the street keeps them awake into the early hours and adds to the noise created by Lucia's. She confirmed that this also

affects residents of Lunds Court who are even closer than her home.

Representations were also heard from another objector who stressed that the concerns with this application were very similar to the issues which had been raised with regard to the Lucia application. He expressed surprise that officers had recommended approval when Bar Kuga was still not trading having failed to find tenants. He stressed that while Bora Bora offered food to customers, the dominant use of the premises was the supply of drink. He stated that the noise emanating from the courtyard affected neighbours and it was sometimes hard to walk through courtyard due to number of people congregating there.

Councillor Galvin moved and Councillor Looked seconded a motion to refuse the application. On being put to the vote, the motion fell.

Members acknowledged that there was a link between Bora Bora and Lucias and agreed that it would be sensible to have some uniformity between the premises. They accepted that nearby residents were affected by noise from the premises and that operating hours needed to be restricted to protect residents amenity and that restrictions on the clearing up of bottles into bins was also needed, in order to prevent further disturbance. They also agreed that character and appearance of the conservation area needed protection from the effects of late night drinking.

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

Amended Condition 3

The use shall only be open to customers between the hours of 08.00 and 24:00 (midnight) each day of the week.

Reason: The premises are within an historic mixed use area with a significant residential population which contributes to the character and appearance of the conservation area. The hours of operation have been restricted in order to protect the living conditions of nearby

residential property, the character and appearance of the conservation area and the environmental qualities of the area from the effects of late night noise and disturbance in accordance with policy S7 of the Development Control Local Plan.

Additional Condition 4

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

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

REASON: The proposal, subject to the conditions listed in the report and the amended and additional condition above, would not cause undue harm to interests of acknowledged importance, with particular reference to the character and appearance of the conservation area and the amenity of surrounding occupants. As such the proposal complies with Policies HE3 and S6 of the City of York Development Control Local Plan.

17d 47 Albermarle Road, York, YO23 1EP (12/02192/FUL)

Members considered a full application from Mr N Cooper for a pitched roof single storey rear extension with dormers to front and rear.

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 and the potential fall-back position of the rear dormer being permitted development if constructed in isolation, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the residential

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

17e 31 Albemarle Road, York, YO23 1EW (12/02238/FUL)

Members considered a full application from Mr Graham Harrison for the erection of a detached pitched roof store to the rear of the application site.

Officers advised that a further objection had been received from the neighbour at 29 Albemarle Road which put forward the following concerns:

- The new wall and fence would result in the demolition of our existing wall and gate and because of the change in level between the sites the new wall/ fence will appear 3m high which is excessive and oppressive. It will also significantly narrow the passage alongside no.29
- A drain cover will be damaged
- The tree is incorrectly located on the plans and would be damaged by the construction
- If the store is only to be used as a store why does the whole of the ground level need to be sloped up to it as if for a garage? A path would be all that is needed.
- Loose pebbles from the hardstanding would migrate down the slope and on to the road

Officers reported that the applicant had sent an email stating that the tree was actually on his land as the original boundary wall has been moved.

Officers recommended an additional condition to require the applicant to submit details of the permeable hardstanding to the local authority.

Representations were received from the applicant in support of the application. He advised Members that the application would have a minimal impact on the street scene and would not harm resident's amenity. He expressed the view that it was unlikely

that the next door neighbour would see the shed due to shrubbery.

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

Additional Condition 3

Notwithstanding the approved drawing, details of the permeable hardstanding shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. The initial 10m of the new hardstanding, measured from the back of the public highway, shall be surfaced in a permeable material that will prevent the egress of loose material on to the public highway.

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

REASON: The proposal, subject to the conditions listed in the report and the additional condition above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the residential amenity of neighbours or the impact upon the streetscene. As such the proposal complies with Policies H7 and GP1 of the City of York Development Control Local Plan and City of York Supplementary Planning Guidance to Householders (Approved March 2001).

17f Flat 1, 99 Nunnery Lane, York, YO23 1AH (12/01961/FUL)

Members considered a full application from Mr Philip Armitage for the creation of three flats (retrospective).

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 residential amenity. As such the proposal complies with Policies GP1 and H4a of the City of York Development Control Local Plan.

17g Fox and Hounds 39 Top Lane Copmanthorpe York YO23 3UH (11/02985/FULM)

Members considered a major full application from Enterprise Inns PLC for the construction of 11 dwellings following demolition of the existing public house.

Officers advised that draft conditions 2 (plans), 5 (means of enclosure) and 23 (internal noise levels) should be amended. They proposed addition conditions to cover a construction environment management plan (24), demolition and construction works (25) and contamination issues (26).

One Member raised the issue of the wall to be constructed on Top Lane. She noted that this proposed wall would be 1.8m in height and constructed in brick. She expressed concerns about the impact on the street scene and with regard to the planting proposed to soften the effect of the wall, she asked for assurance that this area would be maintained.

Representations were received from the agent in support of the application. He confirmed that he was happy with the amended conditions and agreed to the Section 106 agreement. He reminded Members of the history of the pub on the site and confirmed that despite every reasonable effort by the applicants, the site was no longer viable as a public house. He confirmed that the application had full support of consultees. With regard to the wall, he acknowledged the need to soften the structure and that the question of future maintenance of the landscaped strip needed to be addressed further. Officers stated that this could form part of the legal agreement and agreed to liaise with highways maintenance officers regarding this.

Members accepted the reasons for the closure of the public house and agreed that the proposed houses were a reasonable use of the site and were low in density and would fit in well in

the area. They agreed that the maintenance of the landscaped strip needed to soften the effect of the wall needed to be considered further and that this could form part of the legal agreement.

RESOLVED: That the application be approved subject to a 106 agreement, the conditions listed in the report and the amended and additional conditions listed below:

Amended Condition 2

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

Drawing Refs: - E/12/02/B; E/12/05/A; E/12/06/A and E/12/02/C. Date Stamped 27TH July 2012 and E/12/07/A; E/12/08/A and E/12/03/L. Date Stamped 14th August 2012.

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

Amended Condition 5

The means of enclosure to the development hereby authorised shall be erected in strict accordance with the details contained within Drawing Ref: E/12/03/L. Date Stamped 14th August 2012 unless otherwise agreed in writing by the Local Planning Authority.

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.

Amended Condition 23

The building envelope of all residential buildings shall be constructed so as to achieve internal noise levels of 30 dBLAeq, 1 hour and 45 dBLAMax(23:00-07:00) in bedrooms and 35 dBLAeq 1 hour(07:00-23:00) in all other habitable rooms. The noise levels are with windows shut and other means of acoustic

ventilation provided. The detailed scheme shall be approved in writing by the Local Planning Authority and fully implemented before the use hereby approved is first occupied.

Reason: - To secure the residential amenity of the properties and to secure compliance with Policy GP1 of the York Development Control Local Plan.

Additional Condition 24

Before the commencement of development, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy Goods Vehicle access to the site. It shall include details of measures to be employed to prevent the egress of mud, water and other detritus onto the public highway. It shall include for the provision of a dilapidation survey of the highways adjoining the site. Once approved, the Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: - To safeguard the residential amenity of neighbouring properties and in the interests of highway safety.

Additional Condition 25

All demolition and construction works and ancillary operations which are audible beyond the site boundary or at the nearest noise sensitive dwelling including deliveries to and despatch from the site shall be confined to the following hours:-

Monday to Friday 08:00 to 18:00
Saturday 09:00 to 13:00
Not at all on Sundays and Bank Holidays.

Reason: - To safeguard the residential amenity of neighbouring properties and to secure compliance with Policy GP1 of the York Development Control Local Plan.

Additional Condition 26

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

Reason:- To ensure that the site is free from land contamination.

REASON: The proposal, subject to a section 106 agreement and the amended and additional conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the visual amenity of the wider street scene, impact upon the safety and convenience of highway users, impact of road traffic noise upon the amenity of future occupants of the site, provision of affordable housing impact upon the local pattern of surface water drainage, the sustainability of the development and loss of a public house. As such the proposal complies with Policies L1c), GP1, NE1, NE6, GP15a), H2a), H4a), GP4a) and L1b) of the City of York Development Control Local Plan.

17h Lucia Bar And Grill, 9 - 13 Swinegate Court East, Grape Lane, York, YO1 8AJ (12/01910FUL)

Members considered a full application from Mr Osman Doganozu for the change of use to mixed use ground floor restaurant and first floor bar (retrospective).

Officers advised that a further objection had been received which stated that the applicant had never had any intention of using the space as a restaurant as it had been fitted out as a bar which was a clear abuse of planning legislation. It raised concerns that, if this application was approved, it would open the floodgates to other abuses and could create a precedent.

Officers advised that Lunds Court Residents Association has also submitted an objection stating that these establishments were making residents lives a misery. They warned that, if approved, other drinkers would come here to take advantage of the 3am closing time resulting in additional noise, disturbances, vandalism and partying in the streets after 3am.

Officer recommended that condition 3 should be revised to require that details of the proposed electronic noise limiter be submitted and approved by the council.

Representations in objection to the application were received from the owner of an established menswear shop whose family home on Grape Lane was adjacent to the shop and which shared a party wall with the application site. She explained that life had been intolerable during the last six months since the opening of Bar Esperanza with music being played until 3am. She stated that from their bedroom they could hear the constant base beat of the music and noise from people from Lucia and Bora Bora gathered outside. Due to the noise they was unable to open the window so suffered in the summer heat. She advised Members that further noise was created by emptying bottles into bins and from deliveries at unsociable hours.

Further representations were received from an objector. He stated that if both applications being considered today were approved, this would lead to increased noise disturbance for residents living in the city centre. He advised Members that there was evidence of a saturation of bars in this area, stating

that Bar Kuga, next to Barley Hall, closed at Christmas due to not being able to find a tenant. He expressed anger that A3 consent had been given for the first floor and that the applicant had flagrantly abused the planning system by effectively using the premises as a nightclub. He raised concerns that if consent was given, this would open the floodgates for other similar applications in city centre.

Representations in objection were also received from a member of the public who used to have an office in Petergate and who had an interest in the Swinegate area. He reminded Members that these premises were located within the central historic conservation area and this area had improved considerably and it was now a vibrant and interesting area to work, live and socialise. He asked Members to consider whether approving the application would improve or be detrimental to the area pointing out that the consequences of people drinking into the early hours were now evident for everyone to see.

Officers drew Members attention to proposed condition 5 which allowed the use until 3am and explained that this was based on what officers thought was reasonable, alongside the noise mitigation conditions, based on the fact the venue was in the city centre and was surrounded by other bars and restaurants but also by residents. They reminded the Committee that this condition also gave a one year temporary permission for the use of the outside area in order that noise could be assessed and advised this should read 1 September 2013 not 2014.

Members made the following comments:

- Over last 6 months or so there has been an influx of complaints about how the area has turned into more of a high noise area. There have been complaints by visitors about drunkenness in the area.
- Due to the application be retrospective, we know how the 3am closing time is having a detrimental effect on the amenity of nearby residents and have to take this into account.
- The area has been developed as mixed use and is now a vibrant and lively area. It is a compact but important area that needs protecting.

- Because of the arrangement of buildings in the area, noise is funnelled and exacerbated.
- Some changes in patterns of use have been detrimental to residential use. We feel we may have lost some control about way businesses are now operating in the area and now need to look carefully at this. Consent was granted for a restaurant but this is now turning into a late night drinking establishment.

Members agreed that if they were to approve the application, it would be necessary to impose severely restricted hours in order to protect the amenity of residents and to protect the mixed use and historic character of the area. They agreed that it would also be necessary to impose a condition relating to the clearing up of bottles into bins, in order to prevent further disturbance to residents.

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

Amended Condition 3

Within 28 days of this permission being granted, full details of an electronic noise limiter to be installed within the premises shall be submitted to and approved in writing by the local planning authority. The approved noise limiter shall be installed within 28 days of written approval and thereafter amplified music shall be played through the device at all times and it shall be set at a level such that no music and/or bass beat is audible within nearby residential properties.

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

Amended Condition 5

The use shall only be open to customers between the following hours: 08.00 to 24.00 (Midnight) on any day.

Reason: The premises are within an historic mixed use area with a significant residential population which contributes to the character and appearance of the conservation area. The hours of operation have been restricted in order to protect the living conditions of nearby residential property, the character and appearance of the conservation area and the environmental qualities of the area from the effects of late night noise and disturbance in accordance with policy S7 of the Development Control Local Plan.

Additional Condition

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

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

REASON: The proposal, subject to the conditions listed in the report and the amended and additional conditions above, 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 amenity of surrounding residents. As such the proposal complies with Policies S6, S7 and HE3 of the City of York Development Control Local Plan.

17i 2 Kings Court York YO1 7LD (12/02419/FUL)

This application, for use of the highway (Kings Square) for tables and chairs in connection with Chocolate, 2 Kings Court, was withdrawn by the applicant prior to the meeting.

17j Land Between Sports Field and Westview Close, York (12/01911/OUTM)

Members considered a major outline application from Hogg Builders (York) Limited for the erection of 13 no. dwellings and associated infrastructure.

Officers drew Members attention to revised masterplan (revision F) which reduced the proposal to eight dwellings – 2x 2-bed, 2 x 3-bed, 2x 4-bed & 2 x 5-bed. They advised that they considered that the revised design addresses concerns about the original layout. The layout is informed by a tree survey, and is compatible with the trees on and adjacent the site. The reduction in number of dwellings and revised layout means the development would be reasonably harmonious with its setting and would not have an adverse impact on the amenity of surrounding occupants.

They explained that because under 10 houses are now proposed and as the site is at the edge of the urban area, officers would no longer require on site open space or affordable housing.

Officers reminded Members that refusal reason 1 was still valid as the site was in the green belt, however it was considered that refusal reasons 2-5 no longer applied.

Officers advised that they had received a following additional objection raising the following concerns: -

- Premature before formal ratification of the York Green Belt;
- The proposed North West (former British Sugar) development site will possibly require an access road adjacent to this site, thus affecting residential amenity if this application is approved. As with the York Central site, where applications for piecemeal developments in the vicinity which might impact on the potential of that development, the application should be refused on the grounds that it would be premature.

Officers stated that Members should consider whether they feel that residents should have additional time to consider the amended scheme.

Representations were received from a local resident in objection to the application. He advised Members that he represented the views of the majority of residents of Westview Close and Villa Court which faces the site. He noted that he had only seen the revised plan at the site visit which provided little time to consider the revised proposals but raised the following concerns:

- Established trees on edge of site are a significant feature on Boroughbridge Road . The future of these trees would be threatened by the proposals
- Access for emergency vehicles and problems for vehicles exiting onto Boroughbridge Road due to high traffic levels.
- Impact of proposal on existing sewage and drainage systems.
- Site is within green belt.
- Other proposed housing and highway developments proposed nearby including enlargement of roundabout, new Park and Ride site and possible extension of industrial park.

Representations were also received from the owner of the plot. He spoke in favour of the application and provided Members with information on the history of the plot. He expressed the view that this was a sustainable development on the edge of an established residential area. He advised the Committee that Hoggs Builders had listened to residents views and amended the plans in response to their comments.

The Council's Landscape Architect advised that the reduction in the number of houses would allow the mature trees to be retained.

Councillor Gillies, Ward Member for Rural West York ward, spoke with regard to the application. He advised the Committee that he was neither for nor against the application. He acknowledged that this plot of land had always been assumed to be in the greenbelt, although with the withdrawal of the Local Development Framework Core Strategy, York did not currently have a legal green belt. He raised concerns that this could be challenged and had implications for other planning applications.

Officers provided clarification with regard to the green belt. They advised that both the 2005 Development Control Local Plan and the Regional Spatial Strategy showed this piece of land to be within the green belt. However the weight given to the Local Plan was limited as it had never been through a public local

inquiry and there were proposals to revoke the Regional Spatial Strategy so any decision to refuse this application based on these documents and subsequently appealed against would depend on what weight the inspector gave to these documents. Officers confirmed however that, in their opinion, this piece of land does sit within the green belt.

Members acknowledged that while this piece of land may well lend itself to development, it does fall within the greenbelt therefore the application should be refused.

RESOLVED: That the application be refused.

REASON: The application site is within the Green Belt according to the 2005 Development Control Local Plan and The Yorkshire and Humber Plan - (The Regional Spatial Strategy).

The housing development proposed is inappropriate development in the Green Belt which, according to the National Planning Policy Framework, is by definition harmful and should not be approved. There are no very special circumstances in this case that would outweigh the harm to the Green Belt by reason of inappropriateness. The proposals are therefore contrary to section 9 of the National Planning Policy Framework, policy YH9 of the Yorkshire and Humber Plan and Local Plan policy GB1: Development in the Green Belt.

18. APPEALS PERFORMANCE AND DECISION SUMMARIES

Members received a report which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1st April to 30th June 2012 and provided a summary of the salient points from appeals determined in that period.

RESOLVED: That the content of the report be noted.

REASON: So that Members can be kept informed on
 appeals determined by the Planning
 Inspectorate.

Councillor B Watson, Chair
[The meeting started at 3.00 pm and finished at 6.10 pm].

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MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	13 SEPTEMBER 2012
PRESENT	COUNCILLORS WATSON (CHAIR), FUNNELL, GILLIES (VICE-CHAIR), JEFFRIES, LOOKER, REID, SEMLYEN AND BROOKS (AS A SUBSTITUTE FOR CLLR GALVIN)
APOLOGIES	COUNCILLORS GALVIN AND ORRELL

19. INSPECTION OF SITES

The following sites were inspected before the meeting.

Site	Attended by	Reason for Visit
18 The Horseshoe	Councillors Gillies, Reid, Semlyen and Watson.	As objections had been received and the officer recommendation was to approve.
Vudu Lounge, 39 Swinegate, York	Councillors Gillies, Semlyen and Watson.	As objections had been received and the officer recommendation was to approve.

20. DECLARATIONS OF INTEREST

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

Councillor Gunnell declared a personal and prejudicial interest in plans item 4a (39 Swinegate) as she knew the objector (who was speaking at the meeting) well. She left the room during discussion of the application and took no part in the debate or vote.

Councillors Reid and Semlyen advised the Committee that they had been contacted by residents with regard to the plans item 4c (18 The Horseshoe) but had not expressed an opinion on the application.

Councillor Semlyen declared a personal non prejudicial interest in Plans item 4a (39 Swinegate) as she knew someone who worked at the Vudu Lounge.

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 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 Vudu Lounge, 39 Swinegate, York, YO1 8AZ (12/01223/FUL)

Members considered a full application from Mrs Pavlou for the change of use of the upper floors at no 37 and 39 from mixed use restaurant and drinking establishment (Use classes A3/A4), to drinking establishment (Use class A4) (retrospective).

Officers advised the Committee that the correct address for the premises is Vudu Lounge 39 Swinegate. They advised that proposed conditions 1 and 4 be deleted and the new conditions be proposed as follows. Condition 1 would restrict opening hours to 10:00 to 01:00 the following day between Sunday to Thursday and 10:00 to 03:00 the following day on Fridays and Saturdays to protect the living conditions of adjacent residential occupiers. Condition 2 would grant temporary planning permission until 13.09.13 for opening to customers between the hours of 1000-0400 hours the following day, after which the opening hours would revert to the times stated in condition 1.

This is in order that the impact of this use on neighbouring residents, the effect of the noise management plan, and the impact on the character of the area could be monitored.

Officers proposed that additional conditions be required to restrict the emptying of bottles and glass into bottle bins and to prevent amplified, recorded or live music being played which is audible outside the building in order to protect the amenity of nearby residents.

Members discussed the opening hours of nearby premises including the Biltmore and Oscars and questioned why officers had suggested a temporary 4am closing time. Officers advised that this was what the applicant had requested and they had assessed this request and suggested the trial period. They stated that Members could impose whatever hours they felt suitable but they should take into account that permission for mixed use was granted in 2006 until 1am Mon to Fri and 3am Saturdays and Sundays.

Representations were received from a local resident in objection to the application. He stated that residents are disturbed by noise emanating from the premises and the passageway. He asked Members to consider the following initiatives if they were minded to approve the application:

- CCTV to cover the passageway between St Sampson's Square and Swinegate
- A gate should be installed at both ends of the passageway which should be closed at 7pm and reopened in the morning.
- The premises should be soundproofed
- No bottles should be emptied into bins between midnight and 8am
- There should be better liaison between the club and residents.

Representations were also received from the Manager of the Roman Bath Public House. He explained that he had lived in the pub living quarters which were behind Vudu Lounge for 3 years and had experienced noise at ridiculous levels, and heard the throb of the heavy base music until 4am seven days a week. He confirmed that he and his young daughter were kept awake by the noise and rowdy behaviour from customers at closing time as well as by the bottles being emptied into bins until 3-4am. He

accepted that he should expect some late night noise living in the city centre but believed that he should not have to experience this type of disturbance to these hours. In response to a question, he agreed that noise in this area after 2am could be attributed to the Vudu Lounge and he confirmed that paying guests staying at the pub were also disturbed by the noise. Officers advised the Committee that the impact of the disturbance on an adjacent business can be a planning consideration.

