

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, 15 November 2012

Time: 3.00pm

Venue: The Guildhall, York

AGENDA

Site visits for this meeting will commence at 11.00am on Wednesday 14 November at Memorial Gardens.

1. Declarations of Interest

At this point, Members are asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests which they may have in respect of business on this agenda.

2. Minutes (Pages 5 - 18)

To approve and sign the minutes of the meeting of the West & City Centre Area Planning Sub-Committee held on Thursday 18 October 2012.

3. Public Participation

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

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

4. Plans List

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

- a) **9 Precentors Court, York, YO1 7EJ (12/03024/FUL)**
(Pages 19 - 26)

Change of use from dwelling (Use Class C3) to Guest House (Use Class C1) *[Guildhall Ward]* **[Site Visit]**

- b) **The Heads House, 1 Love Lane, Scarcroft, York, YO24 1FE (12/02602/FUL)** (Pages 27 - 38)

Erection of 1no. Detached dwelling house (revised scheme) *[Micklegate Ward]* **[Site Visit]**

- c) **West Cornwall Pasty Company, 38 Parliament Street, York, YO1 8RU (12/03096/FUL)** (Pages 39 - 48)

Retention of pavement cafe on public highway. *[Guildhall Ward]* **[Site Visit]**

- d) **Era Health Care, 8A Tower Street, York, YO1 9SA (12/03114/FUL)** (Pages 49 - 54)

Dormer to front and 2no. rooflights to rear. *[Guildhall Ward]*

- e) **Era Health Care, 8A Tower Street, York, YO1 9SA (12/03115/LBC)** (Pages 55 - 60)

Internal and external alterations including dormer to front and 2no. rooflights to rear. *[Guildhall Ward]*

- f) **134 Boroughbridge Road, York, YO26 6AL (12/02658/FUL)**
(Pages 61 - 68)

Variation of condition 5 of planning permission 11/02339/FUL to extend opening hours to allow the hot food takeaway to open from 12.00 to 20.30 on Sundays. *[Acomb Ward]* **[Site Visit]**

- g) **Bora Bora, 5 Swinegate Court East, Grape Lane, York YO1 8AJ (12/03023/FUL)** (Pages 69 - 76)

Variation of condition 3 of planning permission 12/01249/FUL to extend opening hours until 02:30 every day. *[Guildhall Ward]*

- h) Lucia Bar and Grill, 9 - 13 Swinegate Court East, Grape Lane, York, YO1 8AJ (12/03022/FUL) (Pages 77 - 88)**

Variation of condition 5 of planning permission 12/01910/FUL for restaurant/bar to extend opening hours to allow premises to open till 02:00 every day. *[Guildhall Ward]*

- i) Central Library, Museum Street, York, YO1 7DS (12/02685/FUL) (Pages 89 - 96)**

First floor rear/side extension to form new archive repository and installation of 3.no. roof cowls on existing roof (York explore Phase II) *[Guildhall Ward]* **[Site Visit]**

- j) Central Library, Museum Street, York, YO1 7DS (12/02686/LBC) (Pages 97 - 106)**

Internal and external alterations including first floor extension to side/rear elevation, installation of 3 no. roof cowls and internal refurbishments to existing ground and first floors (York Explore Phase II) *[Guildhall Ward]* **[Site Visit]**

5. Urgent Business

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

Democracy Officers:

Name: Catherine Clarke and Louise Cook (job share)

Contact Details:

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

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

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

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

Contact details are set out above.

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Scrutiny Committees

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

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

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WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE

SITE VISITS

Wednesday 14 November 2012

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

TIME (Approx)	SITE	ITEM
11.10	134 Boroughbridge Road	4f
11.30	The Heads House, 1 Love Lane	4b
12.00	Central Library, Museum Street	4i & 4j
12.40	9 Precentors Court	4a
13.00	West Cornwall Pasty Company, 38 Parliament Street	4c

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City of York Council

Committee Minutes

MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	18 OCTOBER 2012
PRESENT	COUNCILLORS WATSON (CHAIR), GALVIN, GILLIES (VICE-CHAIR), LOOKER, ORRELL, REID, SEMLYEN AND WILLIAMS (SUBSTITUTE)
APOLOGIES	COUNCILLORS FUNNELL AND JEFFRIES

23. INSPECTION OF SITES

The following sites were inspected before the meeting.

Site	Attended by	Reason for Visit
10 Bankside Close	Councillors Gillies, Galvin, Reid, Semlyen and Watson.	As objections had been received and the officer recommendation was to approve.
107 Main Street, Askham Bryan	Councillors Gillies, Galvin, Semlyen and Watson.	As objections had been received and the officer recommendation was to approve.
York City of York Council Art Gallery	Councillors Gillies, Galvin and Watson.	As objections had been received and the officer recommendation was to approve.
78 Low Petergate	Councillors Gillies, Galvin and Watson.	At the request of Councillor B Watson.

24. DECLARATIONS OF INTEREST

At this point in the meeting, Members were asked to declare any personal, prejudicial or disclosable pecuniary interests that they

might have had in the business on the agenda. No interests were declared.

25. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That the Members of the Press and Public be excluded from the meeting during the consideration of Annexes to agenda item 6 (Enforcement Cases Update) on the grounds that they contain information that if disclosed to the public, would reveal that the Authority proposes to give, under any enactment or notice by virtue of which requirements are imposed on a person or that the Authority proposes to make an order or directive under any enactment. This information is classed as exempt under Paragraphs 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

26. MINUTES

RESOLVED: That the minutes of the meeting of the West and City Centre Area Planning Sub-Committee held on 16 August 2012 and 13 September 2012 be approved and signed by the Chair as a correct record.

27. 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.

28. 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.

**28a 10 Bankside Close, Upper Poppleton, York, YO26 6LH
(12/00921/FUL)**

Members considered a full application from Mark Harris for the erection of a two storey detached dwelling and detached garage (revised scheme).

Officers circulated a written update to the Committee. They reported that Upper Poppleton Parish Council had objected to the revised plans on the following grounds:

- Overdevelopment of the site
- There is a covenant on the site designating the site for a single dwelling
- There is a petition signed by 100 householders objecting to the scheme
- This is contrary to the Poppleton Village Design Statement
- The Officer's recommendation is inconsistent with previous refusals for similar developments.

Officers also announced that further correspondence had been received from an objector, which raised the following planning issues:-

- Concern regarding the quality of the design
- Unable to control future design and overdevelopment associated with the retention of permitted development rights
- Does not comply with Policy H4a
- Loss of residential amenity to the host dwelling
- Does not comply with paragraphs 57 and 66 of the NPPF

Representations were received from Mr Barker, a neighbour, in objection to the application. With the agreement of the Chair, he circulated a petition which had been signed by 79 local residents in objection to the proposed development. He raised the following concerns:

- The density of development is significantly higher than the application previously rejected on grounds of scale
- The gap between the properties would give a sense of enclosure

- The proposed development would significantly overlook the neighbouring bungalow on Riversvale Drive
- 10 Bankside Close would be the only property without a double garage
- Plans fail to identify the trees around the site. Impact on wildlife and trees is unclear
- None of these issues have been fully addressed in the officer's report.

Representations were also received from Councillor Healey, Ward Councillor for Rural West York Ward, in objection to the application. He explained that Bankside Close has an open aspect with significant spaces between dwellings. He made the following points:

- Due to density of development, the corner of the close would appear very cramped and it would change the character of the close.
- There would be inevitable overlooking – particularly to the bungalows to the rear
- The proposed property would only have a single garage which would be inconsistent with other properties in the close. Although off street parking is available, this could lead to additional on street parking.
- There is no support from local residents for the development.

Members noted that the report contained several pages of objections. They recognised that some of these were more relevant than others, that some could not be considered as planning reasons and that many were contradictory. With regard to the issue of overlooking they felt that this would be difficult to prove as the distances between the proposed property and other properties was sufficient to comply with our normal guidelines.

Some Members felt that, on balance, the proposed building was too large for the site and Councillor Gillies moved, and Councillor Galivn seconded, a motion to refuse the application. On being put to the vote, the application fell.

Other members accepted that although the new building would be seen from neighbouring properties, there should be no detrimental impact to residents' amenity through overlooking.

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 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).

**28b 107 Main Street, Askham Bryan, York, YO23 3QS
(12/01796/FUL)**

Members considered a full application from Mr Berks for the erection of a new dwelling after the demolition of an existing dwelling (resubmission).

Officers advised that additional surface water drainage information had been submitted and the Flood Risk Management Team had confirmed that they have no objections to the proposed scheme. However they have requested a condition that the development is constructed in accordance with the details within the drainage report by Survey Site Services. Condition 1 has therefore been revised accordingly and also now includes a revised plan which differs from the one in the report in that the term “sketch” has been removed from the title.

Representations were received from Mrs R Turner, a neighbour, in objection to the application. She raised concerns about the height and depth of the proposed building noting that it would extend beyond the boundary of the existing dwelling. She advised the Committee that she didn't want it as high at the back as it would block sunlight to her property from the west.

Representations were received from Mr G Berks, the applicant and owner of the property. He expressed his aim to preserve and enhance the character of the village. He explained that since his original application was refused, he had met with planning officers to discuss the reasons for it being turned down and taken these issues into account and had resubmitted plans in April 2012. He advised the committee that there was no single architectural design in the street but that his proposals take account of guidance contained in the Village Design Statement.

Members acknowledged the concerns which had been raised by the neighbour regarding possible loss of sunlight to the back of her property. They accepted that there were many different building designs on that side of the street. They agreed that the proposed building would be an improvement on the design of the existing building, that it would add to the architectural design of the village and would compliment the next door house. They noted that the design would leave sufficient room in between properties either side to maintain views through to open countryside beyond.

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

Amended Condition 1

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

- Drawing Number B160/01/01 Revision A received 24 September 2012
- Drainage Report by Survey Site Services received 31 July 2012;

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

REASON: The proposal, subject to the conditions listed in the report and the amended condition above, would not cause undue harm to interests of acknowledged importance, with particular reference to the 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.

**28c 107 Main Street, Askham Bryan, York, YO23 3QS
(12/01797/CAC)**

Members received an application for Conservation Area Consent from Mr Berks for the demolition of an existing two storey dwelling in connection with the proposed construction of a replacement dwelling (see Minute No 27b).

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 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.

28d 78 Low Petergate, York, YO1 7HZ (12/02355/FUL)

Members considered a full application from York Hogroast Ltd for the change of use from a shop (Use Class A1) to restaurant and café (Use Class A3) and alterations to the shopfront.

Officers advised that condition 5 should be revised to include reference to the proposed Rationale cooker system in response to amended extraction details received.

In response to a query which had been raised during the site visit regarding catering premises in the area, Officers circulated two maps to Members which showed the distribution of restaurants, cafes, public houses and takeaways close to the crossroads of Low Petergate, Church Street, Goodramgate and

Kings Square. Officers advised that two premises, one hot food takeaway and one cafe, both on Church Street had recently changed their use to a shop. If this application was approved, it would mean the non retail frontage of Low Petergate would be 33 percent.