Representations were also received from the applicant in support of the application. She explained that they had not been aware that they were trading in breach of planning conditions and apologised for this. She stated that Vudu Lounge had opened in 2005 with planning permission for A3/A4 mixed use but they had struggled with the restaurant side of the business and had made a loss. They had tried to market the restaurant but after much deliberation had taken the decision that running a bar was the best way forward. Bar trade had flourished and they now employed 24 staff, 9 of whom were full-time. They had applied to stay open until 4am in response to customer demand although they closed their doors to new customers at 3am. She advised Members that they asked their customers to respect neighbours amenity and leave quietly. Furthermore the building was now fitted with acoustic glass on doors and windows. With regard to emptying bottles into bins, she explained that they had started to use stronger bin bags to minimise noise when transferring them. She stated that if she had to revert back to old opening hours she would not be able to lay some staff off as they did not get busy until between midnight and 3am. She provided clarification the amount of trade between 3am and 4am.

With regard to music, she acknowledged that the base beat of the music had been an issue and advised Members that since this had been raised during a visit by environmental officers, she had turned this off. Members noted that work was planned to make improvements to the sound insulation of the current chipboard floor of the archway by the Roman Bath.

Members stressed the importance of considering the effect of establishments such as this on residents' amenity, especially at a time when we are trying to attract residents back into city. The Three Cranes Passageway is very narrow which exacerbates

the noise created by people in the passageway and the emptying of bins. The potential gating of the alleyway (as suggested by the speaker) would need to be investigated through another route as it is a public highway.

Members acknowledged that the Vudu Lounge remains open beyond the opening hours of other premises in the area so it is not surprising that people tend to gravitate towards it. The Micklegate area is classed as an Impact Zone but people are now gravitating to other areas and it may be necessary to consider other possible impact zones in future.

With regard to opening times, they considered whether it would be appropriate to grant planning permission until 4am when other premises in the area close at 2.30am and what the cumulative effect of granting a 4am closing time would be. The applicant had stated that the business would not be viable if they were forced to close any earlier than they currently do but residential amenity must take priority over the viability of the business. Granting a standardised closing time across premises in the area would be a better way forward.

Members considered that the premises could currently remain open until 3am at the weekend with the existing mixed use planning permission which only required them to serve food until 11pm and suggested that it would be unfair to take hours away from them. However Officers reminded them that the premises were currently operating with no planning permission as they were not operating as a restaurant/bar.

With regard to noise emanating from the premises, Members discussed whether a condition requiring the owner to turn off the music at a specified time was necessary. Officers advised that a noise management scheme was a condition and the advice from the noise consultant was that the measures planned, including sound insulation and improved flooring, should resolve the issue of noise emanating from the premises.

RESOLVED:

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

New Condition 1

The use hereby permitted shall only be open to customers between the hours of –

Sunday to Thursday ; 1000-0100, following day

Friday and Saturday : 1000-0300, following day

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

New Condition 2

Temporary planning permission is granted until 13.09.13 for opening to customers between the following hours :

Sunday -Thursday, 1000-0200, following day

Friday- Saturday, 1000-0300, following day

After 13.09.2013 the opening hours shall revert to those in condition 1 of this permission unless a further planning permission has been granted.

Reason: So that the Local Planning Authority may assess the impact of this use upon the living conditions of neighbouring residents by monitoring the effect of the Dragonfly noise management plan (dated 8.8.2012), and the impact on the character of the area in accordance with policy GP23 of the Development Control Local Plan.

New Condition

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

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

New Condition

No amplified, recorded, or live music shall be played which is audible outside the host building.

Reason: To protect the amenity of surrounding occupants and in the interests of the character of the conservation area.

REASON:

The proposal, subject to the conditions listed in the report and the new conditions above, would not cause undue harm to interests of acknowledged importance, with particular reference to the vitality and viability of the city centre; the character and appearance of the Central Historic Core Conservation Area; and the amenity of surrounding residents. As such the proposal complies with Policies GP1, S6, S7 and HE3 of the City of York Development Control Local Plan (2005) and national planning guidance contained in the National Planning Policy Framework.

22b 11 Runswick Avenue, York, YO26 5PP (12/02643/FUL)

Members considered a full application from Mr John Gaughan for a conservatory to the rear.

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

22c 18 The Horseshoe, York, YO24 1LX (12/02150/FUL)

Members considered a full application from Mr and Mrs Griffiths for a replacement dwelling with detached summerhouse to the rear.

Officers advised the committee of a further request they had received from the occupants of 20 The Horseshoe which asked for:

- In addition to obscured side windows, the roof lights and windows of the summer house should be obscure glazed to prevent overlooking. *Officers recommended clarifying condition 5 so it refers to the side window on the 2 storey outshot and roof-lights on the side elevations of the main roof.*
- Permitted development rights should be removed to prevent any later extensions to the building *Officers noted that the garden would remain a reasonable size and officers consider such a condition would not be necessary.*
- Construction Management should be a condition of the planning permission rather than an informative, in the interests of neighbours' amenity. Officers advised that *Members may add a condition on construction management if they see fit.*
- The street light may need to be removed to accommodate the additional driveway. The neighbours would not want the street light to be relocated in front of their house. *Officers advised that this would be a matter for interested parties to resolve.*

Representations were received from Councillor Hodgson, Ward Member for Dringhouses and Woodthorpe. He stated that he was speaking against the application on behalf of the residents at 17 and 19 the Horseshoe. He conveyed their concerns that the proposed building would be out of character with the area, raised concerns with building traffic (potential loss of building materials) and potential flooding. He asked the committee to reject the application for the benefit of nearby residents and the wider community. Members queried whether these concerns related to the original scheme rather than the revised scheme and noted that, at the site visit, the Chair of the Planning Panel had not raised any concerns on the revised scheme. Councillor Hodgson confirmed that the points he had raised applied to the original plans but that he was still opposed to the demolition and rebuilding of a house which would then be out of character with the area.

Representations were received from the applicant in support of the application. He explained that he had bought the house which was very run down and in need to extensive

modernisation and this meant it was more economic to demolish it and rebuild it to current standards. He confirmed that he had worked with planners to address concerns raised by residents concerns and the revised plans now meet their concerns. This included removing the decorative stone and slate roof from the proposals so the property is more in keeping with other properties on the Horseshoe. He advised that all the adjacent neighbours except number 20 were supportive of his proposals. He acknowledged that the mass and scale of the proposed property was large but that it was comparable with number 24 and barely half the size of number 20. He stated that the rear extension incorporated a home study for his wife who works from home and the property would not overlook other properties, although rear and side windows were to be mainly obscured glass. He explained that where possible they would reuse existing roof tiles for the front of the house, that extensive greenery was proposed and that the dual aspect driveway required moving lamppost by approx 2ft and he had suggested this be towards the boundary of his property. In response to a question, he provided clarification of the floor space of the existing and proposed property and how this compared to his neighbour's property.

Members acknowledged residents concerns regarding development based on experiences of what had happened with a neighbouring plot. However they agreed that the applicant had done everything possible to mitigate the concerns of neighbours and that the revised proposals would enhance rather than detract from the street scene. They agreed that it would be useful to include a condition on working hours.

RESOLVED:

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

Amended Condition 5

The first floor windows in the side elevations (including the room shown as 'dressing room' on drawing D384/5G) and roof-lights on the side elevations of the main roof (i.e. where the building is 2-storey) shall be obscure glazed to a minimum level of Pilkington Glass Level 3 (or the equivalent standard) and once installed shall be thus maintained at all times.

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

Additional Condition 9

The hours of construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays.

Reason: To protect the amenities of adjacent residents.

REASON:

The proposal, subject to the conditions listed in the report and the amended and additional conditions above, would not cause undue harm to interests of acknowledged importance, with particular reference to the effect on residential amenity, the impact on the streetscene, flood risk and highway safety. As such the proposal complies with Policy GP1 of the City of York Development Control Local Plan.

Councillor B Watson, Chair

[The meeting started at 3.00 pm and finished at 4.40 pm].

COMMITTEE REPORT

Date: 18 October 2012 **Ward:** Rural West York
Team: Major and **Parish:** Upper Poppleton Parish
Commercial Team Council

Reference: 12/00921/FUL
Application at: 10 Bankside Close Upper Poppleton York YO26 6LH
For: Erection of two storey detached dwelling and detached garage (Revised Scheme)
By: Mark Harris
Application Type: Full Application
Target Date: 4 May 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 The application is for a two storey 4 no. bed dwelling to the side/northwest of 10 Bankside Close, and detached double garage.

1.2 The proposed two storey dwelling would be 10.7 metres in width and the same height as the host dwelling. The proposed dwelling would be deeper (at ground floor level) than the host dwelling: 9.3 metres (8.2 metres at first floor level) along the northwest elevation, the depth of the southeast elevation would be 8.4 metres (and 7.3 metres at first floor level). The host dwelling is 7.3 metres in depth. To the front of the proposed dwelling would be block paviors. The proposed pitched roof garage would be 4.35 metres in height and 5.4 metres in width, and 6.5 metres in depth. The proposed front elevation would have a pedestrian door and single garage door; the rear elevation would have a double garage door, access to the garden to the rear of the garage would be through the building.

1.3 The proposal outlined above is the second revision to the scheme. The first revised scheme removed the two storey extension to 10 Bankside Close, leaving a gap of 4.8 metres between the host dwelling and the proposed dwelling. The second revised scheme removed the rear first storey protruding hipped gable resulting in the full width of the first storey is now in line with the rear building line of 10 Bankside Close. The ground floor rear building line still extends 1.1 metres further to the rear than 10 Bankside Close.

1.4 A previous refused application (11/02699/FUL – see planning history below) showed the detached garage with accommodation above with a dormer window. The proposed garage had a height of 4.9 metres (this has been reduced to 4.35 metres in the current application). The proposed dwelling had a width of 10.5 metres (this has increased to 10.7 metres in the current application). The previous

proposed dwelling had a single storey element that has been removed from the current application. The previous application also included a two storey extension to 10 Bankside Close.

1.5 The site is within the Poppleton settlement envelope, outside of the conservation area.

1.6 The site is within a spacious and established street built in the 1970s. The dwellings in Bankside Close are generally two-storey and detached, the application site is one of a line of three houses which are set within more generous plots with larger side gardens. There are a mixture of styles and scale of dwellings in the surrounding streets.

1.7 The application went before the West and City Centre Planning Sub Committee 12 July 2012 but was deferred so site visits by committee could be undertaken. As detailed above, revised plans and elevations have been received since the original Sub-committee date. Letters advising of the revisions have been sent to the neighbours and Upper Poppleton Parish Council.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

2.2 Policies:

CYGP1 Design

CYGP4A Sustainability

CYGP10 Subdivision of gardens and infill devt

CGP15A Development and Flood Risk

CYH4A Housing Windfalls

CYL1C Provision of New Open Space in Development

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

3.1 FLOOD RISK MANAGEMENT TEAM - Object

Insufficient information has been provided by the developer, however they considered that the additional information can be sought via a condition.

3.2 ENVIRONMENTAL PROTECTION UNIT - No objections

3.3 COMMUNITIES AND CULTURE - As there is no on site open space commuted sums should be paid to the Council for (a) amenity open space - which would be used to improve a local site within the Parish (b) play space - which would be used

to improve a local site such as within the Parish (c) sports pitches - would be used to improve a facility within the West Zone of the Sport and Active Leisure Strategy. The contribution to off site provision is to be based on the latest York formula through a Section 106 Agreement.

3.4 ECOLOGY OFFICER - No objections

- The most significant green corridor link within the residential area follows the rear gardens of Bankside Close, opening out on the road corner opposite the tennis courts. This has continuity and structure and is relatively unimpeded by obstructive boundary treatment, and from this there are numerous links between the houses into Bankside Close on the one hand and the open countryside on the other. The linkage where the garage is proposed is therefore one of several and would only impact on the link into Bankside Close. This has already been affected to some extent by obstructive boundary treatment and has been hard surfaced for parking etc. The link the other way through to Main Street would be unaffected.
- With regards to bats in particular where a forage corridor has a three dimension structure the consideration is slightly different. There are 2 old, small bat roost records in Bankside Close both of which are relatively close to the application area but neither would appear to be dependent on any link through the proposed garage area, there being other potential forage corridors in the vicinity. In addition, the presence of a single store garage is unlikely to be obstructive to its potential use as a forage/access corridor
- Whilst there would be some loss of green corridor functionality it is not considered to be significant in its own right to warrant refusal
- Potential for the inclusion of features suitable for bat roosting

EXTERNAL CONSULTATIONS/REPRESENTATIONS

3.5 UPPER POPPLETON PARISH COUNCIL - Objected to original scheme,

- Over development of a green space in a quiet residential area
- Grounds submitted on previous application still valid

3.6 UPPER POPPLETON PARISH COUNCIL - Have submitted 2 representations of objection to the first revised scheme:

- Proposed development is an over development of a green space in a quiet residential area
- Original objections still stand
- Restrictive covenant on the building preventing further dwellings to be built within the original plots
- Drainage would be inadequate, Yorkshire Water have adopted the a drain and the applicant is proposing to build over this sewer
- Agree with the neighbours objections to the scheme

3.7 UPPER POPPLETON PARISH COUNCIL - At the time of writing the report no comments had been received regarding the second revised scheme. Any comments received will be reported to Committee at the meeting

3.8 18 LETTERS OF OBJECTION to the original scheme

- Result in a loss of light and overshadowing
- Cause a loss of privacy
- Cause a loss of outlook
- Concerned that the garage has double garage doors in the front and rear elevation
- Result in overdevelopment of Bankside Close and a cramped appearance
- Existing problems with foul drainage, an additional dwelling will exacerbate the issues
- The minor alteration to not improve the situation for occupants of neighbouring dwellings
- Not in keeping with prevailing character of development which includes the gaps between dwellings in sizable plots
- Cause access problems by virtue of small turning area
- Construction would cause disturbance
- Represents an increase of development of 109%, significant increase on the existing density
- Represent a substantial change to the character and appearance of the area
- Contrary to Policies GP1, H7, H4a of the Local Plan
- Contrary to design Guideline 12 and 17 of the Poppleton Village Design Statement
- Loss of on street parking
- Incorrect boundary treatment shown
- Set a precedent for infilling
- Impact to the trees on site unknown
- Scale of the building will be overbearing and dominate outlook
- Users of the proposed garage will cause disturbance to neighbouring dwellings
- Massing not in keeping with surrounding
- Proposed refuse area would cause disturbance to neighbouring dwelling

3.9 21 LETTERS OF OBJECTION to the first revised scheme, included those set out in the committee update of 12 July 2012:

- Reduce light to properties on Riversvale Drive
- Cause a loss of privacy to properties on Riversvale Drive
- Loss of outlook from the properties on Riversvale Drive
- Revision does not address the original objections to the scheme
- Contest that a garage can be built under permitted development
- Dwellings around Bankside Green have double garage, removal of garage for host dwelling without replacement would be contrary to Policy GP1

- 6 off street parking spaces is excessive in the context of the street scene and out of character
- Request that the garage is restricted to garage use only
- Impact to the Green Belt
- Detrimental impact on the open aspect of this part of Bankside Close
- Scheme more out of character than previous
- Two-storey building which harms the open aspect of Bankside Close and increases the density of development
- Cause further parking congestion
- Concerned that the garage may become a dwelling further impacting on the open aspect of the street
- No benefit for the community or improvement in amenity
- Does not overcome the previous reason for refusal
- Overdevelopment of the plot, cramped, and not in keeping with the surrounding area and environment
- Scale will dominate neighbouring dwellings
- Does not have the amenity space that would be expected of a dwelling of this size, and as other properties in the surrounding area
- The site is currently a well maintained landscaped garden which enhances the area and is in keeping with the area
- The need is for starter and family homes not luxury houses
- The proposed design does not respect the relationship between buildings
- The massing of the dwelling does not complement adjacent dwellings
- The proposal ignores building relationships and does not appreciate the way space have been used in the area to maintain and enhance the character of the village.
- The daylight/sunlight assessment plays down the impact
- Not considered to be a sustainable development
- Too high and too close to the boundary
- Existing problems with foul drainage, an additional dwelling will exacerbate the issues
- Concerned regarding safety of children during construction
- The original application was refused on inadequate drainage, this still stands
- The proposed garage remain the same height as the proposed two storey, too tall for a structure within a garden
- Proximity of proposed garage to neighbouring dwellings has the potential to cause noise disturbance and loss of privacy
- Similar development was refused at 13 Bankside Close, 04/02272/FUL, decision sets a precedent.
- The front and west elevation of the proposed dwelling is larger than the refused, the two storey extension has been removed, the application should be refused on the same grounds
- The proposed dwelling has a larger front elevation than the other dwellings within Bankside Close

- Contrary to Policies GP1, GP9 and GP10 and Guideline 4, 11, 12, and 16 of the Poppleton Village Design Statement
- The outlook to the north of Bankside Close would alter
- The footprint of the new dwelling has reduced, however it remains larger than the host property, not a similar scale to the host dwelling
- The loss of the green space from the proposed dwelling and garage, the green space is a link between the Main Street green space and the Bankside green space, Bankside green is currently visited by owls and other wildlife, breaking this link will result in a loss of amenity to the area
- The depth of the proposed garage is excessive when viewed in the context of the surrounding properties; no other garage in the area has the same door arrangement
- The majority of off street parking in Bankside Close is to the front of garages and to the side of the dwelling, to accommodate the proposed excessive parking provision requires the parking to be located in front of the new dwelling
- There is an adopted sewer running to the front of 10 Bankside Close, the proposed garage and attenuation tank will be located in the same place as the sewer. Legal agreement is required from Yorkshire Water regarding the sewer and may result in the surface water and the garage not being capable of construction. As such inappropriate to allow the current proposal
- Restrictive covenant on the dwelling preventing any further buildings than the usual out offices and garages to be erected.
- Similar development was refused at 13 Bankside Close, 04/02272/FUL, decision sets a precedent.
- Application sets a precedent for further development
- The front and west elevation of the proposed dwelling is larger than the refused, the two storey extension has been removed, the application should be refused on the same grounds
- The proposed dwelling has a larger front elevation than the other dwellings within Bankside Close
- Contrary to Policies GP1, GP9 and GP10 and Guideline 4, 11, 12, and 16 of the Poppleton Village Design Statement
- Changes the nature of the gaps between the buildings in Bankside Close, loses the symmetry of the gaps
- The outlook to the north of Bankside Close would alter
- The footprint of the new dwelling has reduced, however it remains larger than the host property, not a similar scale to the host dwelling
- The loss of the green space from the proposed dwelling and garage, the green space is a link between the Main Street green space and the Bankside green space, Bankside green is currently visited by owls and other wildlife, breaking this link will result in a loss of amenity to the area
- The depth of the proposed garage is excessive when viewed in the context of the surrounding properties; no other garage in the area has the same door arrangement

- No other building in Bankside Close has the same level of off street parking (4 spaces) as proposed for the proposed dwelling
- The host dwelling currently has 4 off street parking spaces, the proposal will result in the dwelling having no garage provision, and every other dwelling in Bankside Close has a garage
- The majority of off street parking in Bankside Close is to the front of garages and to the side of the dwelling, to accommodate the proposed excessive parking provision requires the parking to be located in front of the new dwelling
- Will cause overlooking, loss of outlook, and a sense of enclosure to the dwellings on Riversvale Drive
- There is an adopted sewer running to the front of 10 Bankside Close, the proposed garage and attenuation tank will located in the same place as the sewer. Legal agreement is required from Yorkshire Water regarding the sewer and may result in the surface water and the garage not being capable of construction. As such inappropriate to allow the current proposal
- Restrictive convent on the dwelling preventing and further buildings than the usual out offices and garages to be erected.

3.10 Comments received after the committee meeting of 12 July 2012 to the re-consultation regarding the second revised scheme

- Sewer on the site, running under the proposed garage
- Design of the garage, and the position of the doors. Scale not in keeping with surrounding
- Garage a hindrance to the wildlife corridor, and contributes to the enclosure of the area
- Dwelling contrary to guidance in NPPF and Local Plan
- Permitted Development rights of host and proposed dwelling
- Plot ratio and density of development
- Incorrect plans
- Overlooking to 22 Riversvale, not the stated 21 metres separation distance
- Pre-app discussion with the previous owner was dissuaded from making a planning application. Concerned that a developer with "an established relationship with the Planning Department" is able to secure a recommendation of approval
- Request consistent decision making
- Concerned that despite the points put forward by objectors the application is being recommended for approval
- Will take concerns to Local Government Ombudsman
- Officers did not offer view on the representations (set out in the committee report) made by objectors
- Dispute that the host dwelling would accommodate 2 off street parking spaces
- Proposed dwelling is larger than the host dwelling

3.11 18 LETTERS OF OBJECTION to the second revised scheme

- The proposed dwelling is bigger by 34%, with regard to the frontage and side and rear elevations than previous proposal that was refused
- Previous application re no. 8 was refused partly on the grounds of overlooking properties in Riversvale Drive but the proposed dwelling would be acceptable
- The 4.8m gap is substantially smaller than the existing symmetry between 6, 8 & 10. Inconsistent with the maintenance of character in the area. Do not consider that it would facilitate easy passage of a car to the garage. A door is shown in the side elevation of No.10 which may involve steps narrowing the drive further.
- The house being of full width plus the area of paving reduces the area of green space on the property. Loss of green space was a ground for the original refusal and this has not substantially altered.
- The wildlife aspect and the corridor to Main Street should be considered. Owls nest in the trees in Bankside Close; the birds regularly use the gap between numbers 10 and 12. Would have a significant impact on the wildlife of the area
- The plans as submitted do not show the trees to the Main Street side of the property a 0.84m from the house wall and the windows in it. An application re 13 Bankside Close was refused, by virtue of the proximity of trees and the shade they produced "would result in a poor level of residential amenity for the occupants". The size of the plot concerned is similar to this one. The trees would result in a loss of light. Concerned for the health of the trees from any building work
- Would result in a loss of privacy and light to the dwellings on Riversvale Drive
- Would result in a loss of outlook to the dwellings to the rear of the proposed dwelling
- Would result in overshadowing to the dwellings on Riversvale Drive
- The first application was refused on inadequate drainage, there are no indications that the drains are to be improved in this application. Existing drainage issues, concerned drainage system cannot support another dwelling. Concerned that the garage would be built over the drain, unclear what approach is being taken to relieve the pressure on the drainage system. Attenuation was stated as being a requirement on the previous submission, yet the latest plans do not provide for any attenuation of surface water run-off
- The proposed double garage is out of character with other garages within Bankside Close. It has a pitched roof the (other garages have predominantly flat roofs); a door to the front of the garage (all other garages have side or rear doors); a rear vehicular access which covers the entire width of the garage; a minimal gap with the boundary fences, the large size of the garage. Potential conversion in the future. The design of the garage appears to be inconsistent with use of the property as a garage.
- Would prefer the garage to have a flat roof as more in keeping with the surrounding and would not impact on the amenity of the neighbouring dwellings. The roof ridge of the garage would have an east/ west orientation while all the other pitched roof garages have a north south orientation

- Concerned that access to the man-hole covers to the rear of the garage would be restricted
- The previous application was refused on the scale, cumulative impact, massing, bulk, awkward relationship to the host dwelling and the loss of green space between buildings and would appear cramped and overdeveloped. These points have not been addressed by the revised submission
- The previous owner of 10 Bankside Close was advised by the planning department that a similar development would be unlikely to be successful
- A covenant exists on the site to prevent further development
- Hard to reconcile the strength of feeling to the value that the proposed development would bring to the local community. Accept there is a shortage of affordable housing there is not a shortage of 4 bedroomed executive homes
- A petition has been signed by every resident of Bankside Close
- The proximity and height of the garage to No.12 would overshadow and overlook their property
- Over development of the site
- The development would not be of a density and scale in keeping with adjacent properties
- Widening the entrance to the property would reduce the available area of the communal parking/turning area
- Case of garden grabbing, where local people have been precluded from involvement following the withdrawal of the Core Strategy
- The host dwelling's garden would not be large enough to contain a garage. All the properties in the Close have a double garage plus additional room for extra cars. Should the application go ahead there would be insufficient space, and cars would be inevitably parked on the road. This is not compliant with the design to be compatible with other neighbouring buildings. will be the only house in the close without a double garage and is not consistent with the existing planned suburban character. If the host dwelling was to construct a garage under permitted development rights the height would be restricted to 2.5 metres within 2 metres of the boundary so would have to be a flat roof. This would be the only flat roof garage on the north side of the close
- No objection to the extension of the original dwelling
- The proposed 6 parking spaces to the front of the property will be highly disruptive, disproportionate, and inappropriate
- The resubmission is the same development but on a smaller site
- The footprint of the proposed dwelling is larger than the previously refused application. With PD rights the proposed dwelling could eventually be larger. The proposed dwelling would be larger than the host dwelling and therefore contrary to the notes for Policy H4 which states that proposals should not dominate surrounding buildings, and should not be 'crammed in' to open sites at the expense of local amenity and recreation
- As a garage can not be constructed for the host dwelling considered to be overdevelopment

- The density of development in relation to the adjacent properties is higher, particularly in relation to Riversvale Drive
- Make reference to an application for a dwelling to the rear of 13 Bankside Close (04/02272/FUL) that was refused and an application for a first floor side extension, two storey rear extension and alterations to existing ground floor rear additions to 8 Bankside Close (08/00328/FUL)
- The plot is narrower than all other properties in Bankside Close and therefore not characteristic of the area
- The properties to the north of Bankside Close have retained a large open space to Riversvale Drive, with large gaps being part of the character.
- The open nature of the suburban area has been established in previous decisions and to be consistent this application should be refused
- Does not accord with Policy H4a criterion a
- Plans do not accurately represent the distances to the 21 Riversvale Drive: from boundary to kitchen extension 9.51 metres, to conservatory 11.29 metres. To original rear building line 14.1 metres. Should take account of 21 Riversvale Drive as existing not as was originally constructed, therefore the distance would be 20.91 metres
- Paving of the area to the front should result in a loss of open space and an increase in surface water run-off
- The fence heights between 8 and 10 Bankside Close are 1.5, 1.4 and 1 metre high. If the height of the fence proposed is approved will result in a loss of privacy and a reduction in the open aspect to the front of 8 Bankside Close
- The proposed dwelling projects forward of the building line of the host dwelling
- Objectors have offered to meet with the Planning Department to review the proposed development, no meeting has taken place. Concerned that the requirements of the NPPF (paragraphs 57, 62, and 66) have not been fulfilled. The applicants has not sought to evolve a design that takes account of the views of the community
- Current government guidance is intended to discourage such development
- Proposed development would dominate, overlook and overshadow the front of 12 Bankside Close. The blank gable of the garage would be overbearing to the rear garden and conservatory of No.12. The designated refuse storage area is 3 metres from the windows of No. 12 potentially causing a nuisance. The host dwelling does not have a refuse storage area
- Result in an increase in traffic, with the safety implications for local children
- The site plans shows gates across the front, this is not shown in the elevations, would be a unique feature and out of character with the surroundings.

4.0 APPRAISAL

RELEVANT SITE HISTORY

11/02699/FUL - Two storey side extension to existing dwelling; erection of two storey detached dwelling and detached garage with room above - Refused for the following reason:

- The proposed dwelling and detached garage by virtue of its scale, cumulative impact, massing, bulk, awkward relationship to the host dwelling, and the loss of a green space and gap between buildings would appear cramped and overdeveloped. In addition the proposed development would result in a harmful sense of enclosure in the street, and would have an unduly prominent and over dominant appearance within the area and the street.

KEY ISSUES

1. Visual impact the area
2. Impact on neighbouring property

ASSESSMENT

PLANNING POLICY

4.1 National policy contained in the National Planning Policy Framework (NPPF) states a presumption in favour of sustainable development. Housing applications should be considered in the context of sustainable development. The NPPF sets out three dimensions/roles to sustainable development: economic, social, and environmental - development should fulfil all three roles. Planning should operate to encourage and not act as an impediment to sustainable growth. Section 6 of the NPPF encourages the delivery of a wide choice of high quality homes.

4.2 The NPPF attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Development should add to the quality of the area, establishing a sense of place as well responding to local character and reflect the surroundings and materials, whilst not preventing or discouraging appropriate innovation, and create developments that are visually attractive as a result of good architecture and appropriate landscaping. The NPPF acknowledges that securing high quality design and inclusive design goes beyond aesthetic considerations and that decisions should address the connections between people and places and integration of new development into the built environment. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

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

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

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

4.6 The supplementary planning guidance - Poppleton Village Design Statements gives a series of guidelines for development within Poppleton. The guidelines pertinent to this application are as follows: (11) The existing character and traditions must be appreciated when contemplating new development, whatever its size and purpose, imaginative and original design is encouraged but the setting should be considered. (12) To conserve the special character of the traditional communities, the size, scale and massing of the new buildings should harmonise with neighbouring properties and spaces. (13) New development should be mixed, with a variety of design type, size, scale and materials to uphold the present juxtaposition of differing periods of development within the village. (14) Contemporary design should complement and be in sympathy with existing building character. (17) Space should be maintained around the dwellings to avoid the loss of soft landscaping.

PRINCIPLE OF RESIDENTIAL DEVELOPMENT ON THE SITE

4.7 The key aim of local and national policy is to locate new housing in sustainable urban locations, with the emphasis on previously developed land. Policy H4a relates to housing developments within existing settlements and states that permission will be granted within defined settlement limits for new housing developments on land not already allocated on the proposals map, where the site is vacant, derelict or underused land where it involves infilling, redevelopment or conversion of existing buildings. The scheme must be of an appropriate scale and density to surrounding development and should not have a detrimental impact on landscape features. Policy GP10 states that permission will only be granted for subdivision of existing garden areas or infilling where this would not be detrimental to the character and amenity of the local environment.

4.8 The gaps between the dwellings and their landscaping contribute to the appearance of this part of Bankside Close and the proposed development would result in the reduction of the gap to the north-west side of 10 Bankside Close. The development would result in an element of enclosure in this corner of the street, however it is not considered to result in harm to the appearance of the area, nor be unduly prominent. The proposed dwelling would be of a similar scale to the host dwelling and the design is considered to be in keeping with the buildings on Bankside Close. The proposed dwelling would be separated from the host dwelling by 4.8 metres. Nos 6, 8, and 10 Bankside Close are set in relatively generous plots however the rest of Bankside Close is more densely developed, the proposed development would reflect this pattern of development.

4.9 The proposed garage would fill most of the width of the part of the garden it is set within, the visual impact is mitigated by it being set into the plot and set back from the forward building line. In addition the gap between the proposed garage and dwelling mitigates some of the built appearance. Whilst the door arrangement of the garage is unusual it is not considered to result in visual harm. Any change of use from that ancillary to the dwelling e.g. conversion to a dwelling would require planning permission.

4.10 There would be a relatively small increase in the hardstanding area to the front of the building. Whilst the hardstanding would increase the built appearance of the development it is not considered to cause sufficient harm to warrant refusal. In using the proposed materials the increase in the paved area could currently take place as permitted development. In addition the increase in the number of parking spaces is not considered to be a reason for refusal.

IMPACT TO THE RESIDENTIAL AMENITY OF THE OCCUPANTS OF THE NEIGHBOURING DWELLINGS

4.11 The proposed dwelling would be approximately 22.6 metres (23.7metres at first floor level) from the rear elevation of 21 Riversvale Drive and 19.8m from its conservatory which is a later addition. The proposed dwelling would affect the outlook from the rear of no 21 Riversvale and to a lesser extent the bungalows to either side, however the removal of the proposed side extension to no.10 and the consequent 4.8m gap between the dwellings reduces the massing and relatively unbroken facade of the previous refused application. Overall the dwelling is not considered to have a harmful impact on neighbouring amenity.

4.12 The proposed garage would be constructed to the north of 12 Bankside Close, the proposed garage would project further back from the rear elevation of 12 Bankside Close. Being to the north the proposed garage is not considered to result in a harmful loss of light to 12 Bankside Close. It would result in a small element of enclosure however it is not considered to result in harm to the residential amenity of the occupants of the dwelling. By virtue of its relationship to the neighbouring dwelling it is not considered to dominate their outlook or be overbearing.

OPEN SPACE PROVISION

4.13 Policy L1c 'Provision of New Open Space in Development' of the City of York Council Development Control Local Plan (2005) requires a commuted payment towards off site provision to meet the needs of future residents and the local community. The applicant has confirmed that they will provide the payment, this can be sought via a condition.

SURFACE WATER DRAINAGE

4.14 The previous application had proposed a soakaway but did not submit sufficient details to demonstrate that it could work in this location. Revised details of surface water drainage have been received proposing an attenuation tank to mitigate against the increased surface water run-off from the proposed new development. This is acceptable in principle and further details can be secured through an appropriate planning condition.

ECOLOGY

4.15 Concerns have been expressed by neighbours regarding the siting of the proposed garage and the impact on the wildlife. The impact to wildlife as a result of the garage is considered to be limited. The Ecology Officer has stated that whilst there would be some loss of green corridor functionality it is not considered to be significant.

5.0 CONCLUSION

5.1 The proposed development of a detached two storey dwelling and detached garage for the above reasons is not considered to result in undue harm to the residential amenity of the occupants of the neighbouring dwellings nor cause harm to the appearance of the streetscene or the character of this suburban area. The proposal is considered to comply with local and national policy, and approval is recommended subject to the following conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

Drawing Number H110/01 Revision A received 14 September 2012

Drawing Number H110/03 Revision A received 14 September 2012

Drawing Number H110/04 Revision D received 14 September 2012

Drawing Number H110/05

Drawing Number H110/06 received 8 June 2012;

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

2 No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The Open space shall thereafter be provided in accordance with the approved scheme or the alternatives arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: In order to comply with the provisions of Policy L1c of the Development Control Local Plan which requires that all new housing sites make provision for the open space needs of future occupiers.

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £2,836.

No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard.

3 TIME2 Development start within three years -

4 The materials to be used externally shall match those of the 10 Bankside Close in colour, size, shape and texture.

Reason: To achieve a visually acceptable form of development.

5 HWAY10 Vehicular areas surfaced, details reqd -

6 A 4.8m separation shall be maintained between the side elevation of 10 Bankside Close and the proposed new dwelling and 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), no extensions, garages or other garden buildings shall be erected or constructed to the northwest side of the existing dwelling at 10 Bankside Close.

Reason: In the interests of the visual amenities of the street scene 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.

7 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, E, and F of Schedule 2 Part 1 of that Order shall not be erected or constructed to the new dwelling subject of this planning permission.

Reason: In the interests of the amenities of the adjoining residents, the appearance of the street scene and the pattern of surface water drainage 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.

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

Details to include:

(a) Location of, calculations and invert levels to ordnance datum of the existing foul and surface water system should be provided together with details to include calculations and invert levels to ordnance datum of the proposals for the new development. This will enable the impact of the proposals on the existing drainage and the downstream watercourse to be assessed.

(b) The applicant should provide a topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

(c) Existing and proposed surfacing should be shown on plans.

(d) Additional surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

(e) Peak surface water run-off from developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the

worst-case volume required.

If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used for the above.

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

9 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 7.1 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

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

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference the residential amenity of the neighbours, the visual amenity of the dwellings and the locality, and highway safety. As such, the proposal complies with Policies GP1, GP10, GP15a, H4a, and L1c of the City of York Council Development Control Local Plan (2005); supplementary planning guidance in the Poppleton Village Design Statement (2003); and national planning guidance contained in the National Planning Policy Framework (2012).

2. INFORMATIVE:

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

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

3. INFORMATIVE:

Application Reference Number: 12/00921/FUL

Item No: 5a

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

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

Monday to Friday 08.00 to 18.00
Saturday 09.00 to 13.00
Not at all on Sundays and Bank Holidays.

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

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

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

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

(f) There shall be no bonfires on the site

4. INFORMATIVE:

You are advised that this proposal may have an affect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

Contact details:

Author: Victoria Bell Development Management Officer

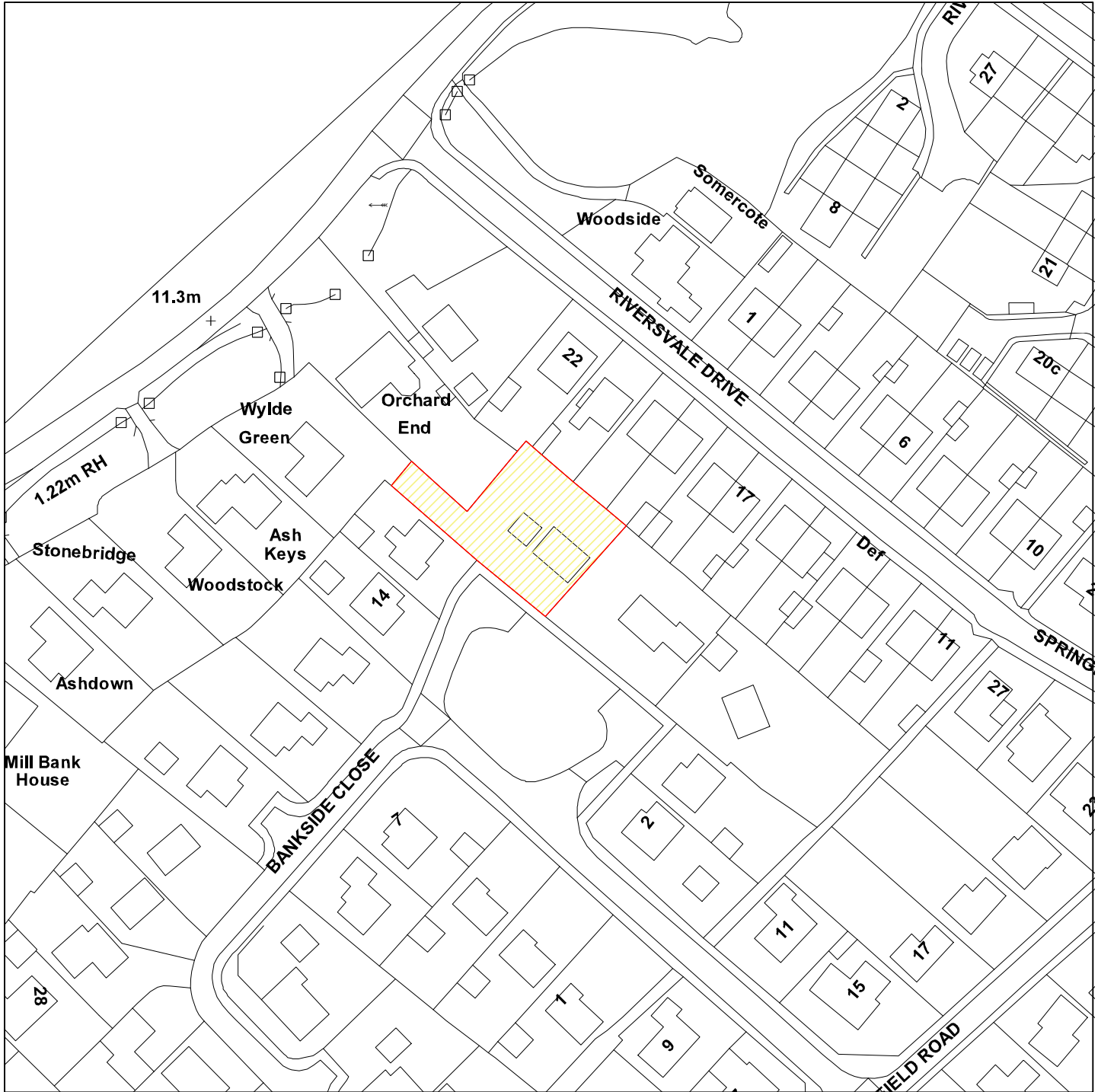
Tel No: 01904 551347

12/00921/FUL

10 Bankside Close



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	08 October 2012
SLA Number	Not Set

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COMMITTEE REPORT

Date: 18 October 2012 **Ward:** Rural West York
Team: Major and **Parish:** Askham Bryan Parish
Commercial Team Council

Reference: 12/01796/FUL
Application at: 107 Main Street Askham Bryan York YO23 3QS
For: Erection of new dwelling after demolition of existing dwelling
(resubmission)
By: Mr G Berks
Application Type: Full Application
Target Date: 1 August 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 The application is for a three storey dwelling following the demolition of the existing two storey dwelling.

1.2 The existing building is not listed. The site is within the Askham Bryan settlement envelope and within the Askham Bryan Conservation Area. It is also Washed Over Greenbelt.

1.3 The existing building dates from the 1970s and sits centrally within the plot. The existing house on the plot is relatively small in scale, of two storeys with a low eaves and ridge height. Whilst the footprint extends to close to the eastern boundary of the site, the impression is of very low density development, not least because the garage element is only single storey, and with a flat roof. There is no single architectural style within the street, but the majority of the dwellings are of two storeys with relatively low ridge heights. No.103 has a somewhat taller ridge height, but its impact on the streetscene is lessened by the roof form. The generous plots widths in relation to the houses allow views through to the open countryside beyond.

1.4 This application differs from the previous refused application (11/0183/FUL) in the following respects:

- The width of the dwelling has been reduced from 15.6 metres to 15.1 metres.
- The two front feature gables have been reduced in height to the same height as the connecting roof ridge. In the previous refused application the feature gables were 9.45 metres in height while the central roof element was 8.6 metres in height. The proposed dwelling is 9 metres in height.

- The feature gables on the front elevation have been altered and have a hipped roof.
- The second floor windows and rooflights in the front elevation have been removed.
- The detail of the garage doors has been altered, to lessen the horizontal emphasis of the refused application.
- Rooflights have been added to the side elevations.
- The flat roof of the rear two storey offshoot has been replaced with a half hipped pitched roof. The height of the offshoot increases from 5.4 metres (of the previous application) to 7.35 metres, the eaves would be 3.7 metres in height. The offshoot remains the same depth as the previous application.
- There are minor alterations to the internal layout on the ground and first floor. Between reception room 1 and reception room 2 a cloak room and wc have been added, there are also some re-arrangement of the doors to the proposed rooms. On the first storey the dressing room to the master bedroom has been reduced in size to create a larger master bedroom.