Members questioned whether any restrictions had been proposed to the opening hours. They noted that nearby YO! Sushi was restricted to 9am to 11pm but acknowledged 78 Low Petergate was a much smaller unit. They noted that the applicant intended to apply for a premises licence,

Representations were received from Ms Taylor-Hemingway, agent for the applicant. She explained that the company was starting to diversify from hotfood takeaway to cafe operation and that they had recently opened a cafe in Chester. She stated that the company had worked hard in conjunction with the conservation officer to ensure that the proposals would preserve and enhance the listed building. Seating would be on the ground and first floor around the existing fireplace. The development would provide job and training opportunities for local residents. She stressed that no objections had been received during the conservation period. In response to questions from Members, she confirmed that disabled access and toilet facilities would be available on the ground floor. With regard to opening hours, she confirmed that their intention was to apply for a premises licence and they hoped to stay open until 1am on some days of the week.

Members noted that the existing Hogroast is open until 1am Friday and Saturday nights and 11pm other days and that the owner did not intend to apply for a liquor licence as they did not intend to serve alcohol.

Members agreed it would be sensible to impose a condition to restrict opening hours, to take into account the amenity of nearby residents and future use of the premises and agreed that this should be 8am to 1am the following day.

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

Amended Condition 5

Full details of the proposed RATIONALE cooker system or the

alternative scheme for the treatment and extraction of cooking odours through the use of the chimney stack, shall be submitted to the local planning authority for approval. Once approved, the scheme shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained thereafter.

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

Additional Condition

The hours of operation of this approved use shall be confined to between 08.00 and 01.00 on the following day.

Reason: To safeguard the amenities of adjoining and nearby occupants.

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 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.

28e 78 Low Petergate, York, YO1 7HZ (12/02359/LBC)

Members considered a Listed Building Consent application by York Hogroast Ltd for internal and external alterations associated with change of use to restaurant.

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

REASON: The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the special 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.

28f First York, 45 Tanner Row, York, YO1 6JP (12/02118/FULM)

Members considered a major full application from Brantingham Property Services Ltd for the conversion and alteration of 45 Tanner Row and 4 Barker Lane from offices to 11 residential apartments.

Officers advised that the recommendation should be amended to delegate authority to officers to approve the application on receipt of a unilateral undertaking to provide contributions towards open space, education and city car club.

With regard to the open space contribution, they stated that in paragraph 4.26 of the report, a figure of £11,984 is quoted as the required sum towards open space. This advised Members that this figure was incorrect and should read £7,068.

Mr A Key, the agent, was present at the meeting to answer any questions from Members. He advised Members that he had been informed that there was very little chance of being able to re-let the space as office space so they were looking at other uses. He confirmed that once completed the apartments would probably be let on a long term basis or put on the market for sale, but confirmed they would not be used as short term lets.

RESOLVED: That delegation be given to officers to approve the application on receipt of a unilateral undertaking to provide contributions towards open space, education and city car club, and 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 principle of conversion / loss of employment land; the design / impact on the conservation area; residential amenity; and the 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.

**28g York City Art Gallery, Exhibition Square, York YO1 2EW
(12/02508/FUL)**

Members considered a full application from Mr Michael Woodward for a series of works and alterations to the Art Gallery including a first floor extension above the south gallery, rear extension including first floor balcony and external stair, roof mounted plant and enclosure and the demolition of single storey timber building to the north side of the building.

The Council's Conservation Architect showed the Committee large scale plans of the site and provided additional information to Members on the proposals and the benefits of the work. Officers provided a written update for Members and expressed their support for the scheme noting that there were significant benefits for the listed building and confirming the proposals were in line with the National Planning Policy Framework. The made the following points:

- The internal works overall enhance the architectural and historic aspects of the building
- There will be social, cultural and economic benefits for the gallery
- The extensions will enhance the appearance of the listed building

Officers proposed that draft conditions 4 (details of hard landscaping scheme) and 5 (details of enclosure to bin store) of the planning permission be deleted as they are no longer required due to additional information being received.

They stated that revised plans had been supplied which relocate the bin store at the rear of the premises, under the proposed rear addition. There will be no timber screen to the north side of the building. The plans of the rear extension have been modified and the proposed structure would now be in timber (external stair, screen and terrace). It has been confirmed the surfacing along the north alley way is intended to be Yorkstone (as was agreed in the 2011 application for this site)

An image of how the proposed works to the rear of the building would look was circulated to the Committee. Members expressed mixed views regarding the design of the terrace, spill

out space and access to gardens, but accepted that this was an architectural statement and like any piece of artwork, some people would like it and others would not.

With regard to plans for the garden area, Members were advised that a permanent garden would be created on the site of the former bowling green and beyond that there would be a less permanent landscaping scheme.

One Member queried whether there was the opportunity to incorporate an enclosed children's play area, where younger children could play safely, as part of the garden plans as there was almost nowhere else in the city centre for this. The applicant advised that their hope was to be able to introduce playful elements into the garden scheme rather than a dedicated play area.

RESOLVED: That the application be approved subject to the conditions listed in the report and the removal of conditions 4 and 5.

REASON: The proposal, subject to the conditions listed in the report and the removal of conditions 4 and 5, 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.

28h York City Art Gallery, Exhibition Square, York, YO1 2EW (12/02509/LBC)

Members considered an application for Listed Building Consent from Mr Michael Woodward for a number of 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.

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

29. ENFORCEMENT CASES UPDATE

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

RESOLVED: That the report be noted.

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

Councillor B Watson, Chair
[The meeting started at 3.00 pm and finished at 5.00 pm].

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COMMITTEE REPORT

Date: 15 November 2012 **Ward:** Guildhall
Team: Householder and **Parish:** Guildhall Planning Panel
Small Scale Team

Reference: 12/03024/FUL
Application at: 9 Precentors Court York YO1 7EJ
For: Change of use from dwelling (Use Class C3) to Guest House
(Use Class C1)
By: Mr Nick Williams
Application Type: Full Application
Target Date: 6 November 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 The application seeks permission for the change of use of 9 Precentors Court from a residential property to a guest house. The property is a Grade II* listed building and consent has previously been granted for the internal works required to provide ensuite bathrooms. The property is split over three floors with the ground floor providing a bedroom for the owner along with a kitchen, dining room and living room. The first floor would provide four guest bedrooms with the roof space being used solely by the owners of the property.

1.2 The application has been brought to committee at the request of Cllr Watson due to potential highway implications.

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 Star; 9 Precentors Court York YO1 2EJ
Scheduled Ancient Monuments GMS Constraints: SMR 13280 York Minster Precinct
Inc. Section Of City Walls

2.2 Policies:

CYHE2
Development in historic locations

CYHE3
Conservation Areas

CYGP4
Environmental sustainability

CYV3
Criteria for hotels and guest houses

3.0 CONSULTATIONS

INTERNAL

CONSERVATION, DESIGN AND SUSTAINABILITY

3.1 Providing no alterations are required to facilitate the proposed change of use, the proposal preserves the character of the building as one of special architectural or historic interest. The change of use raises the issue of signage, which could have an impact on both the building and the character and appearance of the conservation area.

NETWORK MANAGEMENT

3.2 Located within the City Centre with no car parking provision but this is no different from a number of other hotels, guest houses and B and B's within the City Centre. Within walking distance to the train station and bus stops. There are 'No Waiting' restrictions on Precentors Court which would ensure that the turning head would be maintained. However, they will allow for loading/unloading for short periods. No objections are raised.

EXTERNAL

GUILDHALL PLANNING PANEL

3.3 No objections

NEIGHBOURS

3.4 One letter of objection from number 10 Precentors Court on the following grounds:

- Highway concerns including visitors parking and owners parking on the double yellow lines to the front
- Existing parking problems exist with the owners of the property parking on the street

- There is a potential for 4 vehicles a day to visit the site
- Illegal parking would make access for emergency vehicles difficult
- Insufficient space on the street for turning
- Vehicles passing in front of the Minster would be detrimental to the environment and a hazard to both residents and tourists
- Concerned about noise disturbance from the vehicles, from late night talking as well as noise during the day from the walled garden
- The change of use would result in the loss of a residential property
- Altering the character of this quiet residential enclave

4.0 APPRAISAL

4.1 Key Issues

- Principle of Change of Use
- Highway Implications

POLICY

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 Advice contained within the National Planning Policy Framework, March 2012 states that hotels are main town and city centre uses. Therefore a sequential and impact test is not required given that hotels are considered to support the vitality of centres.

4.4 In connection with the historic environment the NPPF states that local planning authorities should recognize that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance (paragraph 126). In determining planning applications local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable use consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and the desirability of new development making a positive contribution to local character and distinctiveness (paragraph 131). When 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 (paragraph 132).

4.5 In connection with employment the NPPF states that planning should encourage and not impede sustainable growth therefore significant weight should be placed on the need to support economic growth through the planning system (paragraph 19).

4.6 The relevant City of York Council Draft Deposit Local Plan Policies are HE2, HE3, GP4a and V3. Policies HE2 'Development within Historic Locations' and HE3 'Conservation Areas' of the City of York Local Plan Deposit Draft are relevant to this proposal. These policies expect proposals to maintain or enhance existing urban spaces, views, landmarks and other townscape elements and not to have an adverse effect on the character or appearance of the Conservation Area.

4.7 GP4a states that all proposals should have regard to the principles of sustainable development, including accessibility by means other than the private car.

4.8 V3 states that planning permission will be granted for new, and extensions to existing, hotels and guest houses within defined settlement limits providing the proposal: is compatible with its surroundings in terms of siting, scale and design; would not result in the loss of residential accommodation which, when originally built, had fewer than four bedrooms; would not have an adverse effect on the residential character of an area; and is well related in terms of walking, cycling and access to public transport in relation to York city centre or other visitor attractions.

PRINCIPLE

4.9 In terms of Policy V3 the application appears to accord with the policy context. The property clearly demonstrates that there are four bedrooms at first floor alone according with the policy implications with regard to the loss of housing stock. The property is located within the City Walls, in close proximity to York Minster, and as such is within easy walking distance to tourist attractions as well as public transport links. Concerns have been raised that the change of use would have an adverse impact upon the character of the area. However, it is considered that as there are no external alterations proposed and only four guest rooms available there would be little detrimental impact upon the character of the area as visitor movements would be limited. Further concerns have been raised in connection with potential noise disturbance from guests using the garden. However, the applicant has stated that the garden will be for the owners use only and not accessible by guests.

HIGHWAY IMPLICATIONS

4.10 The application site has no off street parking and there is no on street parking available. Concerns are raised that visiting vehicles will park on the highway for unloading, and potentially longer, which will block access to neighbours properties and prevent vehicles turning. However, the applicant has stated that all visitors will be informed in advance that there is no on site parking and will be pre-sent a parking voucher for local car parks. The applicant states that they currently run Galtres Lodge Hotel on High Petergate where a similar voucher scheme is in operation. Here 70% of guests arrive by train with the remaining 30% arriving by car.

If levels are similar at the application site it would be unlikely that there would be any detrimental implications in terms of the highway being blocked or illegal parking occurring.

5.0 CONCLUSION

5.1 It is considered that the change of use to a guest house is acceptable. There would be little impact upon the character of the area and the use would add to the vitality of the City Centre and would be located within a sustainable location. The low number of guest rooms would result in limited vehicle movements and adequate public car parking is available in close proximity. Officers recommend approval.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

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

Drawing number 744.004 received 10th September 2012

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

3 No more than 4 rooms shall be occupied as guest bedrooms at any time.

Reason: To accord with the application and in the interests of the residential character of the area in accordance with policy V3 of the Development Control Local Plan.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the residential amenity of the occupants of the neighbouring dwellings, highway safety, and the character of the area. As such the proposal complies with Policies HE2, HE3, GP4a and V3 of the City of York Development Control Local Plan.