1.5 The application comes before committee at the request of Cllr Steward. The Councillor has concerns regarding the proposed dwelling and its appearance within the Conservation Area and its compliance with the Askham Bryan Village Design Statement. The Councillor considers that the proposed dwelling is too large for the site, would result in a loss of light to the neighbouring property, and will have windows that are unique and inappropriate in design. As there have been objections to the scheme from neighbours there will be a site visit.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

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

2.2 Policies:

CYGP1 Design
CYGP4A Sustainability
CYGP10 Subdivision of gardens and infill devt
CGP15A Development and Flood Risk

CYHE2 Development in historic locations

CYHE3 Conservation Areas

CYHE5 Demolition of Listed Buildings and Buildings in Conservation Areas

CYGB1 Development within the Green Belt

CYGB2 Development in settlements "Washed Over" by the Green Belt

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

Conservation Officer

3.1 No objections

- Maintained good separation between the new dwelling and the neighbours
- The design of the dwelling continues the diversity of styles in the vicinity
- would not be overly dominant in the streetscene
- Providing the construction materials sit comfortably with those typically used in the settlement, the development would preserve the historic character and appearance of the conservation area
- Public views of the site from the south, ie into the conservation area, are relatively distant views; the proposed development will not be overly intrusive in views into the settlement. There will be some visual impact on the setting of the grade II listed hall in these views. However, its historic setting, which would have been over open land, is now compromised by twentieth century housing development on the south side of Main Street.
- Request the following conditions: materials; sample panel of brickwork; sample panel for external hard surfacing; doors and windows to be timber; vertical cross section illustrating window, head and sill; removal of permitted development rights; full details of boundary treatment

Ecology Officer

3.2 No objections. Bat survey has been submitted, request condition for further details of bat mitigation and conservation.

Flood Risk Management Team

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

Environmental Protection Unit

3.4 If intention is to include Air and Water Heat pumps will require a condition regarding noise details to be submitted. If a biomass boiler or turbine is proposed

recommend refusal on lack of information. Request informative for electric vehicle re-charge point, and demolition and construction

EXTERNAL CONSULTATIONS/REPRESENTATIONS

Askham Bryan Parish Council

3.5 Object

- Not materially different from previous refused application
- Conflicts with Guidelines 3.2, 5.1, 5.3, 6.6, 6.12.1, and 6.12.2 of the Askham Bryan Village Design Statement
- The CAD impression submitted is not accurate, shows the neighbouring properties obscured by trees
- The roofline and the building profile drawings show contradictions so unable to ascertain the exact proposal for the roof profile at the rear (Officer note: this has been corrected in revised plans)
- The double gable frontage is of a modern urban design with a dominant vertical form and not sympathetic to the rural nature of the conservation area village, and as such is incongruous to the existing street setting and the conservation area. No other dwellings within Askham Bryan have a double gable frontage
- The design gives the visual effect of the main traverse roof ridge being prominent, the two front gables will appear taller than the traverse roof ridge from the street emphasising the dominance of the building. Most dwellings have roofs that follow an east west line providing visual continuity, the gables will obscure this, adding to prominence and visual mass. The roof design is not sympathetic to the adjoining properties
- The rear elevation extends significantly further than the existing building and will have a detrimental impact upon the amenity of the neighbouring properties. In protruding further to the rear than the existing dwelling it will also add of the mass of the dwelling, and obscure/restrict views between the buildings that currently exists
- The mass of the proposed dwelling is similar to the refused application. The alterations do not reduce the visual impact of the property
- The proposed dwelling by virtue of its scale, mass, bulk, and design will appear cramped in the site and will appear overbearing, over dominant, and ultimately overdeveloped urban appearance
- The proposed dwelling not only marginally increases the street frontage but increase the height of the dwelling across the whole frontage to three storey. Will remove the feeling of space between the proposal and the neighbouring dwellings which is a characteristic of the conservation area
- 103 Main Street is used as a benchmark to justify the height. The ridge height of 103 exceeded the height for which it was granted planning permission. 103

Main Street is not typical of the design and form of dwellings in Main Street and should not be viewed as the norm.

- By virtue of scale constitutes inappropriate development within the greenbelt.
- By virtue of scale will erode and the visual relationship between the current settlement and its rural setting.
- Does not respect the scale and density of the neighbouring buildings.
- Concerned may set a precedent.

Neighbour Notification

3.6 Five letters of objection received:

- Out of character with the nature and scale of Askham Bryan as a small rural village
- Overdevelopment of the site and would be unduly prominent
- May create a precedent, allowing a progressive urbanisation of the village. Would result in dwellings out of the price range of most people
- Would result in a loss of light to 103 Main Street
- Does not meet the requirements of the Askham Bryan Parish Plan including a design statement. Contrary to guidelines 3.1, 3.2, 3.3, 3.6, 5.1, 5.3, and section 6
- The proposed building is much larger than the neighbouring buildings; it fills the width of the plot and extends further back than other dwellings
- The CAD impression misrepresents the impact; the relationship to the neighbouring dwellings has not been shown
- Urban development in a rural village
- The three storey south elevation will be the most prominent building on the approach to the village from Askham Fields Lane
- Views of Askham Bryan Hall visible between 107 and 103 Main Street will be lost
- Will dominate neighbouring dwelling 109 Main Street
- Does not maintain views through to the countryside, does not respect the south aspect from Chapel Lane, or the open character of the village
- No contextual view of the proposals from the southern approach have been submitted
- It does not complement the scale and density of the neighbouring dwellings, does not reflect the rural character and pattern of the village
- The existing building is of a modest scale and appearance proposals seeks to replace with a dwelling approximately 4 times the volume. Existing building has an open and spacious relationship with its neighbours
- Has the same building line as 103 Main Street, which will exacerbate the bulk enhancing the prominence
- The roof forms do not reflect the characteristics found in the village as described in Section 6 of the VDS; however the buildings generally have

gabled side elevations. Hipped roofs appear to have been used adopted to disguise the bulk of the building

- The double storey glazed entrance hall is out of character, with the design and the guidelines set out in the VDS
- Out of character with the conservation area
- Out of proportion to existing dwelling/plot sizes
- Urban density
- There are no glass fronted dwellings within the village
- There are no stone mullioned windows in the village

4.0 APPRAISAL

RELEVANT SITE HISTORY

12/01797/CAC - Demolition of existing dwelling - Pending

11/00332/CAC - Demolition of dwelling - Refused, for the following reason:
The dwelling proposed to be demolished contributes to the character and appearance of the conservation area. In the absence of an approved scheme for the redevelopment of this site the dwelling's demolition without the imminent prospect of appropriate redevelopment would be detrimental to the character and appearance of the conservation area.

11/00183/FUL - Erection of new dwelling after demolition of existing dwelling - Refused, for the following reasons

- The proposed dwelling by virtue of its scale, massing, and design would appear incongruous with the scale and appearance of the neighbouring dwellings, and the conservation area. In addition the proposed dwelling would be cramped and overdeveloped, and would result in a harmful sense of enclosure in the street, and would have an unduly prominent and over dominant appearance within the Askham Bryan Conservation Area and the streetscene. The proposal fails to make positive contribution to the character and local distinctiveness of the local environment and the conservation area.

- The proposed dwelling due to its location and size would result in a loss of light to 103 Main Street and to a lesser extent 109 Main Street. As such the proposal would have a harmful impact to residential amenity of the occupants of these dwellings

- Due to the high potential of the dwelling and the immediate surrounding area for supporting roosting bats, an appropriate assessment is required to establish the full potential of the site for supporting roosting bats and to determine whether any bats are currently or have recently occupied the building. Appropriate mitigation measures must also be incorporated if the assessment demonstrates that the proposed development would have a significant impact on bats or their roosts. As no such assessment has been submitted with the planning application, it is

considered that the proposed development is contrary to Policy NE6 of the City of York Draft Local Plan and Central Government advice contained within Planning Policy Statement 9: Biodiversity and Geological Conservation.

Other pertinent applications

97/02705/FUL - Erection of two storey five bedroomed detached dwelling (103 Main Street) - Approved.

There was a subsequent retrospective application (00/00619/FUL) to increase the height of the dwelling 0.7metres to 9.95 metres, and the alterations to the pitch of the roof from 35 degrees to 40 degrees. The application as approved at West Committee on 16 May 2000.

KEY ISSUES

1. Impact of the area, including the conservation area
2. Impact on neighbouring dwellings

POLICY CONTEXT

4.1 The National Planning Policy Framework sets out the main purpose of planning: to achieve sustainable development, this is split into three roles: economic, social, and environmental. The NPPF on the core planning principles seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; take account of the different roles and character of different areas, protecting the greenbelts around urban areas; encourage the effective use of land that has been previously developed, providing that it is not of high environmental value; conserve heritage assets in a manner appropriate to their significance.

4.2 The NPPF gives weight to good design, a key aspect of sustainable development indivisible from good planning, and should contribute positively to making places better for people. The NPPF encourages the provision of a wide choice of homes. Decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development types or styles. It is however proper to seek to promote or reinforce local distinctiveness. Planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. Weight should be given to outstanding or innovative designs that help to improve the character and quality of an area and the way it functions. Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality an area and the way it functions.

4.3 The NPPF states that opportunities for new development within Conservation Areas should be sought to enhance and better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the assets should be treated favourably. Not all elements of a conservation area necessarily make a positive contribution. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area should be treated as substantial harm or less than substantial harm as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the conservation area.

4.4 The NPPF states that the construction of new buildings is inappropriate within the Green Belt, there are a number of exceptions those relevant to this case the replacement of a building, providing the new building is in the same use and not materially larger than the one it replaces; and limited infilling in villages. LPAs should ensure that substantial weight is given to any harm to the Green Belt.

4.5 Policy YH9 and Y1 of the Yorkshire and Humber Regional Spatial Strategy (May 2008) sets out the extent of the City of York Green Belt. However the Coalition Government has made clear its intention to pursue the revocation of Regional Strategies and s.109 of the Localism Act 2011 grants powers to the Secretary of State to revoke the RSS which is a material consideration. The general extent of the York Green Belt is detailed on the Proposals Map of the City of York Council Development Control Local Plan.

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

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

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

4.9 Policy HE2 'Development in Historic Locations' states that within or adjoining conservation areas, and in locations which affect the setting of listed buildings, scheduled monuments or nationally important archaeological remains (whether scheduled or not), development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail 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. Policy HE3 'Conservation Areas' states that within conservation areas demolition will only be permitted where there is no adverse effect on the character or appearance of the area.

4.10 Policy HE5 'Demolition of Listed Buildings and Buildings in Conservation Areas' states that conservation area consent will not be granted for the demolition of buildings which positively contribute to the character or appearance of conservation areas. Where exceptionally demolition or partial demolition is permitted, no demolition shall take place until a building contract for the carrying out of works of redevelopment has been made and planning permission for those works has been granted.

4.11 Policy GB2 'Development in Settlements "Washed Over" by the Green Belt' states that proposals for new buildings within Green Belt villages will be permitted providing they are located within the built up area of the settlement; the location, scale and design is appropriate to the form and character of the village and surrounding property; and, the proposal would constitute limited infilling and not prejudice the openness or purposes of the Green Belt.

4.12 The Askham Bryan Parish Plan (2006) incorporating the Village Design Statement set out a series of guidelines for development within the village. The following are considered to be pertinent to the proposal. Developments should not be permitted to detract from the rural character and the linear nature of the village (3.1). Developments must reflect, and complement the character of the immediate surrounding area particularly with regard to scale, density, and mix of designs (3.2). Any new development should respect, maintain, or provide views to the open countryside (3.3). No development should be permitted which would interrupt the open character and setting of the village approaches (3.6). The established set back building line on Main Street should be maintained in any future developments (3.8). Developments must respect and complement the scale and density of neighbouring buildings and should retain sympathetic open spaces to enhance the visual and physical setting of the village (5.1). Relationships between buildings and spaces created should reflect the rural patterns of the village and complement traditional building forms (5.3). The height and pitch of roofs must be sympathetic to the structural design and to neighbouring properties (6.6). Reflect traditional details such as raised gables and corbelled kneelers (6.9). Reflect local traditions and vernacular styles in all external treatments (6.12.5).

IMPACT ON THE CONSERVATION AREA

4.13 The proposal is considered to be limited infilling within the village and is considered to comply with the exceptions to inappropriate development, within the greenbelt, set out in the NPPF. The proposal is not considered to impact on the openness of the greenbelt as it is viewed in context of the surrounding development.

4.14 The existing two storey detached dwelling sits within a large plot within the settlement limits of Askham Bryan village. The site is surrounded by residential dwellings. The site is located approximately mid way between Askham Fields Lane and Chapel Lane. There are some eighteenth and nineteenth century houses, including Askham Bryan Hall, but until the later half of the twentieth century, the southern side of this part of Main Street remained open. The south side of the road has been filled in with dwelling of individual designs dating from the mid 20th century onwards.

4.15 The existing house on the plot is relatively small in scale, of two storeys with a low eaves and ridge height. Whilst the footprint extends to close to the eastern boundary of the site, the impression is of very low density development, not least because part of the building is only single storey, and with a flat roof. There is no single architectural style here, but all of the houses are of two storeys with relatively low ridge heights. The generous plot widths in relation to the houses allow views through to the open countryside beyond and create a feeling of space; this makes a strong contribution to the rural character of the conservation area. The relationship between the settlement and the remaining countryside, together with the many mature trees, and the open field setting, are highlighted as one of the main elements of the character and appearance of the conservation area, in the designation statement included in the local plan.

4.16 The proposed dwelling would have a similar forward building line to 103 Main Street and is set behind the building line of 109 Main Street. There would be a gap of 3.6 metres between the proposed and 103 Main Street, and 4.6 metres between the proposed and 109 Main Street. The existing dwelling has a gap of 2.9 metres to 103 Main Street and 6.5 metres to 109 Main Street. The height of the existing dwelling is 7 metres the proposed dwelling is 9.1 metres. The proposed dwelling would be one of the taller buildings within the street. The width of the proposed dwelling is slightly wider than the existing, and by virtue of the proposed dwelling spanning the plot at three storeys in height and the increase in mass, the proposed would have a greater presence within the streetscene. The hipped roofs and the variation in the projection of the front elevation create visual interest. The dwellings within Askham Bryan reflect the period they were constructed in, there are similar dwellings of similar scale on the other side of the street, with less of a gap between dwellings (90, 92, and 94 Main Street). The design of the building continues the diversity of styles in the vicinity and is considered to have a neutral impact on the

character and appearance of the conservation area. The building it replaces has not particular architectural merit, it is the gaps between the dwellings together with the impression of low density development that is considered to be the positive addition to the streetscene.

4.17 The proposal is considered to preserve the historic character and appearance of the conservation area. The proposed dwelling would be visible when viewing the setting of the conservation area and the village, it would be viewed in context of the surrounding dwellings, the design of the proposed dwelling is not considered to be unduly prominent when viewing the proposed dwelling from Askham Fields Lane or the road to Askham Richard.

4.18 There is considered to be sufficient off-street parking, and cycle storage can be within the integral garage.

IMPACT ON THE AMENITY OF THE OCCUPANTS OF THE NEIGHBOURING DWELLINGS

4.19 One of the core planning principles within the National Planning Policy Framework is that developments always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

4.20 The previous application for a dwelling was refused on a number of grounds; one reason was the loss of light to 103 Main Street and to a lesser extent 109 Main Street. The depth and general appearance of the side elevations has remained the same as the previous application; the distance to 103 Main Street has increased by 0.5 metres. The wording of the previous application report stated that the harm to residential amenity was not considered to be sufficient to warrant refusal on those grounds alone but cumulatively with the other reasons it was considered to have weight.

4.21 The flat roof of the previously proposed rear two storey off-shoot has been replaced with a half hip pitched roof. As such whilst the overall height has increased, the eaves have dropped in height by 2 metres to 3.8 metres, which is considered to remove the overbearing impact to 103 Main Street. As the proposal is to the west of the 103 Main Street it is considered that it would result in an element of loss of light and overshadowing to all three windows of the living room of No. 103 (two secondary windows in the side elevation and the main window in the rear elevation), this is lessened by the roof design of the two storey offshoot and as such is not considered to be result in harm to residential amenity. The proposed dwelling would result in some loss of light to a small part of the garden of No. 103 however given the large size of the garden this impact is not considered to result in undue harm to the amenity of the occupants of No. 103. There is one window proposed in the east elevation of the proposed dwelling (a first floor en-suite), as this window is

secondary it is not considered they would result in a loss of privacy, obscure glazing could be conditioned.

4.22 No. 109 Main Street has a large window in the side elevation facing the proposed dwelling, by virtue of the proximity of the proposed building it would result in a loss of light to this window, however as the window is to a staircase/landing (a secondary room) it is not considered to result in an undue loss of residential amenity. The rear ground floor windows of No. 109, closest to the boundary, are living room windows, the proposed dwelling would protrude further to the rear than the existing dwelling potentially resulting in a sense of enclosure. By virtue of the distance to the proposed side elevation together with the large rear garden of No.109, the sense of enclosure would not result in undue harm to the amenity of the occupants. The two storey offshoot at the rear of the proposed dwelling has bedroom and dining room windows facing 109 Main Street. The windows would be 12 metres from the shared boundary which despite there being no boundary treatment is considered to be sufficient distance to mitigate any impact from overlooking. There are three windows proposed in the side elevation facing 109 Main Street: a window to a ground floor WC and a secondary window to the Cinema Room, together with a first floor window to a bathroom. As there no existing boundary treatment obscure glazing to these windows could be sought via a condition.

SURFACE WATER DRAINAGE

4.23 The proposed would result in an increase in non-permeable area. The applicants have proposed a soakaway. The Flood Risk Management Team has objected to the proposal on the grounds of insufficient information. Additional information has been submitted, at the time of writing the report feedback had not been received from the Flood Risk Management Team. Feedback will be reported at the committee meeting.

BATS

4.24 A bat survey has been submitted with the application; the Ecology Officer is satisfied and agrees with the contents of the report that the present building is not used as a roost site. The Ecology Officer requests that accommodation for bats could be incorporated with the construction of the building; this can be conditioned and would be in line with Section 11 of the NPPF.

5.0 CONCLUSION

5.1 The main planning considerations are whether the proposed replacement would have an acceptable visual impact on the area, and whether a reasonable level of amenity would be retained for surrounding occupants. On balance it is considered that the amended scheme is of an appropriate design and would not have an

unacceptable impact on residential amenity. As such the proposal complies with Policy YH9 and Y1C of The Yorkshire and Humber Plan, policies GP1, HE2, HE5, and GB2 of the City of York Development Control Local Plan and Government policy contained within the National Planning Policy Framework

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

Drawing Number B160/01/01 Revision A received 30 August 2012;

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

2 TIME2 Development start within three years -

3 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. In addition the materials to be used for the hardstanding area to the front of the dwelling indicated as permeable paving on the approved plans 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.

Reason: So as to achieve a visually cohesive appearance.

4 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, C, D and E 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 and the character and appearance of the conservation area 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.

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no door, window or other opening additional to those shown on the approved

plans shall at any time be inserted in the side elevation of the property.

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

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any order revoking or re-enacting that Order), the windows in the east and west elevation shall at all times be obscure glazed to a standard equivalent to Pilkington Glass level 3 or above.

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

7 The doors and window frames shall be constructed from timber

Reason: So as to achieve a visually cohesive appearance in the conservation area.

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

i) Vertical cross section illustrating typical window, head and sill at scale 1:10;

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

9 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 9.1 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

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

10 No demolition shall take place until full details of what measures for bat mitigation and conservation are proposed and have been submitted to and approved by the Council.

The measures should include:

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- i. A plan of how demolition work is to be carried out to accommodate the possibility of bats being present.
- ii. Details of what provision is to be made within the new building to replace the features lost through the demolition of the original structure. Features suitable for incorporation for bats include the use of special tiles, bricks, soffit boards, bat boxes and bat lofts and should at least replace or substitute for what is existing.

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

Reason: To enhance the biodiversity and wildlife interest of the area.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the visual amenity of the building within the streetscene, the impact to the conservation area and its setting, and its impact to the residential amenity of the occupants of the neighbouring dwellings. As such the proposal complies with Policy YH9 and Y1C of The Yorkshire and Humber Plan, policies GP1, HE2, HE5, and GB2 of the City of York Development Control Local Plan and Government policy contained within the National Planning Policy Framework.

2. INFORMATIVE:

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

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

Monday to Friday 08.00 to 18.00
Saturday 09.00 to 13.00
Not at all on Sundays and Bank Holidays.

(b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for

"Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

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

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

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

(f) There shall be no bonfires on the site

Contact details:

Author: Victoria Bell Development Management Officer

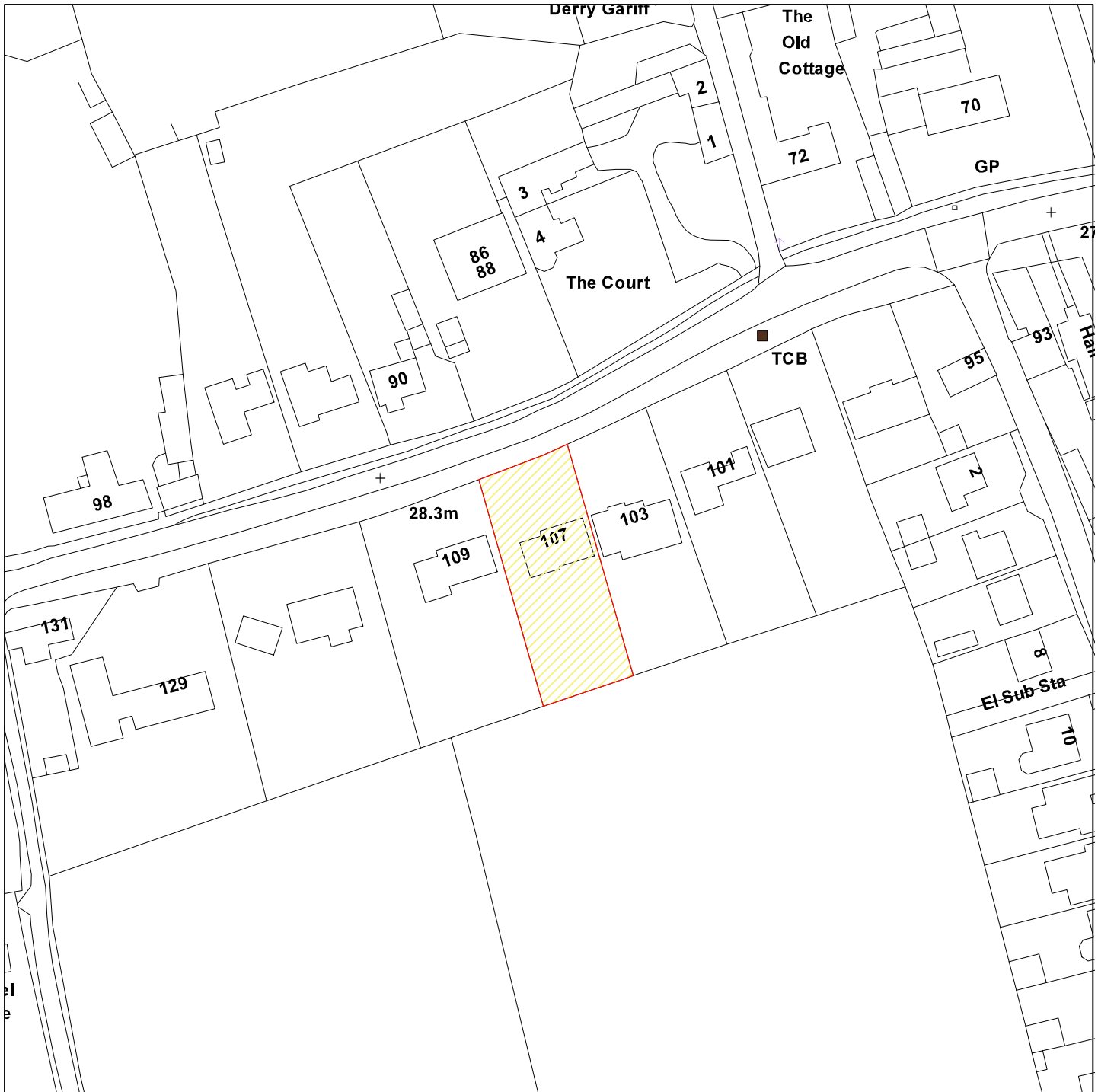
Tel No: 01904 551347

12/01796/FUL

107 Main Street, Askham Bryan



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	08 October 2012
SLA Number	Not Set

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COMMITTEE REPORT

Date: 18 October 2012 **Ward:** Rural West York
Team: Major and **Parish:** Askham Bryan Parish
Commercial Team Council

Reference: 12/01797/CAC
Application at: 107 Main Street Askham Bryan York YO23 3QS
For: Demolition of existing dwelling
By: Mr G Berks
Application Type: Conservation Area Consent
Target Date: 10 July 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 The application proposes the demolition of the existing two storey dwelling in connection with the proposed construction of a replacement dwelling. The planning application for the replacement dwelling is considered elsewhere on this agenda (ref no. 12/01976/FUL).

1.2 The building is within the Askham Bryan Conservation Area and the settlement envelope of Askham Bryan. The site is washed over greenbelt and the building is not listed.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175
Conservation Area GMS Constraints: Askham Bryan CONF

2.2 Policies:

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

3.0 CONSULTATIONS**INTERNAL CONSULTATIONS**Conservation Officer

3.1 There is no single architectural style here, but all of the houses are of two storeys with relatively low ridge heights. The generous plots widths in relation to the

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houses allow views through to the open countryside beyond; this makes a strong contribution to the rural character of the conservation area.

3.2 The existing house on the plot is relatively small in scale, of two storeys with a low eaves and ridge height. Whilst the footprint extends to close to the eastern boundary of the site, the impression is of very low density development, not least because the garage attached to that side is single storey with a flat roof, and generous space between the house and the neighbouring property to the west. Views beyond the site are of trees, but no buildings. In this respect, the site contributes positively to the rural character of the conservation area, although the house is of no intrinsic architectural merit.

3.3 Whether or not conservation area consent is granted should depend on the merits of the alternative proposals for the site.

EXTERNAL CONSULTATIONS/REPRESENTATIONS

Askham Bryan Parish Council

3.4 No comments regarding this application

1 Letter of Objection

3.5 Dwelling has prominent position within the conservation area. Acceptable proposals for a replacement dwelling should be made that respects the design guidelines of the Askham Bryan Village Design Statement.

4.0 APPRAISAL

RELEVANT SITE HISTORY

12/01796/FUL - Erection of new dwelling after demolition of existing dwelling (resubmission) - Pending

11/00332/CAC - Demolition of dwelling - Refused, for the following reason:

- The dwelling proposed to be demolished contributes to the character and appearance of the conservation area. In the absence of an approved scheme for the redevelopment of this site the dwelling's demolition without the imminent prospect of appropriate redevelopment would be detrimental to the character and appearance of the conservation area.

POLICY CONTEXT

4.1 The National Planning Policy Framework sets out the main purpose of planning: to achieve sustainable development, this is split into three roles:

Application Reference Number: 12/01797/CAC

Item No: 5c

economic, social, and environmental. The NPPF core planning principles seek to take account of the different roles and character of different areas and conserve heritage assets in a manner appropriate to their significance. Opportunities for new development within Conservation Areas should be sought to enhance and better reveal their significance. Not all elements of a conservation area necessarily make a positive contribution. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area should be treated as substantial harm or less than substantial harm as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the conservation area.

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

4.3 Policy HE3 'Conservation Areas' states that within conservation areas demolition will only be permitted where there is no adverse effect on the character or appearance of the area.

4.4 Policy HE5 'Demolition of Listed Buildings and Buildings in Conservation Areas' states that conservation area consent will not be granted for the demolition of buildings which positively contribute to the character or appearance of conservation areas. Where exceptionally demolition or partial demolition is permitted, no demolition shall take place until a building contract for the carrying out of works of redevelopment has been made and planning permission for those works has been granted.

VISUAL AMENITY AND IMPACT ON THE CONSERVATION AREA

4.5 The existing two storey detached dwelling sits within a large plot within the settlement limits of Askham Bryan village. The site is surrounded by residential dwellings. There are some eighteenth and nineteenth century houses, including Askham Bryan Hall, but until the later half of the twentieth century, the southern side of this part of Main Street remained open, presumably in agricultural use. The south side of the road has been filled in with dwellings of individual designs dating from the mid 20th century onwards.

4.6 There is no single architectural style, but all of the houses are of two storeys with relatively low ridge heights. The generous plot widths in relation to the houses allow views through to the open countryside beyond; this makes a strong contribution to the rural character of the conservation area. The relationship between the settlement and the remaining countryside, together with the many mature trees, and the open field setting, are highlighted as one of the main elements of the character and appearance of the conservation area, in the designation statement included in the local plan.

4.7 The existing dwelling is of no intrinsic architectural merit but it makes a positive contribution to the character of the conservation area by virtue of its scale and how it sits in relation to the neighbouring dwellings. Demolition would be acceptable if a suitable redevelopment scheme was proposed. The conservation area consent application is accompanied by a planning application for redevelopment which is considered to be on balance acceptable. The partner application is recommended for approval and as such it is considered that the removal of the existing dwelling is considered to be acceptable.

5.0 CONCLUSION

5.1 The existing dwelling has a neutral impact on the conservation area although the gaps to either side of the dwelling and the density of development contribute positively to the conservation area. In officer's opinion an acceptable replacement dwelling is proposed and as such the CAC application to demolish the building is acceptable, subject to a condition that demolition can not start until there is a construction contract in place for the replacement dwelling.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 TIMEL2 Development start within 3 yrs (LBC/CAC) -
- 2 DEM1 No demolition before rebuilding contract -

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 visual amenity and character of the Askham Bryan Conservation Area. As such the proposal complies with Policies HE2, HE3, and HE5 of the City of York Development Control Local Plan and national planning guidance contained in the National Planning Policy Framework.

Contact details:

Author: Victoria Bell Development Management Officer

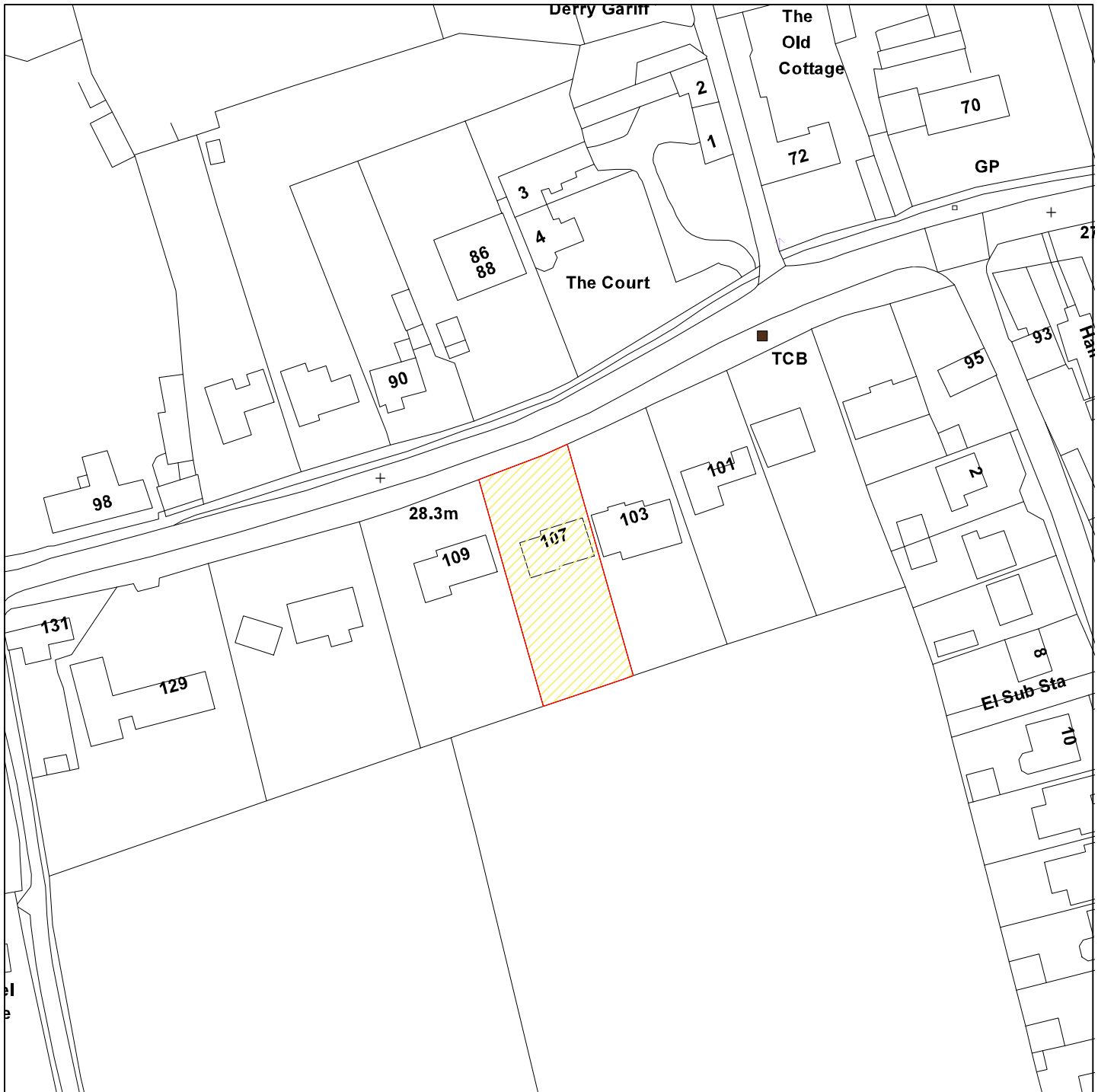
Tel No: 01904 551347

12/01797/CAC

107 Main Street, Askham Bryan



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Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	08 October 2012
SLA Number	Not Set

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COMMITTEE REPORT

Date: 18 October 2012 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 12/02355/FUL
Application at: 78 Low Petergate York YO1 7HZ
For: Change of use from shop (Use Class A1) to restaurant and cafe
(Use Class A3) and alterations to shopfront.
By: York Hogroast Ltd
Application Type: Full Application
Target Date: 31 August 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 Planning permission is sought for the change of use of an A1 retail shop to a cafe / restaurant with ancillary take-away (Class A3) at 78 Low Petergate. Located on the corner of Low Petergate and Goodramgate, the property is Grade II listed and is situated on a Primary Shopping Street within the Central Historic Core Conservation Area. Formerly a book shop, the property is currently vacant.

1.2 The proposal would involve the use of the property as a cafe/restaurant for approximately 38 customers with seating at ground and first floor. The proposed external alterations would be limited to a new projecting painted sign fixed to an existing bracket, new hand painted lettering on the Low Petergate and Goodramgate fascia's and painted lettering on the solid panel which fronts Low Petergate together with the installation of obscure glazed privacy panels to the lower part of the display windows. The associated listed building application is also on this month's agenda.

1.3 The intended occupants of the property are York Hogroast, which have an existing outlet on Stonegate and one adjacent to the application site at 82-84 Goodramgate. Should planning permission be granted for the change of use of 78 Low Petergate, the applicant intends to continue to run a 13 year lease on the Goodramgate property with an alternative business and to take on a 20 year lease on 78 Low Petergate. The applicant states that this 20 year lease would provide the landlord with confidence and funds to invest into 78 Low Petergate, which requires attention internally and externally.

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

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

Listed Buildings GMS Constraints: Grade 2; 78 Low Petergate York YO1 2HZ 0766

Listed Buildings GMS Constraints: Grade 2; 76 Low Petergate York YO1 2HZ 0767

2.2 Policies:

CYS3 Mix of use in certain shopping streets

CYS6 Control of food and drink (A3) uses

CYS7 Evening entertainment including A3/D2

CYHE3 Conservation Areas

3.0 CONSULTATIONS

INTERNAL

Integrated Strategy Unit

3.1 As the concentration of non A1 uses would be 2% under the threshold on this primary shopping street following the change of use, the application is in line with policy S3a of the Local Plan.

Design, Conservation and Sustainable Development

3.2 The revised proposals have been informed by, and have responded to the evaluation of the special interest of the building. Please refer to the associated listed building application (12/02359/LBC) for more detailed comments.

Environmental Protection Unit

3.3 No objections but recommend conditions requiring submission of details of all new machinery, plant and equipment to be installed and details of the extraction plant or machinery required.

EXTERNAL

Guildhall Planning Panel

3.4 No objections

4.0 APPRAISAL

4.1 The key issues are:

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

The vitality and viability of the street and the city centre as a whole

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

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

4.4 The non A1 frontage of Low Petergate includes a fish and chip shop and several restaurants. There are currently 3 vacant units. The change of use of 78 Low Petergate would bring the level of non retailing uses to 33%.

4.5 78 Low Petergate is on the corner of a crossroads and is considered to occupy a prominent location within the Conservation Area. Officers note that there is a cluster of A3, A4 and A5 uses close to the crossroads of Low Petergate, Church Street, Goodramgate and St. Sampson's Square including the existing York Hogroast (adjacent to the application site), adjacent to which is the Old White Swan, the fish and chip shop opposite the site together with a cluster of A3, A4 and A5 units at the end of Church Street. Whilst outside the scope of planning control, and not related to the retail provision of the street but more relevant in an assessment of the character of the area, there are also 4 No. mobile take away units in the vicinity of the application site including two in St. Sampson's Square.

4.6 Notwithstanding the above, it is considered that it would be difficult to object to the proposed use on the grounds of undue detrimental impact on the retail function of the street. This conclusion is based on the consideration that the non retailing proportion of Low Petergate is 2% below the 35% threshold, that there are three vacant units in Low Petergate, which Policy S3A states should be taken into account, and the consideration that the proposal would result in opening the first floor of the property up to the public, which would add to the sense of activity and interest in this part of the city centre. Officers also note that 78 Low Petergate has been actively marketed since January 2012 and a letter has been provided confirming that there has been no interest in the unit from any other potential users other than from York Hogroast.

The amenity of surrounding occupants

4.7 Local Plan Policy S6 relates specifically to the control of food and drink uses and states that planning permission for the extension, alteration or development of premises for A3 uses (food and drink) will be granted in York City Centre provided that a) there is no unacceptable impact on the amenities of surrounding occupiers as a result of traffic, noise smell or litter; b) the opening hours of hot food takeaways are restricted where this is necessary to protect the amenity of surrounding occupiers; c) car and cycle parking meets standards referred to in the Local Plan, and d) acceptable external flues and means of extraction have been proposed. Policy S7 states that proposals for new leisure uses (including use classes A3 and D2) that complement York City Centre will be permitted provided that a) there is no adverse cumulative effect on the vitality and viability of the Centre, and b) there is no unacceptable effect on residential amenity.

4.8 It is not considered that the change of use of the property to a cafe / restaurant would generate environmental problems which in turn would affect the character and appearance of the conservation area. There are residential properties in the vicinity of the application site including a recent approval for 3 No. flats at 12 Church Street and at the Golden Lion Pub on Church Street, however given the existing uses in the area, it is not considered that the proposal would significantly impact on the residential amenity of local residents. The applicants are applying for a premises licence, which is required for the business to operate after 11pm at night and such a licence would cover issues relating to CCTV, notices requesting the public to respect the needs of local residents, a general litter pick up and tidy of the general area on closing, and security. The hot food takeaways operating in close proximity to the application site comprise 14 St. Sampson's Square and 10 Church Street, the planning approvals for which imposed no opening hours restrictions. The proposal for a restaurant is therefore considered to accord with Policies S6 and S7.

4.9 The original scheme proposed that extraction would be connected to the outside through the existing chimney stack on upper floors. These plans have been superceded by a proposal to use a Rationale cooker system which drains into a

waste pipe connected to drainage. Comments from the Environmental Protection Unit with respects to this system are awaited and Members will be updated at the meeting.

Impact on Heritage Assets

4.10 The National Planning Policy Framework advises that local planning authorities should support a strong town centre economy and conserve and enhance the historic environment. It states that considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed by or lost through alteration or destruction of the heritage asset or development within its setting. Policy HE4 of the Local Plan relates specifically to listed buildings and states that changes of use will only be granted where there is no adverse effect on the character, appearance or setting of the building. Policy HE3 states that within conservation areas, proposals will only be permitted where there is no adverse effect on the character and appearance of the area.

4.11 The proposed external alterations would be limited to a new projecting painted sign fixed to an existing bracket, new hand painted lettering on the Low Petergate and Goodramgate fascia's and painted lettering on the solid panel which fronts Low Petergate together with the installation of obscure glazed privacy panels to the shopfront to the lower part of the display windows. Officers consider these alterations to be sympathetic to the character and appearance of the listed building and its setting within the wider Conservation Area. A condition requiring details of the obscure glazed privacy panels is recommended. The associated listed building application addresses the internal alterations required as part of this proposal.

5.0 CONCLUSION

5.1 Officers do not consider that the proposal would cause harm to the vitality and viability of the city centre or to the character and appearance of the Conservation Area and as such the application for the change of use of 78 Low Petergate is considered to accord with the National Planning Framework and Policies HE3, S3a, S6 and S7 of the Local Plan. Approval is recommended subject to the following conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

Application Reference Number: 12/02355/FUL

Item No: 5d

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

Received 28.9.2012

Dig No: 001 Rev A (Location Plan)

Dwg No: 002 Rev A (Block Plan)

Dwg No: 005 Rev D (Existing & Proposed Elevations)

Dwg No: 004 Rev E (Proposed Floor Plans)

Dwg No: 006 Rev A (Existing & Proposed Elevations - Goodramgate)

Design & Access Statement Revision B

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

3 Full details of the proposed method and materials for obscuring the lower part of the display windows shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the character and appearance of the Central Historic Core Conservation Area.

4 Details of all new machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible outside of the site boundary when in use, shall be submitted to the local planning authority for approval. These details shall include maximum ($L_{Amax}(f)$) and average sound levels (L_{Aeq}), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of residents from noise.

5 There shall be adequate facilities for the treatment and extraction of cooking odours. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for written approval. Once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of future residents and local businesses.

Note: It is recommended that the applicant refers to the Defra Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (January 2005) for further advice on how to comply with this condition.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the vitality and viability of the city centre, the impact on the character and appearance of the conservation area and the listed building, and the amenity of neighbours. As such the proposal complies with the provisions of the National Planning Policy Framework and Policies S3, S6, S7, HE3 and HE4 of the City of York Development Control Local Plan.