Contact details:

Author: Heather Fairy (Mon - Wed) Development Management Officer

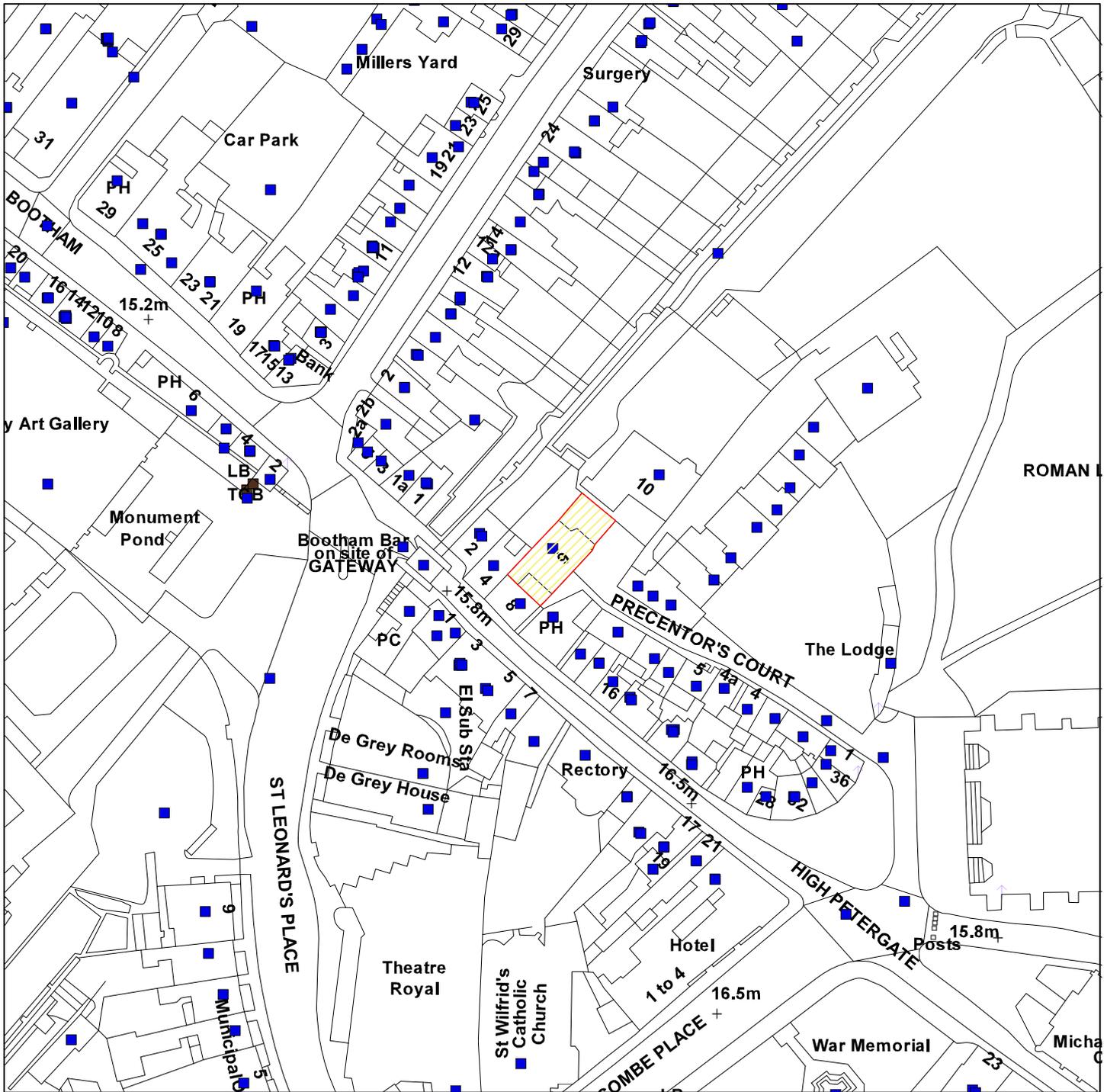
Tel No: 01904 551352

12/03024/FUL

9 Precentors Court



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	05 November 2012
SLA Number	Not Set

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COMMITTEE REPORT

Date: 15 November 2012 **Ward:** Micklegate
Team: Major and **Parish:** Micklegate Planning
Commercial Team Panel

Reference: 12/02602/FUL
Application at: The Heads House 1 Love Lane Scarcroft York YO24 1FE
For: Erection of 1no. Detached dwelling house (revised scheme)
By: The Mount School
Application Type: Full Application
Target Date: 25 September 2012
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 The Heads House associated with the Mount School comprises a modest brick built structure on a steeply sloping site lying within substantial well landscaped grounds at the south western edge of the Historic Core Conservation Area close to the Mount. Planning permission was previously given for erection of a four bedroom "eco-house" in May 2010 (ref:-10/00538/FUL) partially within the landscaped garden of the property and partially across the site of a block of four disused garages within Love Lane to be demolished as part of the proposal. Residential development within St Aubyn's Place lies a short distance from the site at the foot of the slope. Planning permission for three residential properties within the gardens but on a slightly different site was refused in 2003 on the grounds of an adverse relationship with properties in St Aubyn's Place. The current proposal represents a revised re-submission of the proposal previously approved in 2010.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006
City Boundary GMS Constraints: York City Boundary 0001
DC Area Teams GMS Constraints: Central Area 0002

2.2 Policies:

CGP15A Development and Flood Risk
CYGP3 Planning against crime
CYGP4A Sustainability

Application Reference Number: 12/02602/FUL

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CYGP9	Landscaping
CYGP10	Subdivision of gardens and infill devt
CYGP1	Design
CYHE2	Development in historic locations

3.0 CONSULTATIONS

INTERNAL:-

3.1 Environmental Protection Unit raise no objection to the proposal.

3.2 Highway Network Management raise no objection to the proposal.

3.3 Design, Conservation and Sustainable Development raise no objection to the proposal subject to additional landscape planting and a section of the rear wall retained or reconstructed in brickwork.

3.4 Strategic Flood Risk Management raise no objection to the proposal.

3.5 Lifelong Learning and Leisure were consulted with regard to the proposal on 8th August 2012. Any views will be reported verbally at the meeting.

EXTERNAL:-

3.6 Micklegate Planning Panel raise no objection to the proposal subject to adequate measures being put in place to secure the maintenance of the surrounding landscape.

3.7 The Safer York Partnership raise no objection to the proposal.

3.8 The York CAAP Panel raise no objection to the proposal subject to the brickwork from the sections of existing wall to be demolished being re-used elsewhere on the site.

3.9 Five letters of objection have been submitted. The following is a summary of their contents:-

- * Concern at impact upon the residential amenity of properties in St Aubyn's Place below the site;
- * Concern at the impact upon existing mature landscaping within the application site;
- * Concern at impact upon the local pattern of surface water drainage;
- * Concern at impact upon pedestrians and young children using Love Lane;
- * Concern that the proposed property could be used as a holiday let.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- Impact upon the residential amenity of neighbouring properties;
- Impact upon the setting of the Historic Core Conservation Area;
- Impact of the proposal on highway users within Love Lane;
- Sustainability of the proposal;
- Impact of the proposal on the level of anti-social behaviour taking place in Love Lane;
- Impact of the proposal upon the existing mature landscaping within the site;
- Impact of the proposal upon the local pattern of surface water drainage.

THE NATIONAL PLANNING POLICY FRAMEWORK:-

4.2 The York Development Control Local Plan was adopted for Development Control purposes in 2005; its policies remain material considerations in respect of planning decisions although it is considered that their weight is limited except where in accordance with the National Planning Policy. The National Planning Policy Framework through paragraph 50 seeks the delivery of a wide choice of quality homes creating sustainable, inclusive and mixed communities. Furthermore it indicates that housing applications should be considered in the light of the core planning principles of the NPPF and the broad presumption in favour of sustainable development.

IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES:-

4.3 Policy GP1 of the York Development Control Local Plan sets a firm policy presumption in favour of new development proposals which respect or enhance the local environment, are of a layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area and ensure that residents are not unduly affected by overlooking, overshadowing or dominated by overbearing structures. The massing and elevational treatment of the current proposal as in the case of that previously approved has been utilised to blend in with the adjoining mature landscaping. A significant proportion of the mature landscaping is deciduous however the nature of the topography and the tree crown spread would continue to lessen impact upon nearby properties to a large degree.

4.4 In terms of loss of privacy and overlooking the nearest property remains 20 St Aubyn's Place which would be some 39 metres from the proposed property which would be a significantly greater distance than that allowed for with the previously approved scheme. The revised scheme envisages a greater proportion of the

proposed accommodation fronting on to Love Lane. The "solar room" contained within the previously approved scheme has been deleted and replaced by a terrace which would be accessed from the dining room and sitting room of the proposed property. A balcony above would be accessed from the three south facing bedrooms. It is envisaged that the property would be cut into the slope to a significant extent and the applicant has indicated that a significant degree of additional landscape planting would take place to reinforce the boundary treatment with St Aubyn's Place. Furthermore the applicant has submitted a series of detailed cross sections which demonstrate the relationship of the principal living areas of the proposed property with the properties in St Aubyn's Place. These clearly indicate that the south facing windows of the proposed property would in fact overlook the upper part of the crown spread of the mature trees at the site boundary and that there would not be a significant issue in respect of loss of privacy and overlooking of St Aubyn's Place. Subject to the retention of the existing landscaping and its suitable enhancement the terms of Policy GP1 of the Draft Local Plan would therefore be complied with.

IMPACT UPON THE SETTING OF THE HISTORIC CORE CONSERVATION AREA:-

4.5 Policy HE2 of the York Development Control Local Plan sets a firm policy requirement for new development proposals within the setting of Conservation Areas to have due regard to the appropriate scale, proportion and materials. The proposal lies directly adjacent to the south western edge of the Historic Core Conservation Area. In this area the boundary is categorised by large gardens with mature landscaping developed in the early 19th Century and subsequently, along Tadcaster Road. The proposal would be constructed along the existing ridge followed by Love Lane. The proposed roof form and mix of traditional materials and soft landscaping would minimise any impact upon the setting of the Conservation Area, creating an impression of recessing into the surrounding landscape. Impact upon the setting of the Conservation Area would thus be acceptable.

IMPACT OF THE PROPOSAL UPON HIGHWAY USERS IN LOVE LANE:-

4.6 Love Lane comprises a single track road giving access to a section of the Mount School and a single house adjacent to the railway. It is also used as a public footpath access between Tadcaster Road and Holgate via a bridge over the railway. It is some 3 metres wide at its narrowest point. Concern has once again been expressed in respect of the implications for highway safety of constructing an additional house in place of one of the existing blocks of garages. In particular, concern has been expressed in relation to the implications of the proposal at times of intensive use of the nearby access into the Mount School. However, the impact of the proposal in terms of the manoeuvrability of traffic and additional traffic generation is felt to have a materially lesser impact upon traffic flows than the current situation.

SUSTAINABILITY OF THE PROPOSAL:-

4.7 Policy GP4a) of the York Development Control Local Plan sets a firm policy requirement for all new development to have close regard to the principles of sustainable development. These include the provision of high quality design, with the aim of conserving and enhancing the local character and distinctiveness of the City, minimise the use of non-renewable resources and maximise the use of renewable energy resources including heat exchangers and photovoltaic cells. The Policy is elaborated by the Interim Policy Statement on Sustainable Design and Construction and recently adopted Central Government Planning Policy outlined in the NPPFA where it is outlined as a core planning principle. The scheme as revised envisages the development as revised to be designed to the European Passiv House Design Standard with the house conceived as an integrated eco-system within the boundaries of the site. A majority of the space heating and domestic hot water pre-heating would be from solar gain. Rainwater would be harvested for recycling for all non-potable uses within the house and garden. It is envisaged that the thermal mass of the building would be reduced to the lowest possible level by adopting the most advanced available domestic insulation technology; this would be assisted by cutting the ground floor into the ridge. The southern roof slope of the building would also be roofed in sedum. It is therefore felt that the terms of Policy GP4a) and the associated Interim Policy Statement have thus been complied with in relation to the proposal.

IMPACT OF THE PROPOSAL ON THE LEVEL OF ANTI-SOCIAL BEHAVIOUR TAKING PLACE IN LOVE LANE:-

4.8 Policy GP3 of the York Development Control Local Plan sets a requirement in appropriate cases for the inclusion of crime prevention measures including natural surveillance of public spaces in new development. Love Lane include a public right of way giving access for pedestrian traffic to the Holgate area via a bridge across the East Coast Main Line from the north western end of the street. This has formed the focus of a number of incidents of anti-social behaviour including graffiti and other vandalism. The current proposal would result in the removal of a bank of four disused garages where the anti-social behaviour has been focussed and result in the construction of an additional dwelling giving an extra degree of natural surveillance of comings and goings on Love Lane.

IMPACT UPON EXISTING MATURE LANDSCAPING WITHIN THE SITE:-

4.9 Policy GP9 of the York Development Control Local Plan sets a clear policy requirement that where appropriate new development should incorporate detailed landscaping proposals which reflect the character of the locality and surrounding development and include an appropriate range of indigenous species. On a related issue Policy GP10 sets a firm policy presumption against the sub-division or infilling of existing garden areas other than where it would not be detrimental to the

character or amenity of the local environment. The principal characteristic of the application site is the dense belt of mature landscaping running directly below ridge level. The application details indicate that the existing landscaping would be retained other where limited clearance is required to allow construction to take place. The application details furthermore give outline details of significant boundary planting to reinforce the existing and to compensate for anything lost. The terms of Policies GP9 and GP10 of the Draft Local Plan have therefore been complied with.

IMPACT UPON THE LOCAL PATTERN OF SURFACE WATER DRAINAGE:-

4.10 Policy GP15a) of the York Development Control Local Plan sets a firm requirement for developers to satisfy the Local Planning Authority that any flood risk will be successfully managed with the minimum environmental effect and ensure that the site can be properly developed serviced and occupied. Details have been submitted with the proposal indicating that surface water can be effectively attenuated and then re-used for a variety of purposes within the building. Subject to a condition attaching to any permission then requiring strict compliance with these details then the development is felt to be acceptable and the terms of Policy GP15a) have been complied with.

SECTION 106 ISSUES:-

4.11 Policy L1c) sets out a policy requirement for the payment of commuted sums in lieu of the provision of open space and recreational facilities off site. In the current case this would give rise to a requirement for a payment of £2,836 which would be secured by the means of a Section 106 Agreement.

OTHER ISSUES:-

4.12 Concern has been expressed that the proposed property would be used as a holiday let. The applicant intends to occupy the property as their own. However use of the property as a holiday-let would not be development and is not material to the determination of this application.

5.0 CONCLUSION

5.1 The proposal in common with the previous proposal for the site seeks planning permission for the erection of a four bedroom "eco" house within the garden area associated with the Head's House to the Mount School. The current proposal seeks the construction of a "Passivhaus" which is as close as feasibly possible to carbon neutral in terms of its impact. The scale and massing of the proposal which would be partially sunk into the existing ridge when combined with the proposed landscape planting would have a significantly reduced impact upon the residential amenity of properties along St Aubyn's Place when compared with the previously approved scheme. Concern has once again been expressed in respect of the impact upon

traffic in Love Lane, though it is felt that this would not be materially different from that currently experienced and it has been demonstrated that the site can be effectively drained in terms of surface water with out harm to neighbouring properties. The proposal gives rise to the requirement for a commuted sum payment of £2836 in lieu of the provision of on-site open space which can be secured by the means of a Section 106 Agreement. The proposal is felt to comply with the core principles of the NPPF and to be acceptable in planning terms, approval is therefore recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve subject to Section 106 Agreement

1 TIME2 Development start within three years -

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

Drawing Refs:- A12 Rev A; A15 Rev A; A05 Rev A; A08 Rev A; A06 Rev A; A04 Rev A; A07 Rev A; Dated 18th September 2012. A11; A10; A14; A02 and A03 Date Stamped 30th October 2012.

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

3 VISQ8 Samples of exterior materials to be app -

4 VISQ4 Boundary details to be supplied -

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

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

6 Before the commencement of the development hereby authorised a detailed scheme to secure the protection of the mature landscaping on site for the duration of construction work including details of fencing and location of site huts, service runs and storage compounds shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict

accordance with the details thereby approved.

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

7 No trenches, pipe runs for services or drains shall be sited within a 3 metre radius from the trunk(s) of the tree(s) on the site without the prior approval in writing of the Local Planning Authority.

Reason: To safeguard existing trees on the site.

8 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees, shrubs and other landscape planting. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

9 HWAY19 Car and cycle parking laid out -

10 HWAY31 No mud on highway during construction -

11 HWAY40 Dilapidation survey -

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the residential amenity of neighbouring properties, impact upon the setting of the Historic Core Conservation Area, impact of the proposal upon highway users in Love Lane, sustainability of the proposal, impact upon the level of anti-social behaviour in Love Lane, impact upon the mature landscaping within the site and impact upon the local pattern of surface water drainage. As such the proposal complies with Policies GP15a), GP3,GP4a),GP9, GP10,GP1 and HE2 of the City of York Development Control Local Plan.

2. CONTROL OF POLLUTION ACT 1974:-

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:

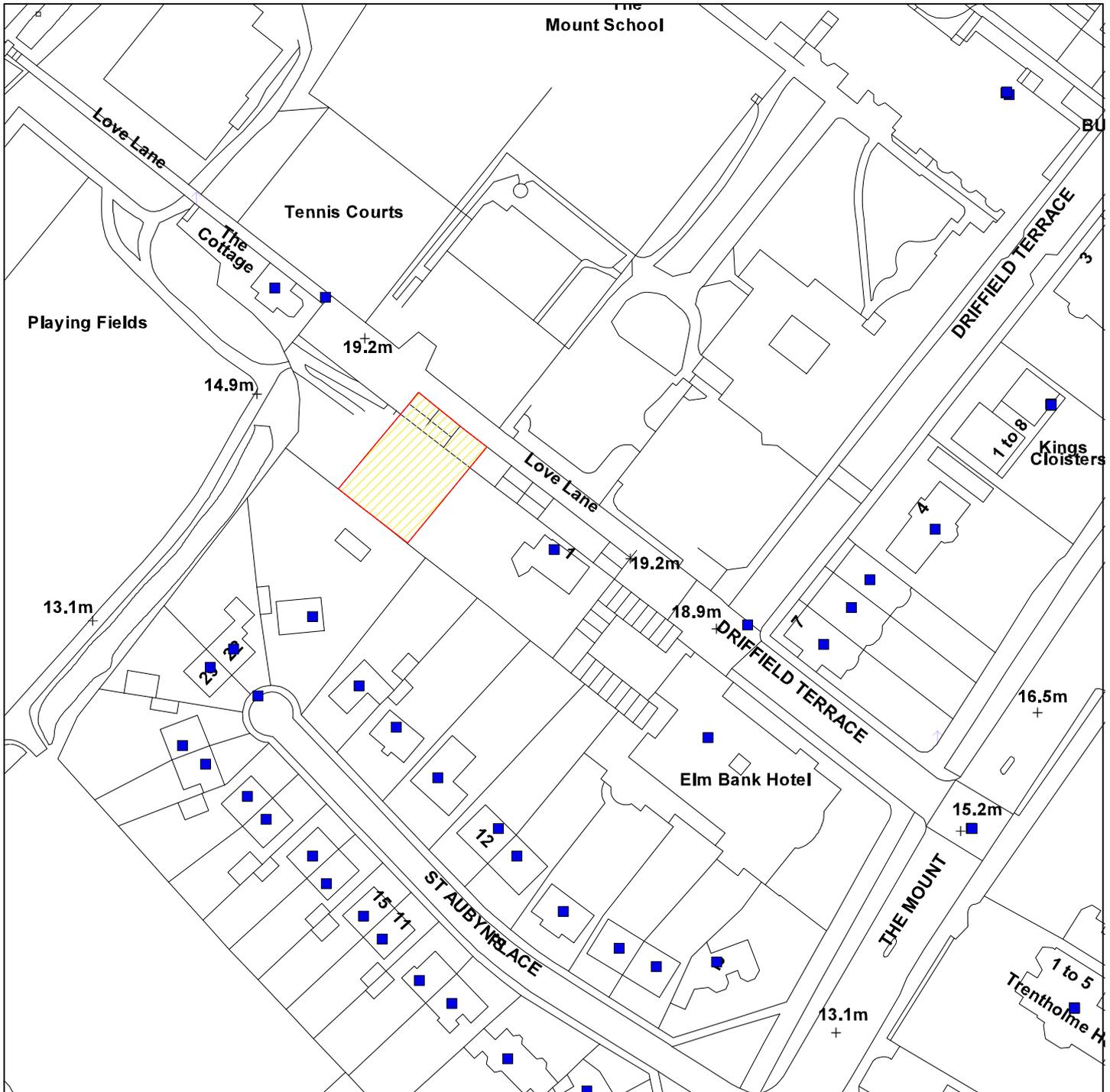
Author: Erik Matthews Development Management Officer

Tel No: 01904 551416

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12/02602/FUL

The Heads House, 1 Love Lane



Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	05 November 2012
SLA Number	Not Set

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COMMITTEE REPORT

Date: 15 November 2012 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 12/03096/FUL
Application at: West Cornwall Pasty Company 38 Parliament Street York
YO1 8RU
For: Retention of pavement cafe on public highway
By: West Cornwall Pasty Co
Application Type: Full Application
Target Date: 28 November 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 Planning permission is sought for the retention of the existing pavement cafe on highway land to the front of the West Cornwall Pasty Company, 38 Parliament Street. The pavement cafe was granted a temporary two year planning permission in April 2010 (Ref. 10/00173/FUL). The planning permission expired on 30 April 2012.

1.2 The previously approved details and proposed details are the same. The pavement cafe area (about 16 sq. m) accommodates 4 No. black aluminium tables and 12 No. black aluminium chairs. The tables and chairs are enclosed at each side by ropes that attach to free standing metal posts, approximately 1m high. The furniture is stored within the retail unit and the cafe does not operate at times when the space is required for events that require the space as managed by the Town Centre Management Team.