2. INFORMATIVE:

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a remediation scheme to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

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

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

(b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for

"Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

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

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

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

(f) There shall be no bonfires on the site

Contact details:

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

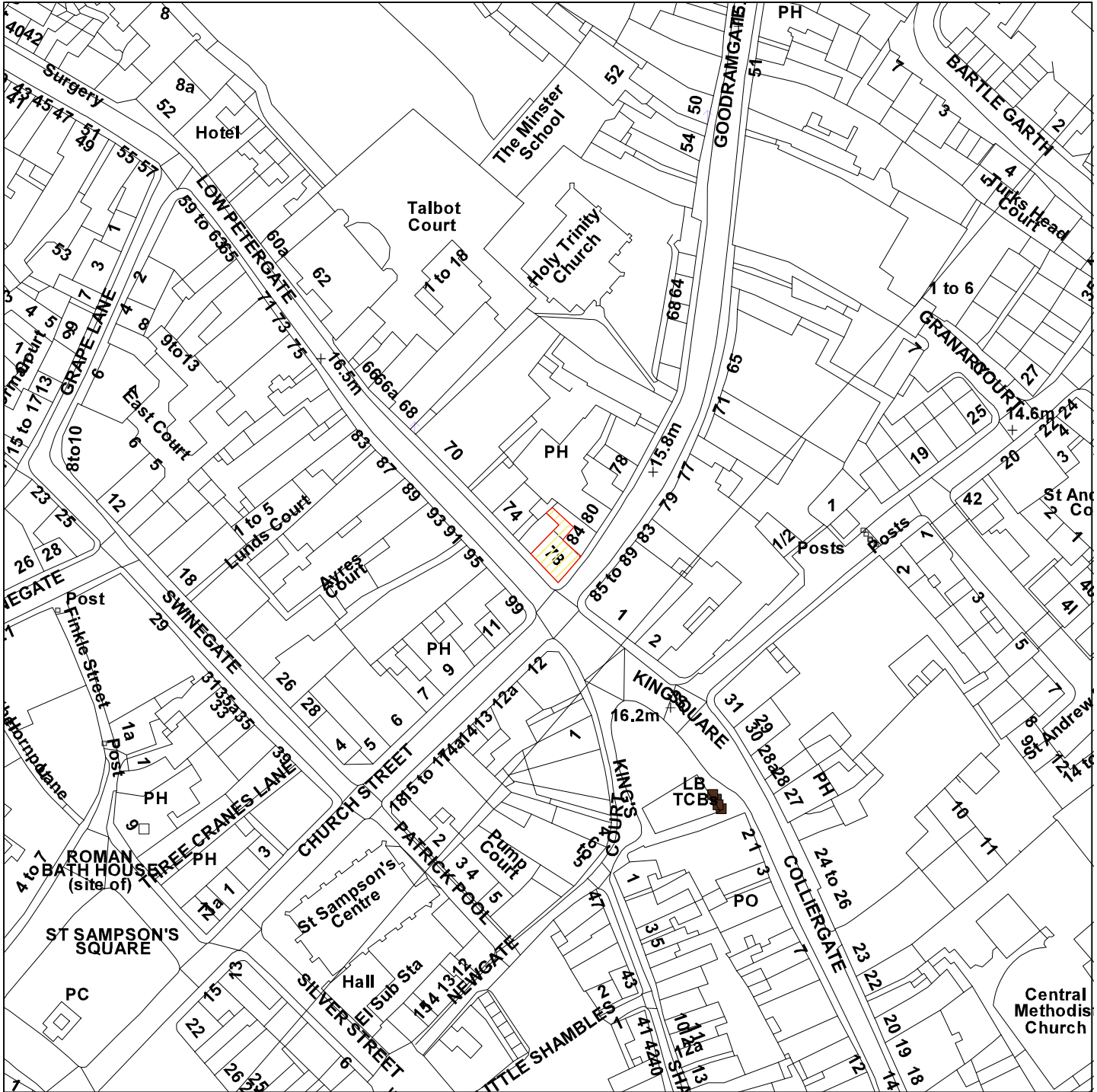
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12/02355/FUL

78 Low Petergate



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	08 October 2012
SLA Number	Not Set

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COMMITTEE REPORT

Date: 18 October 2012 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 12/02359/LBC
Application at: 78 Low Petergate York YO1 7HZ
For: Internal and external alterations associated with change of use to restaurant
By: York Hogroast Ltd
Application Type: Listed Building Consent
Target Date: 31 August 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 Listed Building Consent is sought for internal and external alterations to include partitions, the widening of openings, a new door opening, new hand painted signage on the fascia's and a new hanging sign at 78 Low Petergate.

1.2 The property at 78 Low Petergate is timber framed and was constructed as a house in the early seventeenth century. Located on the corner of Low Petergate and Goodramgate, the property is Grade II listed and is situated on a Primary Shopping Street within the Central Historic Core Conservation Area. Formerly a book shop, the property is currently vacant.

1.3 The proposed alterations are associated with a proposal for the change of use of the premises from A1 to a cafe / restaurant with ancillary takeaway (Class A3). This application is referenced 12/02355/FUL.

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; 78 Low Petergate York YO1 2HZ 0766

Listed Buildings GMS Constraints: Grade 2; 76 Low Petergate York YO1 2HZ 0767

2.2 Policies:

CYHE4 Listed Buildings

3.0 CONSULTATIONS

Design, Conservation and Sustainable Development

3.1 The revised proposals have been informed by, and have responded to the evaluation of the special interest of the building. The negligible harm to the special interest of the building is outweighed by the public benefit of the proposal, including securing its optimum viable use.

4.0 APPRAISAL

Key Issues

- Impact on special architectural and historic importance of the listed building

4.1 The National Planning Policy Framework states that considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed by or lost through alteration or destruction of the heritage asset or development within its setting.

4.2 The Development Control Local Plan was approved for Development Control purposes in April 2005: its policies are material considerations where they reflect the National Planning Policy Framework. Local Plan Policy HE4 advises that consent will only be granted for internal or external alterations to listed buildings where there is no adverse effect on the character, appearance or setting of the building.

4.3 78 Low Petergate has high aesthetic value for the external appearance of the upper floors and internally for the timber framing, and high design value for the internal decorative features; for example the timber panelling and moulded beams to the first floor, decorative stair balustrade, door frames and doors and externally, although to a lesser degree, the shop fronts. It has historical value for the way in which the building can connect us to past aspects of life and has evidential value, with some potential to yield evidence of its development over time. Its significance is as a relatively complete timber framed building with later phases of development incorporated.

4.4 The initial proposals for the change of use of the building contained insufficient information to be able to determine the effect on its special architectural or historic interest. The resubmitted scheme includes an evaluation of the building by a building archaeologist by desk top assessment and on site investigation, including by the removal of modern surface finishes. The evaluation confirms that there is extensive survival of seventeenth century timber framing, and later fabric which contributes to the special interest of the building.

4.5 The revised proposals have been informed by, and have responded to the evaluation of the special interest of the building. The proposed alterations are in the main both additive and reversible, consisting of partitions and shop fittings. The enclosure of the kitchen on the ground floor reflects an earlier plan form and mirrors the plan form of the floors above. The effect of the additional partitions on the significance of the listed building is considered to be negligible.

4.6 Two door openings on the ground floor would be widened to accommodate wheel chair access to a ground floor toilet; one is within modern fabric, the other opening is within a wall of later eighteenth century date. Whilst the first opening would have no impact on the special interest of the building, the latter would have a negligible impact. A new door opening would be formed between the server and the kitchen; this is through modern fabric, and would have no impact on the special interest of the building. A proposal to alter the first two steps on the ground floor has been omitted from the scheme. Subject to a condition requiring full details, the proposal to obscure the lower part of the shop windows would be considered to have a low impact on the aesthetic value of the building.

5.0 CONCLUSION

5.1 Officers consider that the negligible harm to the special interest of the building is outweighed by the public benefit of the proposal, including securing its optimum viable use. Approval is recommended.

6.0 RECOMMENDATION: Approve

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

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

Received 28.9.2012

Dwg No: 001 Rev A (Location Plan)

Dwg No: 002 Rev A (Block Plan)

Dwg No: 005 Rev D (Existing & Proposed Elevations)

Dwg No: 004 Rev E (Proposed Floor Plans)

Dwg No: 006 Rev A (Existing & Proposed Elevations - Goodramgate)

Design & Access Statement Revision B

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

Application Reference Number: 12/02359/LBC

Item No: 5e

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3 Full details of the proposed method and materials for obscuring the lower part of the display windows shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of safeguarding the character and appearance of the listed building.

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

(i) details relating to the upgrading of the door frame on the second floor to meet fire regulations

(ii) details of proposed new internal doors

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of safeguarding the character and appearance of the listed building.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the special historic and architectural interest of the listed building. As such the proposal complies with the National Planning Policy Framework and Policy HE4 of the City of York Development Control Local Plan.

Contact details:

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

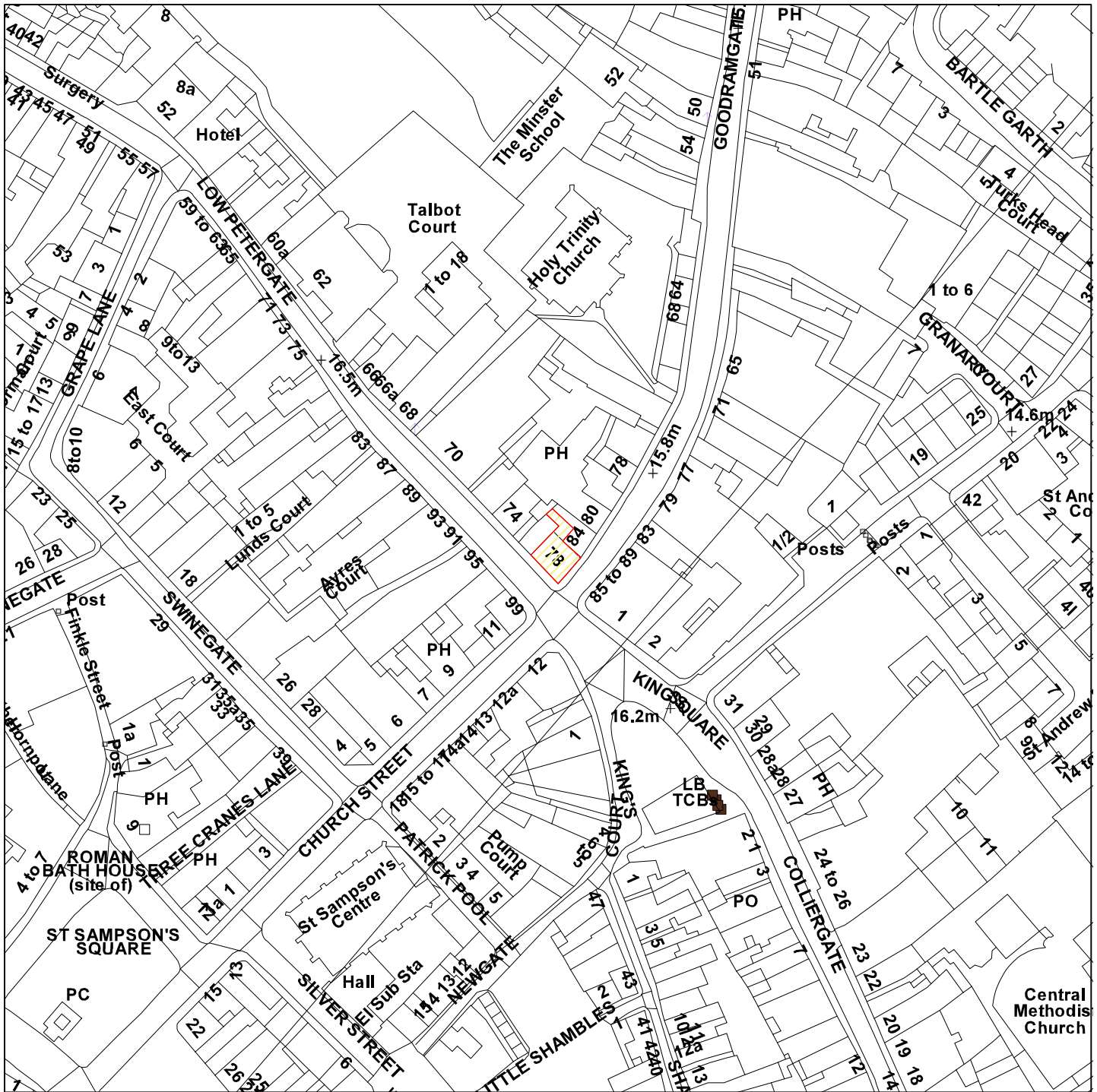
Tel No: 01904 551610

12/02359/LBC

78 Low Petergate



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	08 October 2012
SLA Number	Not Set

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COMMITTEE REPORT

Date: 18 October 2012 **Ward:** Micklegate
Team: Major and **Parish:** Micklegate Planning
Commercial Team Panel

Reference: 12/02118/FULM
Application at: First York 45 Tanner Row York YO1 6JP
For: Conversion and alteration of 45 Tanner Row and 4 Barker Lane from offices to 11no residential apartments.
By: Brantingham Property Services Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 13 September 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 This application relates to 45 Tanner Row and No.4 Barker Lane, a deep plan, non listed building occupying a corner site within the Central Historic Core Conservation Area. The original three storey "L" shaped building dates from around 1850 and can still be identified within the larger floor plate building that it has now been incorporated into. The building is currently in office use.

1.2 Permission is sought for the change of use and alterations to the building to form 11 No. residential units (7x1 bed units and 4 x2 bed units). The external alterations include the installation of two light wells, new windows would be introduced onto the corner of Barker Lane and existing windows facing Tanner Row would be enlarged. The entrance to the apartments would be from Tanner Row with an integral separate cycle store accessed from Tanner Row and a bin store accessed from Barker Lane. Three off street parking spaces to the rear of the property would be retained for the use of occupants.

1.3 The application site is bordered to the north east by residential development at St. Gregory's Mews and to the south west by a residential conversion scheme. Tanner Row bounds the north-west boundary of the application site and Barker Lane lies to the south west.

1.4 The existing tenants have indicated that they will be vacating the building by no later than April 2014. The property is currently occupied by First Transpennine Express, part of First group. The applicant states that the rail franchise that First Transpennine Express operates has limited time to run. The owners are motivated not to be left with a vacant property, particularly given the current economic climate and are therefore seeking to find an appropriate alternative use for the building.

Planning History

1.5 Formerly used for warehousing, planning consent for granted in 2002 for the change of use of 45 Tanner Row / 4 Barker Lane to offices with the erection of a second floor pitched roof extension. Planning permission was then granted for a change of use of the second floor from offices to 2 flats in December 2003. This permission has not been implemented.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: Central Area 0002

2.2 Policies:

CYE3B Existing and Proposed Employment Sites

CYED4 Developer contributions towards Educational facilities

CYGP1 Design

CYGP4A Sustainability

CYHE3 Conservation Areas

CYH12 Conversion of redundant offices

CYL1C Provision of New Open Space in Development

3.0 CONSULTATIONS

INTERNAL

Integrated Strategy Unit

3.1 In terms of policy, the proposal to convert from office to residential is sound when considering how appropriate the development is with national and regional policy; the area presently has residential properties combined with retail and commercial. How acceptable the development will be in terms of the loss of the space as B1 is dependant on the Economic Development Unit's recommendations and it is recommended that the property is marketed for a minimum of 6 months before change of use permission is granted.

Design, Conservation and Sustainable Development

Original Scheme

3.2 Officers are unable to support the scheme due to poor design and harm to the conservation area.

Revised Scheme

3.3 The appearance of the building within the Conservation Area would be acceptable. The layout for most flats is better but there are still poor conditions of light in the bedrooms.

Highway Network Management

Original Scheme

3.4 Whilst Officers are agreeable to much reduced levels of car parking being provided on site due to the sustainable location, this must be done as part of a package of sustainable travel measures which will seek to promote the use of sustainable travel. There are serious concerns that the size of combined refuse/cycle store is large enough to accommodate what is necessary.

Revised Scheme

3.5 No objections. In order to promote sustainable travel Officers would be seeking that the developer provides a contribution towards free membership and limited drive time with the city's car club operator (City Car Club) for first occupiers. Such a contribution would be £160 per residential unit.

Environmental Protection Unit

Noise

3.6 A noise impact assessment was provided with the application due to concerns over the potential for noise associated with traffic noise on Tanner Row and night time noise associated with local pubs and clubs. Results of the noise assessment showed that the principal sources of noise were traffic and people noise with daytime noise levels being found to be 61dB(A) Leq to the front and night time noise levels being 58dB(A) Leq to the rear elevation, with Lmax values of up to 87dB(A).

3.7 Details provided within the noise impact assessment showed that the World Health Organisations guideline internal levels may be achieved through the provision of double glazed window unit and secondary glazing with a 200mm gap in between, with windows closed and mechanical ventilation.

3.8 The Environmental Protection Unit are satisfied that the internal noise levels may be achieved such that there will not be any significant adverse effects on health or quality of life providing mitigation measures are provided.

Contaminated Land

3.9 The contaminated land screening assessment provided with the application doesn't indicate any previous use. However, examination of Council records has indicated that the site was previously used as an asbestos packing house in 1895. Since the proposed development will involve the conversion and alteration of the existing building into the flats EPU would recommend that a watching brief condition be placed on any approval.

Air Quality

3.10 There are no known air quality issues with the site.

Economic Development

3.11 It is regrettable that small office spaces are declining in the city centre, particularly ones with good access and a lift to upper floors. In this instance, the applicants have not tested the market for subsequent office tenants and therefore it seems premature to seek another use for the premises. However the applicant is right to point out that it is not a Grade A office and that there has been a previous approval for residential use on the upper floor and at adjacent premises. Therefore whilst the loss of office space is regrettable, in Economic Development terms, it is understood that from a planning viewpoint, it might be difficult to resist the change of use.

Adults, Children and Education

3.12 A contribution of £11,984 would be required. This is to cover the cost of 1 primary school place at Scarcroft Primary.

Culture, Leisure and the Public Realm

3.13 As there is no on site open space commuted sums should be paid to the Council for amenity open space (which would be used to improve a local site such as North Street Gardens or Scarcroft Green), play space (for the 2 bed apartments and which would be used to improve a local site such as Lower Priory Street) and sports pitches (would be used to improve a facility within the South Zone of the Sport and Active Leisure Strategy).

EXTERNAL

English Heritage

3.14 The application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

Safer York Partnership

3.15 The proposed development is in an area of high risk in respect of crime and disorder. In respect of "designing out crime", the most vulnerable feature of the proposal would be the ground floor windows situated on the Barker Lane facing aspect. Owing to this vulnerability and lack of natural surveillance in this lane, I would advise that the existing folding security grilles should be retained. If the existing ground floor window glazing is not laminated, a security film should be fitted. Other measures to be considered are; wall mounted lighting, CCTV, ground floor window locks to meet gold standard and the new main entrance door should be fitted with an access control system with electronic lock release and entry phone with audio visual verification linked to the apartments.

4.0 APPRAISAL

4.1 KEY ISSUES

- Loss of office space
- Whether the application site is an acceptable windfall site for housing
- Impact on the conservation area
- Amenity of future occupants and surrounding occupants
- Crime Prevention
- Local Education, Sports, Play and Open Space Facilities

LOSS OF OFFICE SPACE

4.2 The National Planning Policy Framework makes a presumption in favour of sustainable development. It advises that applications should be approved unless they conflict with an up to date local plan, or they are contrary to policies within the framework.

4.3 The host building is within the city centre, as defined in the Local Plan. The National Planning Policy Framework recognises town centres as the heart of communities and Local Planning Authorities are expected to pursue policies to support their viability and vitality; this involves allocating adequate space for offices. The Framework also recognises that residential development can play an important role in ensuring the vitality of centres and it should be encouraged on appropriate

sites. Within paragraph 51, the Framework advises that local planning authorities should normally approve planning applications for change to residential use where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.

4.4 Policies E3b and H12 of the Local Plan seek to keep all office uses in such use, unless there is an adequate supply of alternative premises over the plan period or where the proposed use will lead to significant benefits to the local economy. The broad intentions of these policies do not conflict in principle with the NPPF, however recent appeal decisions have concluded that there is no evidence of an under supply of office premises in the city.

4.5 The host building is currently in office use with the existing tenants having indicated that they will be vacating the building by no later than April 2014. No marketing has been undertaken to establish whether there would be interest in maintaining the existing office use.

4.6 The existing office accommodation has a narrow footprint and is provided in small sections of open plan office together with cellular accommodation. Changes in floor levels at first and second floor further emphasise the segmented nature of the office space. There is however a lift and the Economic Development Unit, whilst agreeing with the applicant that this building does not offer Grade A office space, consider the proposal regrettable particularly when small office spaces are declining in the city centre.

4.7 Officers would agree with the comments of the Economic Development Unit and do not welcome this application for the change of use of an office building in an accessible location where there are existing tenants and the market has not been tested. However in the context of the NPPF, which advises that such applications should normally be approved unless there are strong economic reasons as to why such development would be inappropriate, and the consideration that this is a relatively small office building and is not Grade A office space, Officers consider that it would be difficult to resist the proposal on the basis of loss of office space.

WHETHER THE APPLICATION SITE IS AN ACCEPTABLE WINDFALL SITE FOR HOUSING

4.8 The National Planning Policy Framework seeks to boost housing supply. It requires that Local Planning Authorities establish housing need and annually identify a deliverable 5-year supply.

4.9 The site is not allocated for housing in either the Draft Local Plan or the SHLAA (Strategic Housing Land Availability Assessment). York's SHLAA provides for an allowance of 168 windfalls a year (based on an analysis of 10 year trends of windfalls by type and location) to assist in meeting housing need in the city.