1.4 The cafe operates during the following hours-

08:00-18:00, Mondays- Fridays

09:00-18:00, Saturdays

09:00-16:00, Sundays and Bank Holidays

1.5 It is noted that the site is currently enclosed by canvas banners with advertising. There is no planning permission for this form of enclosure and the permission is sought for the rope enclosures as previously approved. The Council enforced against the use of canvas banners in 2011, and they were replaced with rope barriers.

CONTEXT

1.6 The site is situated in the Central Historic Core Conservation Area No. 1. The shop premises is a Grade II Listed Building that was originally a house and shop, dating from 1836-39, with later nineteenth century alterations and a twentieth century shopfront. Extensive alterations to the ground and first floors interiors were made during the 1980's.

RELEVANT PLANNING HISTORY

1.7 In August 2009, a previous application for a larger pavement cafe was refused planning permission due to its conflict with the use of the area for events; its size, location and design; and insufficient detail about the storage of the furniture when the use was not in operation- LPA Ref. 09/ 01109/FUL.

1.8 Planning permissions has been granted for two nearby pavement cafes, Pret A Manger (No.35) and O'Briens (No. 32). The former had a temporary consent (Ref. 07//01080/FUL) for a pavement cafe that was granted planning permission in 2011 (Ref. 11/02903). The pavement cafe to the front of O'Briens was granted planning permission in 1997 (Ref. 97/00870/FUL).

1.9 This application is presented to the West/ City Centre Sub-committee at the request of Councillors Crisp and Watson due to the encroachment of the pavement cafe on the public area for viewing street entertainment detrimental to the street scene, and the creation of another pinch-point for the public using Parliament Street that causes difficulties on busy days in 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; 38 Parliament Street York YO1 2RU 0686

Listed Buildings GMS Constraints: Grade 2; 36 Parliament Street York YO1 2RU 0684

Listed Buildings GMS Constraints: Grade 2; 39 Parliament Street York YO1 2RU 0687

2.2 Policies:

CYHE2 Development in historic locations

CYS6 Control of food and drink uses

CYGP1 Design

Application Reference Number: 12/03096/FUL

Item No: 4c

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3.0 CONSULTATIONS

INTERNAL

- 3.1 Design, Conservation and Sustainable Development- No comments at time of writing
- 3.2 Traffic Network Management - No complaints have been received
- 3.3 City Centre Manager- No objections
- 3.4 Highway Network Management- No objections

EXTERNAL

- 3.5 Guildhall Planning Panel- No objections
- 3.6 Safer Neighbourhoods/ North Yorkshire Police Architectural Liaison Officer- No comments to make

4.0 APPRAISAL

4.1 KEY ISSUES

- principle
- visual impact
- impact on the amenity of surrounding occupants / nearby residents
- highway safety/ management
- crime and disorder.

POLICY CONTEXT

National policy

4.2 The National Planning Policy Framework has a stated presumption in favour of sustainable development. Relevant specific policy topics include ensuring the vitality of town centres, conserving and enhancing the historic environment, and encouraging good design.

Local Plan Policy

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 National Planning Policy Framework. The relevant planning policies are:

Policy S6 relates to the control of food and drink uses. The policy permits the extension, of premises within York City Centre subject to there being no adverse impact on amenity of surrounding occupiers. Policy S6 recommends that the opening hours are restricted, where necessary, to protect the amenity of surrounding occupiers. Policy HE2 states that within conservation areas and/or the setting of a listed building, proposals must respect adjacent buildings, urban spaces and views. Policy GP1 is a general design policy in the Local Plan that, inter alia, seeks to ensure that new development respects its surroundings. Policy HE2

ASSESSMENT

Principle

4.4 The use of public spaces for outdoor cafes is generally supported in the city centre, as it is recognised they can add to the vitality and viability of areas. In Parliament Street, there are nearby premises that have been granted permission for outside seating areas on the highway. As with this proposal, each of the pavement cafes is separated from the premises to allow pedestrians to pass.

4.5 Concern has been expressed that the use of the area as a pavement cafe could potentially conflict with the events that take place within this designated event space, and conflict with the Council's strategy for sustaining and developing city centre events. This strategy was approved by Council in December 2006 and seeks to make York a more "eventful" city. Many of the events rely on the full use of Parliament Street, provide the Council with income, offer a community facility for events and activities in a central location, and are an important tourist attraction in the City. The site is one of 3 defined spaces in Parliament Street that the Council is able to offer for community events and activities for free. It is also an area that the Council use for promotional activities and is an income generating area as it is close to the pavement side of Parliament Street.

4.6 The cafe use only operates during the days when events and activities are not required for pre-planned events, and the applicant has been operating for two years with the restricted opportunities to use the highway as a pavement cafes. The Town Centre Management Unit raises no concerns about the dual use of the area. The pavement cafe is a small scale operation sited close to a larger pavement cafe and public cycle parking. There is no conflict with the adjacent uses.

4.7 The principle of a pavement cafe in this location therefore accords with Policy S6 of the Local Plan and the intentions of the National Planning Policy Framework that seek to maintain vibrant city centres that offer a range of services to meet the needs of its users in a sustainable location.

Visual impact

4.8 The relationship between the proposed area for outdoor seating and the host building is similar to other cafes in the area. Its size is appropriate to the host listed building and does not detract from its setting in the conservation area. The outdoor seating area does not unduly intensify the use of this part of Parliament Street for pavement cafes to the extent that it would detract from the character and appearance of this part of the conservation area.

4.9 The design of the furniture, the previously approved rope barriers of a simple design with no advertising to the tables and chairs or freestanding barriers, and the internal storage arrangements are appropriate in appearance and do not clutter or detract from the character and appearance of the conservation area or the setting of the listed building. The proposal would comply with Policy HE2 of the Local Plan.

Amenity

4.10 In this busy city centre location there are no amenity concerns associated with the operation of an outdoor café during the daytime and early evening till 6.00pm. It is considered that conditions controlling the hours of operation and to prevent the playing of amplified music could be reapplied if planning permission is granted. The proposal does not conflict with Policy GP1 of the Local Plan.

Highway safety/ management

4.11 Temporary planning permission was granted for the use of highway land in April 2010 for two reasons. It was unclear whether the dual use of the area could operate successfully. Secondly, to ensure that the use would not prejudice any future decisions of the local highway authority in this area as it was considered that the circumstances and status of the highway may be subject to future change. Neither circumstances nor status have changed in the intervening period that would affect its current use as a pavement cafe. There are no highway related concerns, since unhindered pedestrian access along Parliament Street is retained along the pavement adjacent to the building frontage. Additionally, the Highway Licence contains a clause preventing seating on dates to be determined by the Markets Superintendent and this operates without major problems. It is recommended that given the highway licensing regime safeguards that are in place a permanent planning permission is granted.

4.12 Concerns have been expressed that the pavement cafe creates a pinchpoint in Parliament Street. The site extends no further into the event space than the adjacent to public cycle parking and is small in scale in comparison to the larger pavement cafe at Pret-a-Manger.

Crime and Disorder

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

5.0 CONCLUSION

5.1 The pavement cafe is compatible with existing uses, does not affect the amenity of neighbouring properties, is visually acceptable and does not compromise highway safety or management. There would be no conflict with Policies HE2, S6 and GP1 of the Local Plan and related national planning guidance contained in the NPPF. 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 and other submitted details:-

Drawing No. WCPC/PARLIAM/006/REV B, Received 3.2.2010

Drawing No. WCPC/PARLIAM/007/REV B, Received 3.2.2010,

consisting of 4 No. 700mm diameter aluminium and black powder coated tables, 12 No. aluminium and black chairs, and freestanding 1000mm barriers in stainless steel with 120mm rope

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

2 The tables and chairs associated with the use hereby approved shall be stored within No. 38 Parliament when not in use.

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

3 No outdoor speakers or external lighting shall be used at any time in association with the use hereby approved.

Reason: To protect the amenity of the local environment and the wider conservation area.

4 There shall be no change or addition to the furniture used in association with the outdoor seating area without the prior written approval of the Local Planning Authority. The presently approved furniture consists of tables, chairs and barriers only.

Reason: In the interests of the appearance of this part of the Central Historic Core Conservation Area.

5 The hours of operation of this approved use shall be confined to;

Mondays- Fridays: 08.00 -18:00

Saturdays: 09:00-18:00

Sundays: 09:00-16:00

Reason: To protect the amenity of the local environment and the wider conservation area.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, causes no undue harm to interests of acknowledged importance, with particular reference to the vitality and viability of the city centre, the visual amenity and character of the listed building and the wider conservation area, highway safety and the amenity of adjacent users. As such, the proposal complies with Policies S6, HE2, HE4 and GP1 of the City of York Development Control Local Plan (2005) ; and national planning guidance contained in the National Planning Policy Framework.

2. CAFE LICENCE INFORMATIVE:

You are advised that a cafe licence is also required from the Highway Authority, under the Highways Act 1980. Further information can be obtained from:

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

3. MEANS OF ENCLOSURE

It is noted that the application site is currently enclosed by the unauthorised canvas banners with advertising that were the subject of the enforcement action by the Council in May 2001. These should be removed from the site and replaced with the approved rope barriers.

Contact details:

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

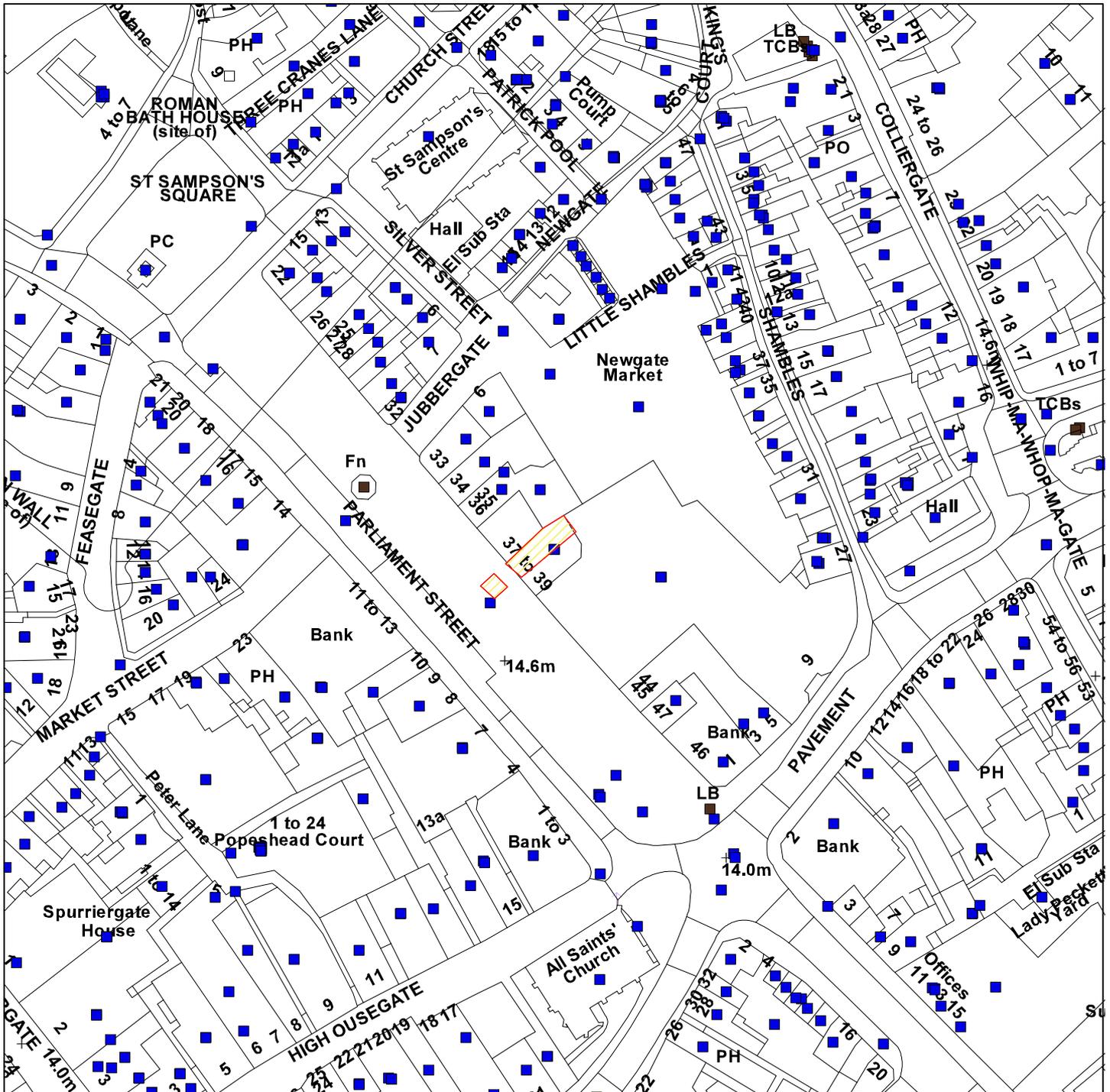
Tel No: 01904 552407

12/03096/FUL

West Cornwall Pasty Company, 38 Parliament Street



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	05 November 2012
SLA Number	Not Set

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COMMITTEE REPORT

Date: 15 November 2012 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 12/03114/FUL
Application at: Era Health Care 8A Tower Street York YO1 9SA
For: Dormer to front and 2no. rooflights to rear
By: The BTD Pension Scheme
Application Type: Full Application
Target Date: 20 November 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 The application relates to 8A Tower Street. Nos. 8-10 are grade 2 listed, originally built as shops in the mid C19. There are dormers on the front roof slope of all of the buildings in the row except for the application site. Some are centred over the first floor windows, others are not, but they are all of the same design.

1.2 Planning permission and listed building consent are sought to add a dormer to the front, of matching design to the others in the row. Two roof-lights are proposed on the rear roofslope and as part of the listed building consent internal changes are proposed, to provide access into the roofspace.

1.3 The applications are brought to committee at the request of Councillor Watson, to make sure the design of the dormer is suitable.

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

Floodzone 2 GMS Constraints: Floodzones 2 & 3

Listed Buildings: Grade 2; 6, 7, 8, 9 & 10 Tower Street York YO1 1SG

2.2 Policies:

CYGP1 Design

CYHE3 Conservation Areas

CYHE4 Listed Buildings

3.0 CONSULTATIONS

Design, Conservation and Sustainable Development

3.1 No objection.

Application Reference Number: 12/03114/FUL

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Guildhall Planning Panel

3.2 No objection.

Publicity

3.3 Deadline for comments is 7.11.2012. No written representations have been made to date.

4.0 APPRAISAL

4.1 Key Issues

- Impact on heritage assets
- Any impact on the amenity of surrounding occupants

Relevant policy

4.2 The host building is listed and within the Central Historic Core Conservation Area. The National Planning Policy Framework advises that 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 National Planning Policy Framework also requires that developments secure a good standard of amenity for surrounding and future occupants.

Assessment

4.3 The front dormer proposed, by virtue of its design, scale and materials would copy the dormers on neighbouring buildings. Large scale details have been supplied which confirm the dormer can be constructed to match, and a condition can require that the dormer is positioned so it is aligned with the other two dormers on the same roof slope. As such the proposed dormer would preserve the historic character and appearance of the building, and the character and appearance of the conservation area.

4.4 The rooflights at the rear would not be seen from the public realm and the rear roof slopes of the buildings along Tower Street, Peckitt Street and South Esplanade include a variety of dormers and rooflights. In this context there would be no harm to the host building or the setting as a consequence of the proposed rooflights.

4.5 The proposed additional openings would not unduly overlook surrounding properties.

5.0 CONCLUSION

5.1 The proposed works would maintain the appearance of the listed building and the conservation area. There would be no detrimental impact on the amenity of surrounding occupants. Approval is recommended.

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:-

Drawings 0619 01-04 and large scale drawing of dormer 0619 01-06

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

3 The front dormer shall be aligned with the other two dormers on the roof slope and shall be of matching design in all respects.

Reason: To preserve the appearance of the group of listed buildings and the conservation area.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

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

Contact details:

Author: Jonathan Kenyon Development Management Officer

Tel No: 01904 551323

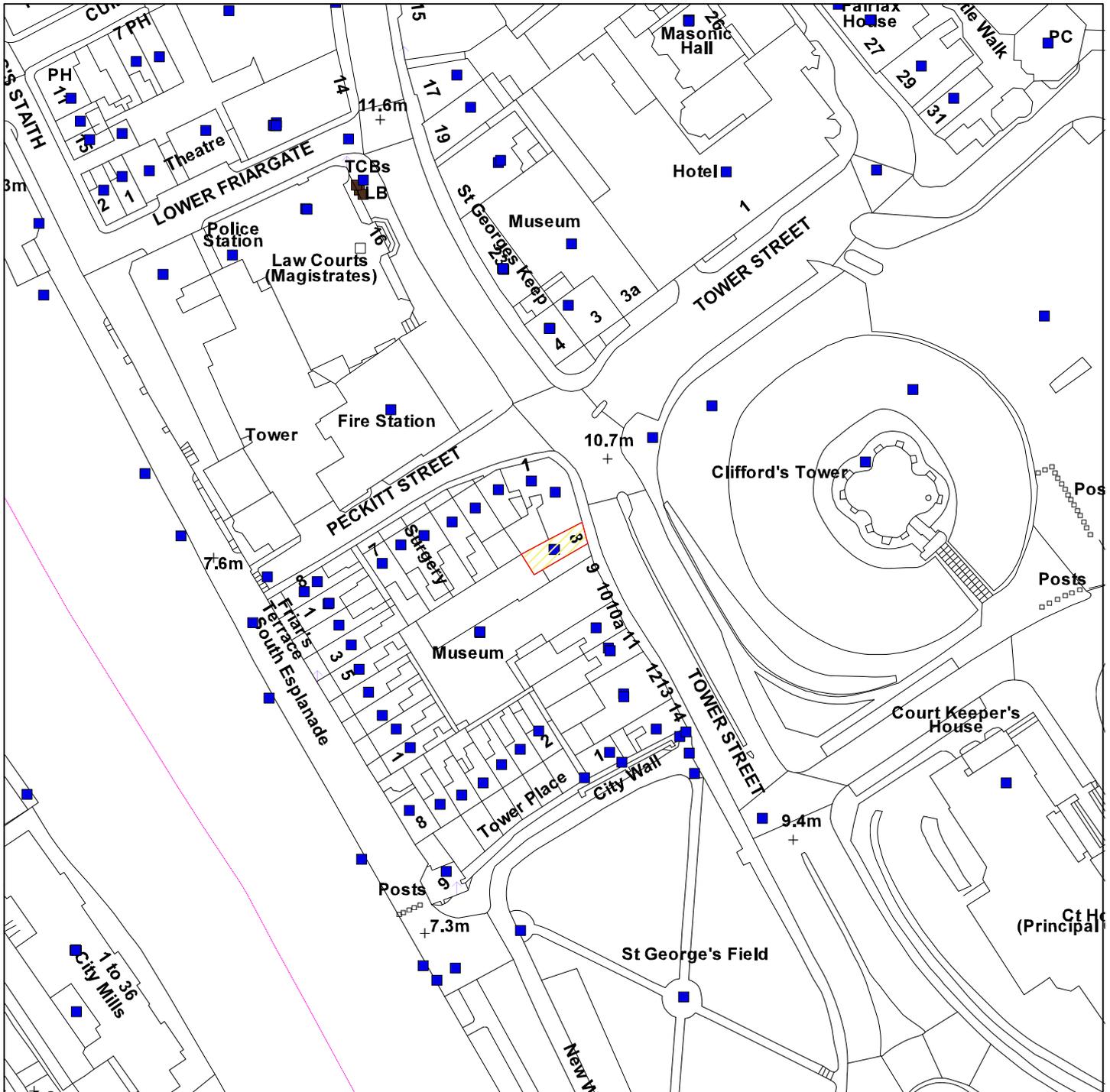
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12/03114/FUL

Era Health Care, 8A Tower Street



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	05 November 2012
SLA Number	Not Set

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COMMITTEE REPORT

Date: 15 November 2012 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 12/03115/LBC
Application at: Era Health Care 8A Tower Street York YO1 9SA
For: Internal and external alterations including dormer to front and
2no. rooflights to rear
By: The BTD Pension Scheme
Application Type: Listed Building Consent
Target Date: 20 November 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 The application relates to 8A Tower Street. Nos. 8-10 are grade 2 listed, originally built as shops in the mid C19. There are dormers on the front roof slope of all of the buildings in the row except for the application site. Some are centred over the first floor windows, others are not, but they are all of the same design.

1.2 Planning permission and listed building consent are sought to add a dormer to the front, of matching design to the others in the row. Two roof-lights are proposed on the rear roofslope and as part of the listed building consent internal changes are proposed, to provide access into the roofspace. The works would make the roofspace useable.

1.3 The applications are brought to committee at the request of Councillor Watson, to make sure the design of the dormer is suitable.

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

Floodzone 2 GMS Constraints: Floodzones 2 & 3

Listed Buildings: Grade 2; 6, 7, 8, 9 & 10 Tower Street York YO1 1SG

2.2 Policies:

CYHE4

Listed Buildings

3.0 CONSULTATIONS

Design, Conservation and Sustainable Development

3.1 No objection.

Guildhall Planning Panel

3.2 No objection.

Publicity

3.3 Deadline for comments is 7.11.2012. No written representations have been made to date.

4.0 APPRAISAL

4.1 Key Issues

- Impact on heritage assets

Relevant policy

4.2 The host building is listed at grade 2 along with nos. 9 and 10. The National Planning Policy Framework advises that 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.

Front dormer

4.3 The proposed front dormer, by virtue of its design, scale and materials would copy the other dormers on the roofslope. It will be required the dormer is aligned with the others also. As such the proposed dormer would preserve the historic character and appearance of the building.

Rooflights

4.4 The rooflights would be at the rear and would not be seen from the public realm. There are already rooflights on the rear roofslope of the group of buildings (nos 8-10) in varying positions and of varying scale. Due to the size of the rooflights proposed they would not undermine the appearance/integrity of the roof and there would not be an adverse effect on the historic and architectural value of the building.

Internal alterations

4.5 No.8A occupies the upper floor of the building which is accessed via a modern stairwell, added to the rear of the building. The interior has modern installations and there is no architectural detailing such as skirtings/cornices.