4.10 In determining applications for housing windfalls Local Plan policy H4a states that proposals for land not already allocated on the proposals map will be granted permission where: the site is within the urban area and is vacant, underused or it involves infilling, redevelopment or conversion of existing buildings; the site has good accessibility to jobs, shops and services; and it is of an appropriate scale and density to surrounding development and it would not have a detrimental impact on existing landscape features.

4.11 The proposal complies with Policy H4a as it involves the conversion of an existing building and proposes efficient use of an existing building in a sustainable city centre location. In this respect residential development of the site is considered to accord with the principles of the National Planning Framework and policy H4a of the Draft Local Plan.

IMPACT ON THE CONSERVATION AREA

4.12 The National Planning Policy Framework advises that it is desirable that proposals sustain or enhance the significance of heritage assets and put them to viable uses, consistent with their conservation. Any loss or harm to conservation areas requires clear and convincing justification. Local Plan Policy HE3 states that within Conservation Areas, proposals will only be permitted where there is no adverse effect on the character and appearance of the area.

4.13 With respects to the external treatment of the building, the scheme has been amended since first submission with the removal of proposed render, removal of a signage band and Juliet balconies and changes to the treatment of the openings. The revised scheme involves new light wells, the enlargement of 2 existing windows, new door openings to the cycle and bin stores, the replacement of 2 doors with windows and the formation of a new stained oak entrance door with horizontal boarding and framing.

4.14 The revised scheme is considered to respect the historic and aesthetic interest of the building, which contributes to understanding the development of the street as a backland area where service functions developed to meet the needs of the primary street, Micklegate and the new railway station which had been built opposite. In accordance with Policy HE3, the proposed external alterations are therefore not considered to be harmful to the character and appearance of the Conservation Area.

AMENITY OF FUTURE AND SURROUNDING OCCUPANTS

4.15 The National Planning Policy Framework requires that proposals secure a good standard of amenity for existing of future occupants of land or buildings. Local Plan policy GP1 requires developments provide and protect amenity space; provide

space for waste storage; ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures. H12 also requires that residential conversions do not have an adverse effect on amenity.

Surrounding occupants

4.16 The proposed conversion of No.4 Barker Lane would not be considered to impact on the living conditions of the adjacent residential properties at St. Gregory's Mews and the residential development to the rear, which is accessed from Barker Lane. There are three existing windows at second floor which have the potential to overlook the adjoining flat in St. Gregory's Mews. However the submitted section drawing indicates that the floor levels are sufficiently low such that the windows would be at high level preventing overlooking. A condition to ensure that the floor levels are not raised, is recommended.

Future Occupants

4.17 A noise impact assessment was provided with the application due to concerns over the potential for noise associated with traffic noise on Tanner Row and night time noise associated with local pubs and clubs. Results of the noise assessment showed that the principal sources of noise were traffic and people noise. However the assessment also demonstrated that the World Health Organisations guideline internal levels may be achieved through the provision of double glazed window unit and secondary glazing with a 200mm gap in between, with windows closed and mechanical ventilation. A condition is recommended.

4.18 The deep plan form of the building means the property does not easily lend itself to conversion to residential units with poor conditions of natural light and aspect in the apartments on the ground and first floor at the rear of the property. To address this issue, new light wells have been cut out to provide light to the rear of the proposed residential units.

4.19 The original scheme detailed 12 No. apartments however due to concerns with respects to the size of the units and the poor conditions of light and natural aspect, one of the 1 bed units has been deleted from the scheme. This has allowed the creation of a larger 2 bed apartment with a small area of private external amenity space.

4.20 With reference to light and aspect, the above revision has meant that all the apartments with the exception of one, have outside facing windows one of the bedrooms and/ or living room. Apartment 4, at the rear of the first floor, is the exception, with the two bedrooms served by the lightwells and the living room having a high level window. The size of the one bedroom units ranges from 42.1 to 60.4 square metres and the two bed unit's ranges from 63.6 to 102 square metres.

4.21 It is recognised some of the units are small and that Apartment 4 offers a comparatively poor level of amenity in terms of natural light and aspect, however the scheme has been significantly improved since submission and given the location of these units in the city centre and the fact that the smaller units are the one bed units and are unlikely to be occupied by families, it is not considered that the level of amenity would be sufficiently poor to warrant refusal of the application.

4.22 Covered and secure cycle and bin storage for the occupants of the 11 No. units would be provided within separate stores within the building.

CRIME

4.23 The National Planning Policy Framework states that planning policies and decisions should aim to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

4.24 The Police Architectural Liaison Officer advises that the area is in an area of high risk in respect of crime and disorder with the most vulnerable element being the ground floor windows situated on the Barker Lane elevation. The revised plans detail that all ground floor windows will be fitted with security film and new locking window latches to meet "Sold Secure Gold Standard". The new entrance door to the apartments would be fitted with an access control system incorporating electronic lock release and entry phone and the cycle and bin stores would be secured with key operated locks meeting BS standards.

LOCAL EDUCATION, SPORTS, PLAY AND OPEN SPACE FACILITIES

4.25 The site is within easy access of existing facilities in the area, including a school, shops and health services. In accordance with Policy ED4, there is a requirement to contribute £11,984 to cover the cost of 1 primary school place at Scarcroft Primary.

4.26 In accordance with policy L1c of the Draft Local Plan, the applicant / developer would also be required to make a contribution towards children's equipped play space, informal amenity open space and outdoor sports facilities. Based upon the City of York Commuted Sum Payments document, the contribution for this development would be £11,984.

4.27 The applicant has agreed to provide the contributions and is in the process of preparing a unilateral undertaking.

5.0 CONCLUSION

5.1 Officers consider the loss of office space in favour of residential accommodation to be regrettable however in the context of the National Planning Framework, which advises that such applications should normally be approved unless there are strong economic reasons as to why such development would be inappropriate, and the consideration that this is a relatively small office building and is not Grade A office space, Officers consider that it would be difficult to resist the proposal on the basis of loss of office space.

5.2 With respects to the proposed residential use of the building, the proposal involves the conversion of an existing building and proposes efficient use of an existing building in a sustainable city centre location. In this respect residential development of the site is considered to accord with the principles of the National Planning Framework and policy H4a of the Local Plan.

5.3 The revised scheme is considered to respect the historic and aesthetic interest of the building and in accordance with Policy HE3, is not considered to be harmful to the character and appearance of the Conservation Area. Officers recognise that several of the units are relatively small and natural light and aspect is limited in some of the apartments. However the scheme has been improved since submission and given the location of these units in the city centre and the fact that the smaller units are the one bed units, it is not considered that the level of amenity would be sufficiently poor to warrant refusal of the application. The application is therefore recommended for approval subject to the following conditions and the submission of a unilateral undertaking to provide contributions towards off-site open space and education facilities.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

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

Received 24.9.2012;

Dwg No: 104 Rev B (Plans as Proposed)

Dwg No: 105 Rev B (Elevations as Proposed)

Dwg No: 106 Rev B (Sections AA _ BB)

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

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples and finishes of the external materials to be used (to include a schedule of the external finishes), 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.

Reason: So as to achieve a visually cohesive appearance.

4 Large scale details (1:20 and 1:5) of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

- (i) new external doors
- (ii) the entrance screen with integral door
- (iii) new windows
- (iv) adaptations to existing windows (including the relationship with any secondary glazing)

Items (i) to (iv) should be shown in the context of their reveals, thresholds/cills and lintels.

- (v) new rooflights (shown in context)
- (vi) new external grills or equipment (for example, entry phones, aerials)
- (vii) external lighting

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the character and appearance of the Central Historic Core Conservation Area.

5 The building shall not be occupied until the areas shown on the approved plans for the storage of cycles have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: To promote the use of cycles thereby reducing congestion on the adjacent roads.

6 The building envelope of all residential buildings with a facade fronting onto Tanner Row shall be constructed so as to achieve internal noise levels of 30 dB LAeq,1hour and 45 dB LAMax (23:00 - 07:00) in bedrooms and 35 dB LAeq1hour (07:00 - 23:00) in all other habitable rooms. These noise levels are with windows shut and other means of acoustic ventilation provided. The detailed scheme shall be approved in writing by the local planning authority and fully implemented before the

use hereby approved is occupied.

Reason: To protect the amenity of residents from noise.

7 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 to the future users of the land and neighbouring land are minimised.

8 The floor levels in Apartment 8 (rear second floor unit) shall remain as existing and as detailed on Dwg No. 103 (Sections as Existing A-A, B-B & C-C).

Reason to ensure no overlooking from the high level windows would result in the interests of the amenity of the occupants of the adjacent property.

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:

- principle of conversion / loss of employment land
- design / impact on the conservation area
- residential amenity
- Impact on existing education and open space provision

As such the proposal complies with the National Planning Policy Framework and Policies HE3, H4A, E3B, GP4A, GP1, H12, L1C and ED4 of the City of York Development Control Local Plan.

Contact details:

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

Tel No: 01904 551610

Application Reference Number: 12/02118/FULM

Item No: 5f

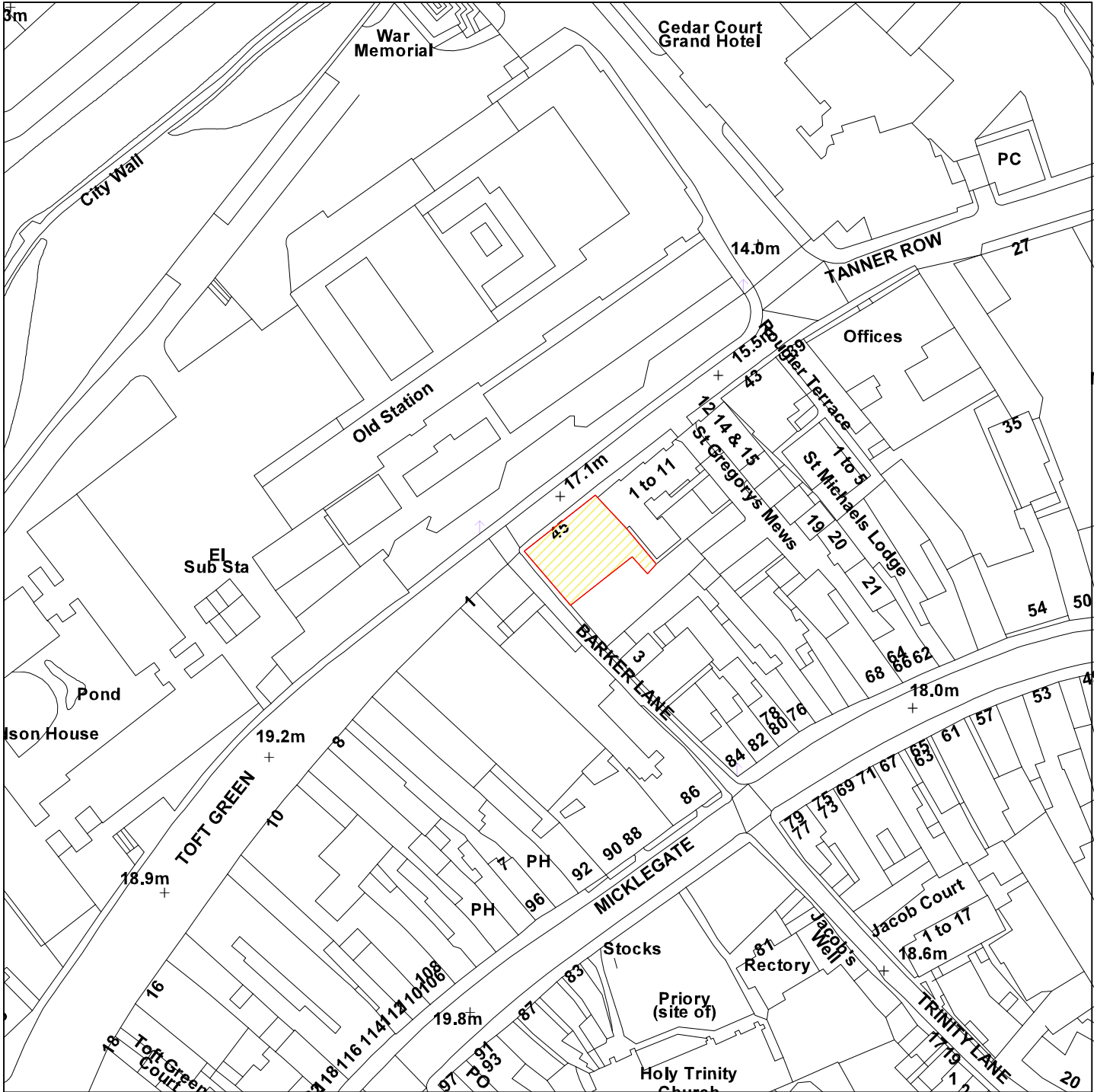
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First York, 45 Tanner Row



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	08 October 2012
SLA Number	Not Set

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COMMITTEE REPORT

Date: 18 October 2012 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 12/02508/FUL
Application at: York City Art Gallery Exhibition Square York YO1 2EW
For: First floor extension above south gallery, rear extension including first floor balcony and external stair, roof-mounted plant and enclosure and demolition of single storey timber building to north side of building.
By: Mr Michael Woodward
Application Type: Full Application
Target Date: 26 October 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 Planning permission is sought for the following alterations and works to the Art Gallery -

- A first floor extension above the south gallery (on the south-western side of the building) externally clad in white, beige, blue and green coloured triangular panelling.
- The addition of a balcony and external stair at the rear screened/enclosed by vertical larch timbers.
- Restoration of the north elevation following the demolition/removal of the single storey timber structure on this side of the building.
- Plant located on the roof, toward the rear of the building, with a surrounding brick wall to screen it from view.

1.2 There is a companion application for listed building consent 12/02509/LBC.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

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

Listed Buildings:

- Grade 2; Railings And Gates Fronting Kings Manor 0618
- Grade 2; City Art Gallery Exhibition Square York 0615
- Grade1; City Walls St Mary's Tower To Bootham Tower
- Grade 1; St Mary's Tower St Mary's Abbey Remains

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

2.2 Policies:

CYGP1 Design
CYHE3 Conservation Areas
CYHE4 Listed Buildings
CYHE10 Archaeology

3.0 CONSULTATIONS

Design, Conservation and Sustainable Development

3.1 Officers support the proposals, and consider the scheme would enhance the character and appearance of the conservation area, particularly to the side and rear of the gallery where the scale and detail of the two imaginative additions would contribute to York's architectural legacy. Important views from Exhibition Square would be unchanged. Views from within the gardens would be enhanced and new relationships would be created between the gallery and its garden context.

Flood Risk Management

3.2 No objections.

Guildhall Planning Panel

3.3 Object to the geometrical designs, which clash with the curves and arches of the building. Concern of the use of colour on the external cladding as this cannot be fully understood from the plans available.

Publicity

3.4 Deadline for comments 10/10/2012. No written representations have been made to date.

English Heritage

3.5 No response to date, any comments will be reported verbally.

4.0 APPRAISAL

4.1 Key Issues

- Impact on the listed building, the setting of surrounded listed buildings, and on the character and appearance of the conservation area
- Amenity of surrounding occupants

Visual impact

4.2 Design policies within the National Planning Policy Framework advise that proposals should be supported when developments will:

- function well and add to the overall quality of the area
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- are visually attractive

4.3 The National Planning Policy Framework also advises that planning should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles and significant weight should be given to outstanding or innovative designs which help raise the standard of design.

4.4 The host building is grade 2 listed and within the Central Historic Core Conservation Area. CABE and English Heritage publication: Building in Context which offers guidance on proposals in such areas advises a successful approach will:

- Relate well to the geography and history of the place and the lie of the land
- Sit happily in the pattern of existing development and routes through and around it
- Respect important views
- Respect the scale of neighbouring buildings
- Use materials and building methods which are as high in quality as those used in existing buildings
- Create new views and juxtapositions which add to the variety and texture of the setting.

4.5 In considering the impact on the listed building, the National Planning Policy Framework advises that Local planning authorities should identify and assess the significance of the part of the building affected by a proposal. They should consider the impact of a proposal on a heritage asset, and avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. The NPPF recognises that buildings may need to change over time in the interests of their long-term viability. In determining applications the NPPF advises that it is desirable to sustain and enhance the significance of heritage assets and put them to viable uses consistent with their conservation, and to encourage new development which makes a positive contribution to local character and distinctiveness.

4.6 The proposed works are required to provide extra gallery space, improve circulation through the building and access to the gardens at the rear of the building and to enhance the building's appearance. External plant is proposed as the gallery are required by the Arts Council to achieve certain environmental performance standards. It is proposed the external plant is located on the roof and screened with a brick wall. In addition internal changes are proposed, which form part of the companion listed building consent application.

4.7 The two extensions (south side and rear) have been conceived to appear as contemporary interventions, distinguishable from the original fabric. This approach is welcome and follows English Heritage principles.

South gallery extension

4.8 The volume and shape of the extension above the south gallery will mean the extension is subordinate to the main building, situated between the front and rear buildings and below the main roof. The cladding panels will reference the pottery centre that will be accommodated within the building and would compliment the copper roof on the front of the existing building. The extension would connect elegantly to the existing fabric. PV panels located on the roof would be hidden from view. The extension would be viewed directly from the car park behind King's Manor, otherwise it would only be seen in indirect views and would be partially screened by trees. By virtue of the location, proposed scale and materials, the extension will be a discreet addition to the building. The extension is of appropriate design and would add to the interest of the host building.

4.9 Although the extension would result in the loss of the original roof, only the internal cast iron roof trusses are of historic interest. However similar roof trusses would remain exposed in the north gallery. The benefits the extension would bring, increasing floor-space within the gallery and enhancing the external appearance of the building, outweigh the limited harm caused by the loss of historic fabric.

Rear extension

4.10 At the rear of the building it is proposed to add an external stair and first floor terrace from which the garden can be enjoyed. The structure would be clad with a series of vertically laid timbers of varying finishes too add interest, which would conceal the stair and provide an integrated balcony to the terrace. The enclosure would extend 4.5m from rear elevation and extend up to first floor level. The rear block of the building was added in the 1940's/50's. The building currently fails to relate/connect to the space behind and the exterior is unattractive. The proposed works will to an extent rectify the aforementioned issues and constitute a significant improvement to the appearance of the host building and how it functions.

Plant screen

4.11 The plant would be enclosed by a brick wall that would surround the rear block, adding around 2.2m to its height. The rear block would remain slightly lower than the front facade and there would be limited visual impact from the oblique and reasonably distant views in which the rear of the building can be seen from within the public realm. Presently some plant is bolted onto the rear elevation of the building at low level. The plant screen would keep external plant out of sight, which is welcome, and the brick enclosure would be sympathetic to the building due to its scale and materials.

Demolition of timber building on the north side

4.12 The proposals include the removal of the single storey timber building to the north side of the art gallery. The structure detracts from the appearance of the building and its removal is not objected to. Bins would be stored in this area (they are presently stored at this side of the building but closer to Exhibition Square). Provided the design of the enclosure is acceptable the proposed arrangement will improve the setting by hiding the bins from view.

Amenity of surrounding occupants

4.13 The National Planning Policy Framework requires that developments secure a good standard of amenity for all existing and future occupants of land and buildings.

4.14 The proposed extensions would not have an adverse effect on neighbours. The first floor extension would be to the northern side of King's Manor and would not therefore overshadow the proposed building or lead to a loss of light. The rear windows on King's Manor overlook the car-park rather than the gallery building, as such and due to the subordinate scale of the side extension it would not be over-dominant or over-bearing. The rear extension, due to its location, would have no impact on its neighbours.

5.0 CONCLUSION

5.1 The proposals are welcomed. The works will significantly improve the appearance of and facilities within the City Art Gallery. The architecture is of good quality and will enhance the appearance of the host building and how it connects with the garden behind. The works will also increase the floor-space within the gallery by 50% and enable it to accommodate a National Centre for British Studio Pottery.

5.2 In accordance with national policy the proposals will enhance the viability and significance of the listed building and the character and appearance of the conservation area, bring economic and community benefits and have no adverse impact on amenity. Approval is recommended subject to no objections being received from English Heritage. Conditions are required to cover the external appearance and archaeology.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Delegated Authority to Approve subject to receipt of no objections from English Heritage

- 1 TIME2 Development start within three years
- 2 List of approved plans

Site plan:

156-A-DGA-PLA-0200 REV P02

Floor plans:

156-A-DGA-PLA-0500 P07

156-A-DGA-PLA-0501 P11

156-A-DGA-PLA-0502 P11

Roof plan:

156-A-DGA-PLA-0503 P09

Elevations:

156-A-DGA-ELE-0701 P07

156-A-DGA-ELE-0702 P06

- 3 Samples of the external materials, including a comprehensive sample of the timber cladding and ceramic tiles/cladding to be used shall be submitted to and

approved in writing by the Local Planning Authority prior to construction of the extensions. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance in the interests of the appearance of the listed building.

4 Prior to completion of the development hereby approved a detailed hard landscaping scheme which shall cover the external areas to the north and west sides of the building shall be approved by the Local Planning Authority and the development shall be carried out in accordance with the approved details. The scheme shall include surfacing materials, any planting, railings and fencing and external lighting.

Reason: To preserve the setting of the listed building and the character and appearance of the conservation area.