4.6 It is proposed to add a staircase into the roofspace. To accommodate the stair modern partitions would be affected; the internal entrance lobby would be re-configured and w/c lobby would be removed. In addition the existing ceiling structure would be replaced. The existing structure is modern, being comprised of joists of modern, sawn appearance resting on steel beams. Its removal and replacement would not harm the special interest of the building.

5.0 CONCLUSION

5.1 The proposed works will increase the amount of useable space within the building and will not harm its architectural or historic interest. The works would accord with the National Planning Policy Framework and it is recommended consent be granted.

6.0 RECOMMENDATION: Approve

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

2 The development hereby permitted shall be carried out in accordance with the following plans:- Drawings 0619 01-04 and large scale drawing of dormer 0619 01-06.

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

3 The front dormer shall be aligned with the other two dormers on the roofslope and shall be of matching design and materials in all respects. Manufacturers details of the rooflights shall be approved by the Local Planning Authority prior to installation and the rooflights shall be installed in accordance with the approved details (it is preferred rooflights do not stand proud of the roofslope).

Reason: To preserve the appearance of the group of listed buildings.

7.0 INFORMATIVES:

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

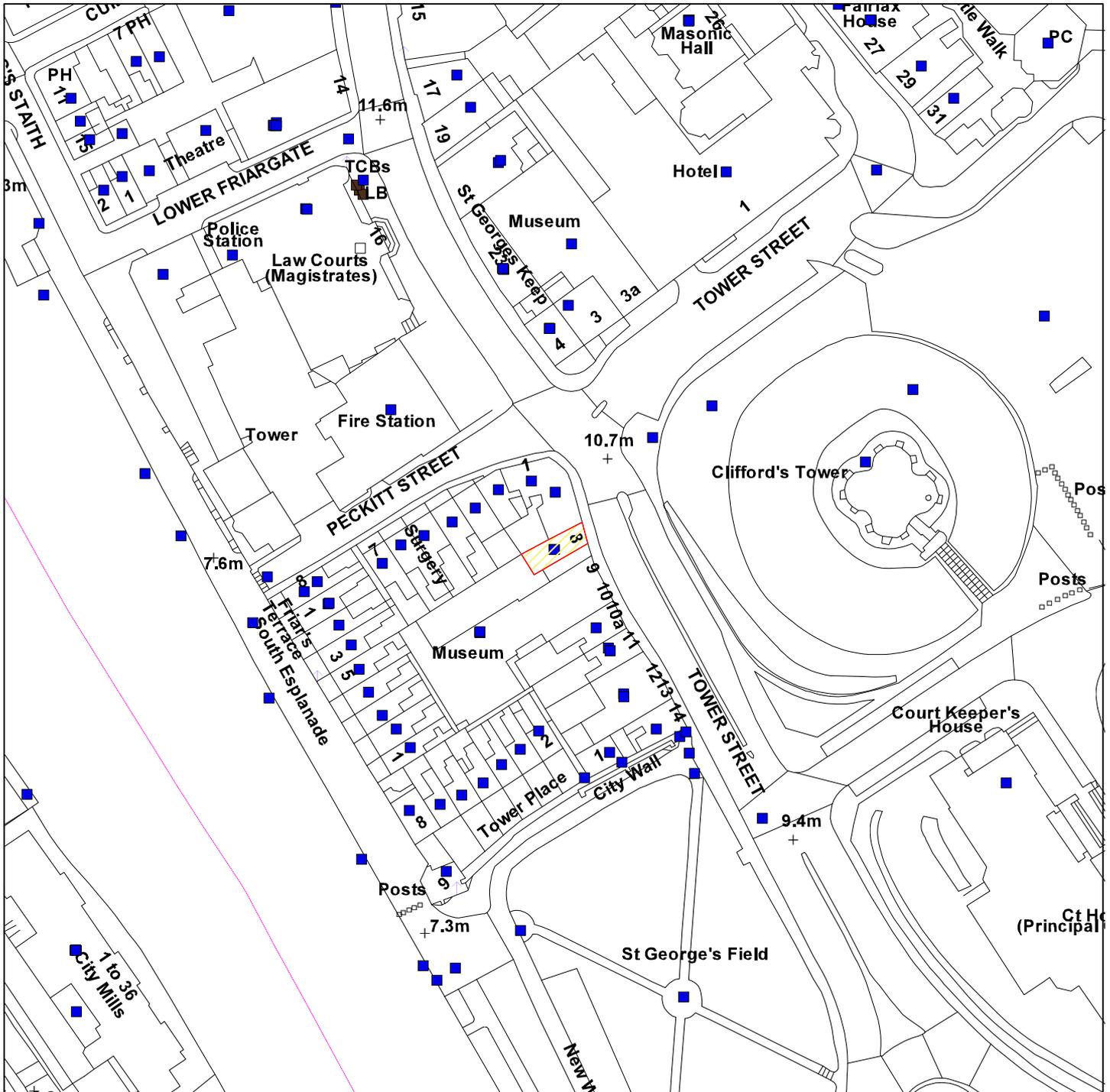
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12/03115/LBC

Era Health Care, 8A Tower Street



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	05 November 2012
SLA Number	Not Set

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COMMITTEE REPORT

Date: 15 November 2012 **Ward:** Acomb
Team: Major and **Parish:** Acomb Planning Panel
Commercial Team

Reference: 12/02658/FUL
Application at: 134 Boroughbridge Road York YO26 6AL
For: Variation of condition 5 of planning permission 11/02339/FUL to extend opening hours to allow the hot food takeaway to open from 12.00 to 20.30 on Sundays
By: Miss Lynette Barton
Application Type: Full Application
Target Date: 15 October 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 134 Boroughbridge Road comprises a two storey brick built property circa 1930 recently converted into a fish and chip shop with a flat above, under planning permission 11/02339/FUL. That planning permission was given subject to a condition no 5 restricting opening hours on Sundays to lunchtimes only with a closure at 14.00 hours. Planning permission is currently sought under Section 73 of the 1990 Town and Country Planning Act to vary the condition to allow for opening until 20.30 hours on a Sunday. Permission was also sought for the placing of tables on the forecourt at the Boroughbridge Road frontage of the property but this element of the proposal has subsequently been withdrawn.

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

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

2.2 Policies:

CYGP1Design

CYS6 Control of food and drink (A3) uses

3.0 CONSULTATIONS

INTERNAL:-

3.1 Environmental Protection Unit raise no objection to variation of the condition relating to opening hours to allow for opening up until 20:00 on Sundays but express concern in respect of any external seating associated with the development.

3.2 Highway Network Management were consulted in respect of the proposal on 30th August 2012. Any response will be reported verbally at the meeting.

EXTERNAL:-

3.3 Acomb Planning Panel – no response received.

3.4 Three letters of objection have been received in respect of the proposal. The following is a summary of their contents:-

- Concern that other conditions on the original planning permission ref:- 11/02339/FUL have not been complied with;
- Concern that the odour control system at the property has not proved effective and that neighbouring residential properties are subjected to a significant degree of odour nuisance as a result;
- Concern at a loss of residential amenity through noise both from staff working at the premises and from the flue and extraction system;
- Concern in respect of on-street parking in relation to the premises and its impact upon the safety and convenience of highway users.

4.0 APPRAISAL

4.1 Policy GP1 of the York Development Control Local Plan sets a firm policy presumption in favour of new development which respects or enhances the local environment and ensures that residents living nearby are not unduly affected by noise or disturbance. The current proposal seeks an extension of operating hours on a Sunday from 14.00 hours to 20.30 hours. The condition in respect of operating hours was originally imposed in order to secure the residential amenity of properties to the rear and aligned with the operating hours set out in the application form. The wider area contains a mix of uses including a veterinary surgery, a second hand furniture seller and several takeaways along Boroughbridge Road with residential property to the rear. Nearby takeaways open much later in to the evening on Sundays. The Chinese food takeaway at no.122, has planning permission to open until 22.30hours on Sundays. The application premises face on to Boroughbridge Road with sole access gained from Boroughbridge Road. Any impact arising from comings and goings and from traffic would therefore be concentrated at the front of the site well away from residential property. Concern has been expressed in respect

of odour dispersal. The flue system whilst at present not authorised has been located so as to disperse odours on to the street frontage away from residential property to the rear. With the removal of the proposal to locate tables along the street frontage of the property to provide an external eating area it is felt that the proposed variation of opening hours would have a modest impact upon residential amenity and can not therefore be reasonably refused.

4.3 Concern has been expressed in respect of the lack of compliance by the developer in respect of other conditions on planning permission 11/02339/FUL. This is the subject of on-going enforcement action and is not directly relevant to the determination of the current application. Similarly in respect of on-street parking, a significant issue arises in respect of other land uses presently in the area, it would therefore be unreasonable to specifically single out the current application site.

5.0 CONCLUSION

5.1 No.134 Boroughbridge Road comprises a recently opened fish and chip shop with a flat above. Permission is sought to vary the condition covering operating hours to allow opening into the evening on Sundays to 20.30 hours. The premises are accessed from the Boroughbridge Road frontage and the existing flue system is designed to direct nuisance from odour away from nearby residential properties. Other takeaways also exist within the near vicinity without such a severe restriction upon Sunday evening opening. It is felt therefore that to continue to restrict opening hours to 14.00 hours would be un-reasonable in view of the modest impact upon residential amenity that would result. Approval is therefore recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

Drawing Refs:- 7D, DP4E,BP2, DP1 and P1 Date Stamped 30th August 2011.

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

2 Notwithstanding the application details hereby approved full details of the proposed refrigeration, air circulation, extraction and odour mitigation system including its location, acoustic detail and the finishes of any components external to the building shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the cafe/takeaway use. The development shall thenceforth be undertaken in strict accordance with the details thereby approved prior to the development being first brought into use.

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

3 The cafe/hot food take away use hereby authorised shall operate solely between the following hours:-

Monday to Saturday 12.00 hours to 22.00 hours.

Sundays or Bank Holidays 12.00 hours to 20.30 hours.

Reason:- To safeguard the residential amenity of neighbouring properties and to secure compliance with Policy GP1 and S6 of the York Development Control Local Plan.

4 The rear seating and storage area hereby authorised shall be used solely in conjunction with the cafe/takeaway use.

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

5 Notwithstanding the submitted details, the doorway giving access from the Cafe/Takeaway seating area to the rear amenity area shall be single leaf only in dimension and shall be solely used for the purposes of an emergency exit and shall be clearly identified as such. The amenity area shall not be used as an outside seating or storage area for the cafe/takeaway use.

Reason:- To safeguard the residential amenity of neighbouring properties and to secure adequate amenity space for the residential use at the premises in compliance with Policy GP1 of the York Development Control Local Plan.

6 DRAIN1 Drainage details to be agreed -

7 Notwithstanding the application details hereby approved full details of the layout of parking space and circulation arrangements within the front forecourt of the application site including measures to prevent pedestrian/vehicular conflict shall be submitted to and approved in writing by the Local Planning Authority within 28 days of the date of this permission. The development shall thenceforth be undertaken in strict accordance with the details thereby approved prior to the development being first brought into use and shall be maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason:- To secure the safety and convenience of highway users.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the residential amenity of neighbouring properties. As such the proposal complies with Policies GP1 and S6 of the City of York Development Control Local Plan.