5 Prior to completion of the development hereby approved details of the enclosure to the bin store (proposed on the north side of the building) shall be approved by the Local Planning Authority and the development shall be carried out in accordance with the approved details. Bins shall be stored in the approved enclosure at all times unless alternative provision is approved by the Local Planning Authority.

Reason: To preserve the setting of the listed building and the character and appearance of the conservation area.

6 ARCH2 Watching brief required

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

Reason: In the interests of the amenity of nearby occupants in accordance with policy GP1 of the City of York Draft Local Plan.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

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

Contact details:

Author: Jonathan Kenyon Development Management Officer

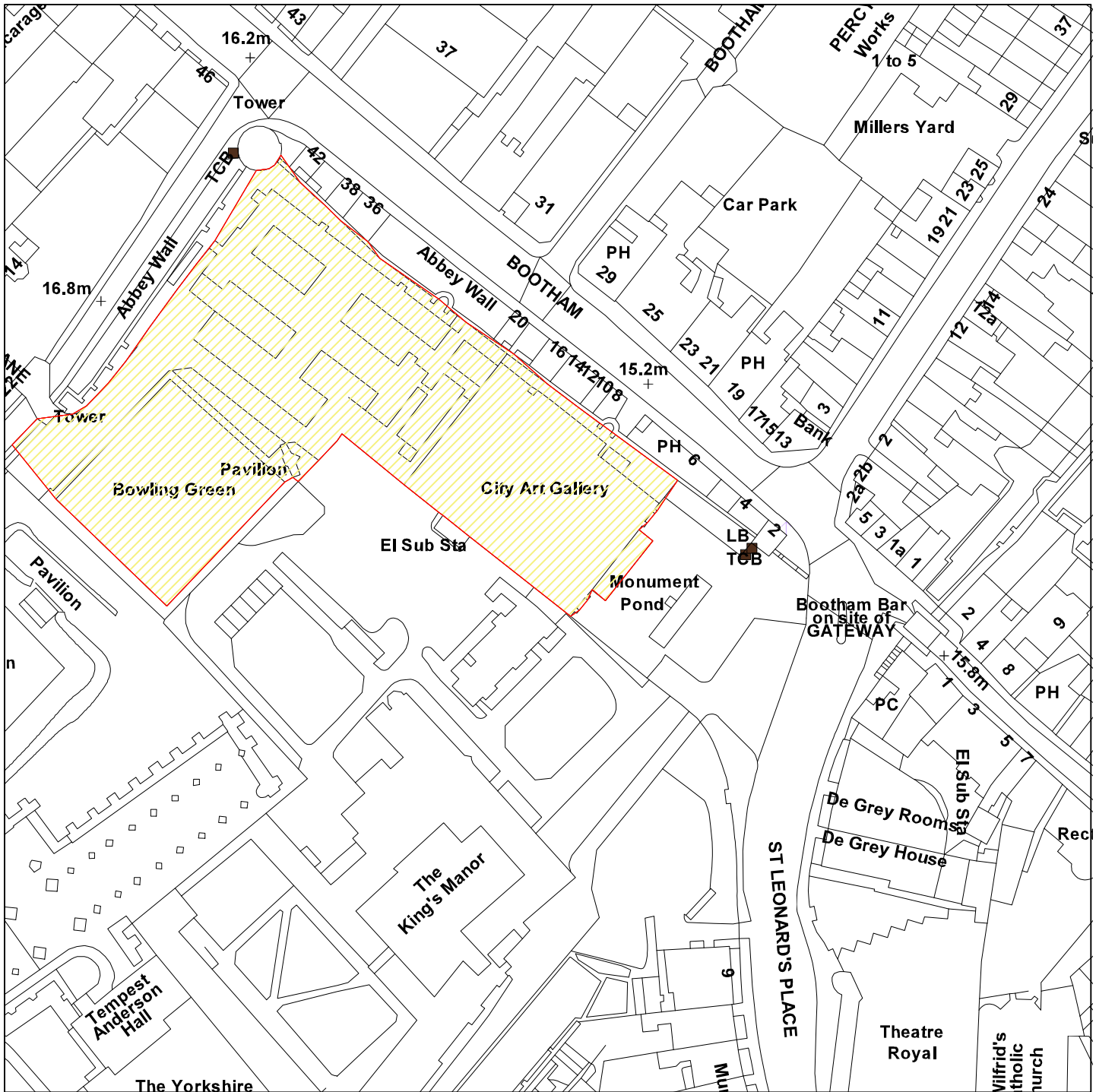
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12/02508/FUL

York City Art Gallery



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	08 October 2012
SLA Number	Not Set

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COMMITTEE REPORT

Date: 18 October 2012 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 12/02509/LBC
Application at: York City Art Gallery Exhibition Square York YO1 2EW
For: Internal and external alterations including additional gallery floor above main gallery, internal demolitions, replacement windows following demolition of timber building to the north of the gallery, 1st floor extension to south wing to create new gallery area, external balcony at rear and roof mounted plant and enclosure.
By: Mr Michael Woodward
Application Type: Listed Building Consent
Target Date: 12 September 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 The application relates to the City Art Gallery which was erected in 1878 to a design by E Taylor with W Atkinson as consulting architect. It was originally part of a much larger building designed to house the second Fine Art and Industrial Exhibition. The temporary timber exhibition halls to the rear were removed in 1941 (though closed in 1909) leaving the stone and brick building we see today. The building was listed at grade 2 in 1968.

1.2 The scheme the subject of this application for listed building consent aims to maximize the potential of the gallery's large collection of British Studio Pottery. In this respect the gallery would become recognized in the national context. The physical alteration works proposed would significantly increase existing floor area without increasing the gallery's footprint and they would reveal the architectural potential of the central space (the secret gallery). Conditions of funding from the Arts Council England also require the building to meet strict environmental performance and security standards. The proposed works are as follows:

Central Space

- The main gallery would be opened up to the original open arch-braced roof structure. This would be achieved by removing the suspended ceiling introduced in the 1960s and by taking away the C20th 'little gallery'.
- A mezzanine floor would be introduced.

- To allow appreciation of the full scale of the original central space the secondary screen wall inserted in 1960s would be removed.
- The existing clerestory windows would be repaired. The slate roof covering would be re-laid over an upgraded roof construction with new roof-lights integrated to matching existing as closely as possible.

New South Gallery

- The existing gallery cross-section has a double height north wing and a single storey south wing. It is proposed to extend the south wing upwards to create a new gallery which would create a circuit of the first floor. This first floor extension has been conceived as a simple box with a flat roof to achieve a similar height to the existing 1940s brick extension facing the garden.

North Wing and Entrance Foyer

- The City Archive will be moving to the City Library building to allow new galleries to be created in the north wing. The cafe would move into the north east room so that space could be reclaimed within the entrance vestibule.
- The timber clad building which was relocated to the NE corner of the building after 1949 would be removed to allow access to a new waste compound.
- The existing lift would be removed and a new lift would be introduced more centrally - into the south bay opposite the main staircase where WCs would also be located.

Rear elevation

- A new external balcony and stair would be added to the rear of the building. The structure would be clad in a variety of vertically hung larch timbers.

External plant/environmental performance

- Around the rear block of the building a parapet wall would be built up to hide external plant that would sit on the roof of the building.
- Secondary glazing would be added to windows.
- PV panels would be added on the roof of the south side extension.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

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

Listed Buildings:

- Grade 2; Railings And Gates Fronting Kings Manor 0618
- Grade 2; City Art Gallery Exhibition Square York 0615
- Grade 1; City Walls St Mary's Tower To Bootham Tower
- Grade 1; St Mary's Tower St Mary's Abbey Remains

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

2.2 Policies:

CYHE4 Listed Buildings

3.0 CONSULTATIONS

Design, Conservation and Sustainable Development

3.1 Officers support the proposal. The scheme would create a National Centre for British Studio Pottery within the City Art Gallery. The proposals have little adverse impact on the special architectural and historic interest of the building. There are many gains:-

- an increase in gallery space of nearly 50%
- environmental standards improved so that major international touring exhibitions can be housed
- the special architectural qualities of the main gallery interior would be revealed at last
- improved spatial experience on entering
- better and more accessible facilities
- two additions to the exterior which continue York's architectural legacy
- new relationships between inside and outside have been created to the side and rear of the building. This should stimulate the use of the underused north end of the Museum Gardens.

Guildhall Planning Panel

3.2 Object to the geometrical designs, which clash with the curves and arches of the building. Concern of the use of colour on the external cladding as this cannot be fully understood from the plans available.

Publicity

3.3 Deadline for comments 30/08/2012. No written representations have been made.

English Heritage

3.4 No response to date, any comments will be reported verbally.

4.0 APPRAISAL

KEY ISSUES

4.1 The impact on the listed building is the only consideration in determining the application.

RELEVANT POLICY

4.2 The National Planning Policy Framework advises it is desirable development sustains or enhances heritage assets. Where development will lead to harm, it will only be acceptable if the harm is out-weighed by any public benefits the proposals would bring. The NPPF advises it is desirable to sustain and enhance the significance of heritage assets and put them to viable uses consistent with their conservation and allow buildings to help bring social, cultural, economic and environmental benefits.

ASSESSMENT

Internal Alterations

4.3 Apart from the south gallery roof the demolition works proposed all relate to fabric which was not part of the original building. Although the original cast-iron roof trusses of the south gallery would be a loss to the character of the interior, similar roof trusses would remain exposed in the north gallery and above the staircase at first floor level. The improvements to the building and its facilities that would be gained by the extension would outweigh the loss of historic fabric.

4.4 The alterations within the central space, including removing the screen and suspended ceiling added in the 1960's, will provide a first floor gallery area above the main gallery by inserting a mezzanine floor which will allow the original space to be understood.

4.5 The new lifts would be accommodated in the area where the upper floor to the south gallery would be added and within the 1940's extension at the rear. Apart from the aforementioned impact on the south gallery roof, the works would not have an adverse effect on the historic and architectural interest of the building.

Works to improve the buildings environmental performance

4.6 In part the works are required to comply with national standards, which require mechanical ventilation, so certain exhibitions and displays can occur on site. The works are justified, in that the buildings performance and viability will be enhanced and there would be no undue impact on historic fabric. Details of the installations can be controlled through conditions.

External works (each as described in the companion planning application)

South gallery extension

4.7 The volume and shape of the extension above the south gallery will mean the extension is subordinate to the main building, situated between the front and rear buildings and below the main roof. The cladding panels will reference the pottery centre that will be accommodated within the building and would compliment the copper roof on the front of the existing building and the extension would connect elegantly to the existing fabric. PV panels located on the roof would be hidden from view. The extension would be viewed directly from the car park behind King's Manor, otherwise it would only be seen in indirect views and would be partially screen by trees. By virtue of the location, proposed scale and materials, the extension will be a discreet addition to the building. The extension is of appropriate design and would add to the interest of the host building.

Rear extension

4.8 At the rear of the building it is proposed to add an external stair and first floor terrace from which the garden can be enjoyed. The structure would be clad with a series of vertically laid timbers of varying finishes too add interest, which would conceal the stair and provide an integrated balcony to the terrace. The enclosure would extend 4.5m from rear elevation and extend up to first floor level. The rear block of the building was added in the 1940's/50's. The building currently fails to relate/connect to the space behind and the exterior of the building is unattractive. The proposed works will to an extent rectify the aforementioned issues and constitute a significant improvement to the appearance of the host building and how it functions.

Plant screen

4.9 The plant would be enclosed by a brick wall that would surround the rear block, adding around 2.2m to its height. The rear block would remain slightly lower than the front facade and there would be limited visual impact from the oblique and reasonably distant views in which the rear of the building can be seen from within the public realm. Presently some plant is bolted onto the rear elevation of the building at low level. The plant screen would keep external plant out of sight, which

is welcome, and the brick enclosure would be sympathetic to the building due to its scale and materials.

Demolition of timber building on the north side

4.10 The proposals include the removal of the single storey timber building to the north side of the art gallery. The structure detracts from the appearance of the building and its removal is not objected to. Bins would be stored in this area (they are presently stored at this side of the building but closer to Exhibition Square) and provided the design of the enclosure is acceptable the proposed arrangement will improve the setting by hiding the bins from view. A schedule of repairs and restoration to this facade will be required as a condition of consent.

5.0 CONCLUSION

5.1 The proposed works have limited impact on historic fabric and will bring significant gains - the appearance and functionality of the building will be enhanced, and there will be community and economic benefits as a consequence of the uses and facilities that will be provided within the building. Approval is recommended subject to no objections being received from English Heritage.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Delegated Authority to Approve subject to receipt of no objections from English Heritage

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

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

Site plan:

156-A-DGA-PLA-0200 REV P02

Floor plans:

156-A-DGA-PLA-0500 P07

156-A-DGA-PLA-0501 P11

156-A-DGA-PLA-0502 P11

Roof plan:

156-A-DGA-PLA-0503 P09

Elevations:

156-A-DGA-ELE-0701 P07

156-A-DGA-ELE-0702 P06

Sections

156-A-DGA-SCN-0601 P07
156-A-DGA-SCN-0602 P08
156-A-DGA-SCN-0603 P04
156-A-DGA-SCN-0605 P05

Demolition Plans

156-A-DGA-PLA-0300 P05, 301P05, 302P05, 303PO4, 304P05, 310PO5, 311P05, 312P05, 313PO5, 314PO5, 315P05, 330, 331

Reflected ceiling plans

156-A-DGA-RCP-0801 and 0802 P03

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

3 Samples of the external materials, including a comprehensive sample of the timber cladding and ceramic tiles/cladding to be used shall be submitted to and approved in writing by the Local Planning Authority prior to construction of the extensions. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance in the interests of the appearance of the listed building.

4 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 pertinent part of the development and the works shall be carried out in accordance with the approved details.

a) South Gallery

- Typical detail of a ceramic panel and its junctions (in colour)
- Details of abutment conditions for new south wall (base, sides and eaves) at a scale of 1:5
- Roof-lights
- PV panels and supporting structure (if different in size and position from existing section)

b) Balcony to rear

- Details of structure, screening/balustrade, stairs
- Security enclosure at base (to be integrated with the screen)

c) Plant Screen

- Construction details (an outline of the plant shall be dotted on the drawings to indicate its relationship with the enclosure)

d) External doors & roller shutters (shutter boxes shall be integrated flush with the facade or positioned internally; these elements should be shown in the context of the reveals, lintels and thresholds)

e) External Windows

- To include new windows, adaptations of existing windows including where secondary glazing is being added, and finishes (windows to be shown in the context of the reveals, lintels and thresholds)

f) Central Roof

- New eaves condition for central upper gallery roof (due to increase in depth of covering) at a scale of 1:5.

- New roof-lights (shown in context)

g) Internal Works

- New mezzanine floor at a scale of 1:20 and abutment details with existing gallery walls at 1:5 scale.

- Large scale details or manufacturer's instructions for glazed screen walls, to include details of abutments at walls, ceiling and floor.

- New openings and new doors. Doors shall be shown in the context of their openings.

- Details of new reveals

- New floor finishes. To include a sample of the new stone for the 'made up' area in the entrance/shop area and a drawing showing how the new stone relates to the existing stone layout of the floor.

Reason: In the interests of the character and appearance of the listed building.

5 The approach to installing new services within the building shall be carried out in accordance with the following details, which shall be approved in writing by the Local Planning Authority prior to such works commencing.

a) Method statements shall be provided explaining how services would be integrated with the structure. Diagrams shall be included (sub-contractors drawings will not be accepted).

b) Details of any new grills, equipment or ductwork running through the external walls or visible within the main spaces shall be provided.

c) Redundant 'modern' grills, wiring and equipment shall be removed and surfaces made good.

Reason: To protect the appearance of the listed building.

6 All making good shall be carried out to a high standard in materials and finishes to match surrounding work. New partitions shall be scribed around existing details unless otherwise agreed by the Local Planning Authority (in exceptional circumstances and where adequately justified).

Reason: In the interests of the character and appearance of the listed building.

7 A schedule of repairs and remedial work shall be approved in writing by the Local Planning Authority and the works carried out accordingly (to include remediation measures for the north elevation where the shed is being removed).

Reason: In the interests of the character and appearance of the listed building.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

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

Contact details:

Author: Jonathan Kenyon Development Management Officer

Tel No: 01904 551323

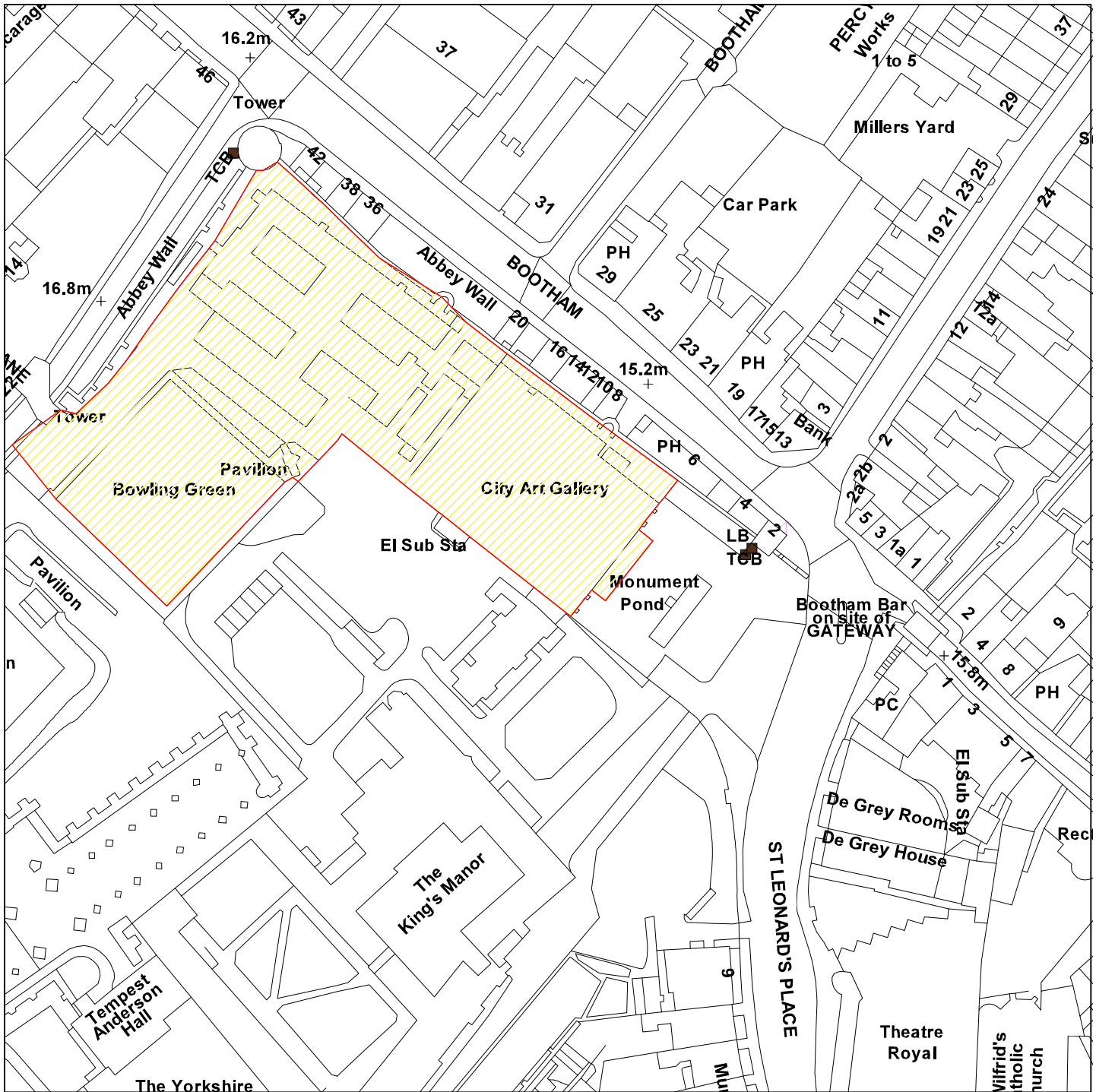
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12/02509/LBC

York City Art Gallery



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	08 October 2012
SLA Number	Not Set

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West & City Centre Area Planning Sub-Committee

18th October 2012

Report of the Director of City Strategy

Enforcement Cases - Update

Summary

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

Background

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

Current Position

6. 58 new cases were received for this area within the last 3 months. 67 cases were closed and 199 remain outstanding. There are 84 Section 106 Agreement cases outstanding for this area after the closure of 4 in the last 3 months. These closed cases brought in a total of £10020 of outstanding financial contributions required as part of approved developments in the west and centre area.
7. 2 enforcement notices and 1 Listed Building enforcement notice have been served in the last quarter and there is currently one further case which has authorisation for a notice to be served and is currently with legal services for the notice to be drafted.

Consultation.

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

Options.

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

9. The Council Plan 2011-2015.

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

10. Implications.

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

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

11. Risk Management

There are no known risks.

12. Recommendations

That Members note the content of the report.

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

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

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

Contact Details

Author:

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

Chief Officer Responsible for the report:

Michael Slater

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

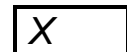
**Report
Approved**



Date 4/10/2012

Specialist Implications Officer(s)
None

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



For further information please contact the authors of this report

Annexes

Annex A - Enforcement Cases – Update (Confidential)

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

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