Contact details:

Author: Erik Matthews Development Management Officer

Tel No: 01904 551416

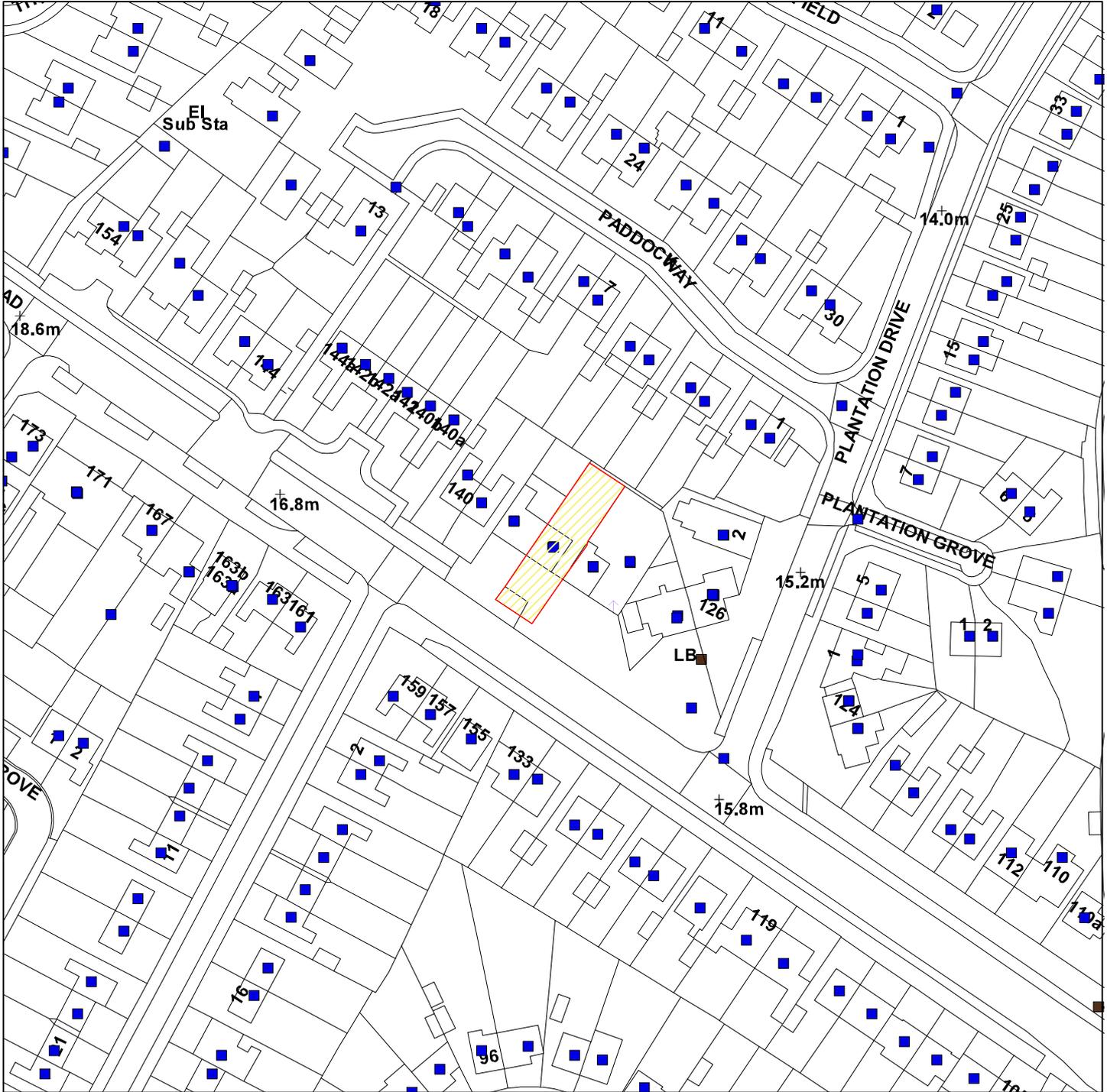
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12/02658/FUL

134 Boroughbridge Road



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	05 November 2012
SLA Number	Not Set

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COMMITTEE REPORT

Date: 18/10/2012 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
 Commercial Team

Reference: 12/03023/FUL
Application at: Bora Bora 5 Swinegate Court East Grape Lane York YO1 8AJ
For: Variation of condition 3 of planning permission 12/01249/FUL to extend opening hours until 02:30 every day
By: Mr Bora Akgul
Application Type: Full Application
Target Date: 16 November 2012
Recommendation: Grant temporary consent for proposed hours

1.0 PROPOSAL

1.1 The application relates to the Bora Bora bar situated at 5 Swinegate Court East.

1.2 At West and Centre Planning Committee in August the premises was granted planning permission retrospectively for a change of use to a drinking establishment. Members saw fit to restrict the permitted opening hours. Condition 3 of the permission required the premises to close at midnight each day of the week.

1.3 This application is made to vary condition 3. It is asked that the premises be allowed to operate until 02:30 the following day, on each day of the week. The applicants contend the business would be unviable otherwise.

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

2.2 Policies:
CYS6 Control of food and drink (A3) uses
CYHE3 Conservation Areas

3.0 CONSULTATIONSEnvironmental Protection Unit

3.1 No objection. The premises holds a Premises Licence with suitable conditions which have been agreed. EPU has received no justifiable noise complaints regarding the operation of this premises.

Police Architectural Liaison Officer

3.2 Officers raise no objection to the application. Officers advise the premises have a license to operate until 03:00 and this license was endorsed by the police and the Council licensing department.

Guildhall Planning Panel

3.3 Asked for comments by 17.10. No response to date.

Publicity

3.4 The deadline for comments was 24.10.2012. Objections have been received from the Lund's Court Residents Association, residents in Grape Lane and Minster View, commercial premises in Grape Lane and Little Stonegate. The grounds of objection are as follows:

- Opposition to the introduction of late night drinking establishments in the area. The area was conceived as a mixed use development and has increasingly been populated by bars. Noise and disturbance now has an adverse impact on residential amenity and the ability of residents to sleep. The midnight closing time should be maintained. It is also noted that the midnight closing time imposed at committee in August has not been upheld.
- Noise from Swinegate Court causes undue disturbance after midnight through the week as Bora Bora and Lucias have outside drinking areas. Other premises nearby with external areas close these after 11pm/midnight in order to restrict noise disturbance.
- Increased anti-social behaviour, noise, litter, crime and vandalism in the area since the introduction of late night drinking establishments, which has a detrimental impact on the character and appearance of the area, and existing businesses have had to pay to repair damaged premises.
- The area used to be attractive, and where commercial and residential premises co-existed harmoniously. There is concern that an increased amount of late night drinking establishments will lead to residents moving out of the city centre and prevent new residential development. The area could become the next 'Micklegate' where noise disturbance and vacant retail premises are an issue for that area.

4.0 APPRAISAL

Key issues

4.1 The main issues are the impact on residential amenity as a consequence of the proposed operating hours and the vitality of the city centre.

Relevant policy

4.2 The National Planning Policy Framework advises planning should positively promote competitive city centres and enhance their vitality and viability. The National Planning Policy Framework notes that residential development can play an important role in ensuring the viability of town centres. A core planning principle within the National Planning Policy Framework is that in making decisions planning should always seek to secure a good standard of amenity for existing and future occupants of land or buildings.

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

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

4.4 Dwellings form an integral part of city centres and their character, vibrancy and vitality. The National Planning Policy Framework recognises that town centres are 'the heart of communities', that 'residential development can play an important role in ensuring the vitality of centres' and planning policies should 'encourage residential development on appropriate sites'. Local Plan policies GP12, H11 and H12 also encourage residential development in the city centre and advise such development can make a vital contribution to housing need in the city.

Assessment

4.5 At the August Committee officers had recommended a condition giving a temporary permission for opening beyond midnight, to assess the impact on the area. Many objections were regarding the general character of the area and music/noise from Lucia's rather than Bora Bora. Music played at Bora Bora could be restricted by an appropriate condition and the Environmental Protection Unit raised no objection to the proposals, advising they had received no complaints about music from Bora Bora and that the premises had a license with agreed stipulations.

4.6 Members decided to grant retrospective planning permission for a change of use of the host premises to a drinking establishment imposing a midnight closing time. The opening hours of the premises were restricted as Swinegate Court is a compact part of the historic core where there are residential properties close-by, residents form an important part of the vitality and viability of the city centre and their continued presence should be encouraged. Midnight was deemed a reasonable

closing time because as 60% of the capacity of the host premises is external, noise disturbance from both music and customers is likely to occur.

4.7 There are a number of premises situated in the Swinegate Quarter that operate as bars. Consequently there is late night activity in the area and attributed to it a degree of noise, disturbance and anti-social behaviour. The bars and their opening times are listed below:

Premises	Closing time - licensing	Closing time – planning
1331 Grape Lane	02.00	None
Wildes Grape Lane	00.30	None
Oscars	02.30	02.00 Outside area 02.30 fri & sat 20.00 sun – thurs
Biltmore	02.30	02.00 Outside area 02.30 fri & sat 20.00 sun – thurs
Vudu Lounge	04.30	03.00 fri & sat 02.00 sun – thurs (for 1 year then revert to 01.00)
Slug & Lettuce	02.30 fri & sat pm 00:30 sun – thurs	None
Stonegate Yard	02.20	None
Kennedy's	02.30	None
La Tasca	No restrictions	Midnight Outside area 22.00

4.8 In determining the application the key test is whether the surrounding occupants would suffer an undue loss of amenity as a direct consequence of Bora Bora trading between midnight and 02:30.

4.9 The closest residential building to the application site is Lund's Court. The rear of the building can be seen from Swinegate Court East and there is only one window on the rear which is a relatively small opening. Noise from amplified music can be controlled through an appropriately worded condition (provided the condition is adhered to). As such and because of the intervening buildings and streets between the application site and surrounding residential premises officers consider it likely that persons using the outside area would not create undue noise disturbance (i.e. not materially more than that which is already experienced in this area). As with the previous application, officers recommend allowing the later opening hours for a

temporary period, so they can be re-considered and revert to midnight if the 02:30 closing time leads to disturbance.

5.0 CONCLUSION

5.1 Officers recommend that a temporary permission is granted to allow the later hours applied for, for a trial period. Conditions can control amplified music and restrict times when glass/bottles are taken out to control noise from the premises.

5.2 As granting permission would lead to a fresh permission for the premises a comprehensive list of conditions will be necessary, in the interests of the amenity of surrounding occupants.

6.0 RECOMMENDATION: Approve

1 The premises shall only be open to customers between the following hours: 08.00 to 02:30 the following day. By 1/11/2013 the premises shall not be open to customers beyond 24:00 (midnight) each day of the week.
Reason: To monitor noise associated with the host premises in the interests of residential amenity.

2 The development hereby permitted shall be carried out in accordance with the following plans:- Location plan and site layout received 07.09.2012.
Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 All electronically amplified music shall be controlled by a noise limitation device. The device shall set maximum noise levels which shall be approved in writing by the local planning authority before any such music is played at the premises (positions at the site where music from the within the premises shall be inaudible at all times are to be agreed). The maximum noise levels shall not be exceeded for the lifetime of the development. The noise limitation device shall be installed within 1 month of this permission.
Reason: To protect the amenity of the locality from noise generated by the use hereby approved.

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.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

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

Contact details:

Author: Jonathan Kenyon Development Management Officer

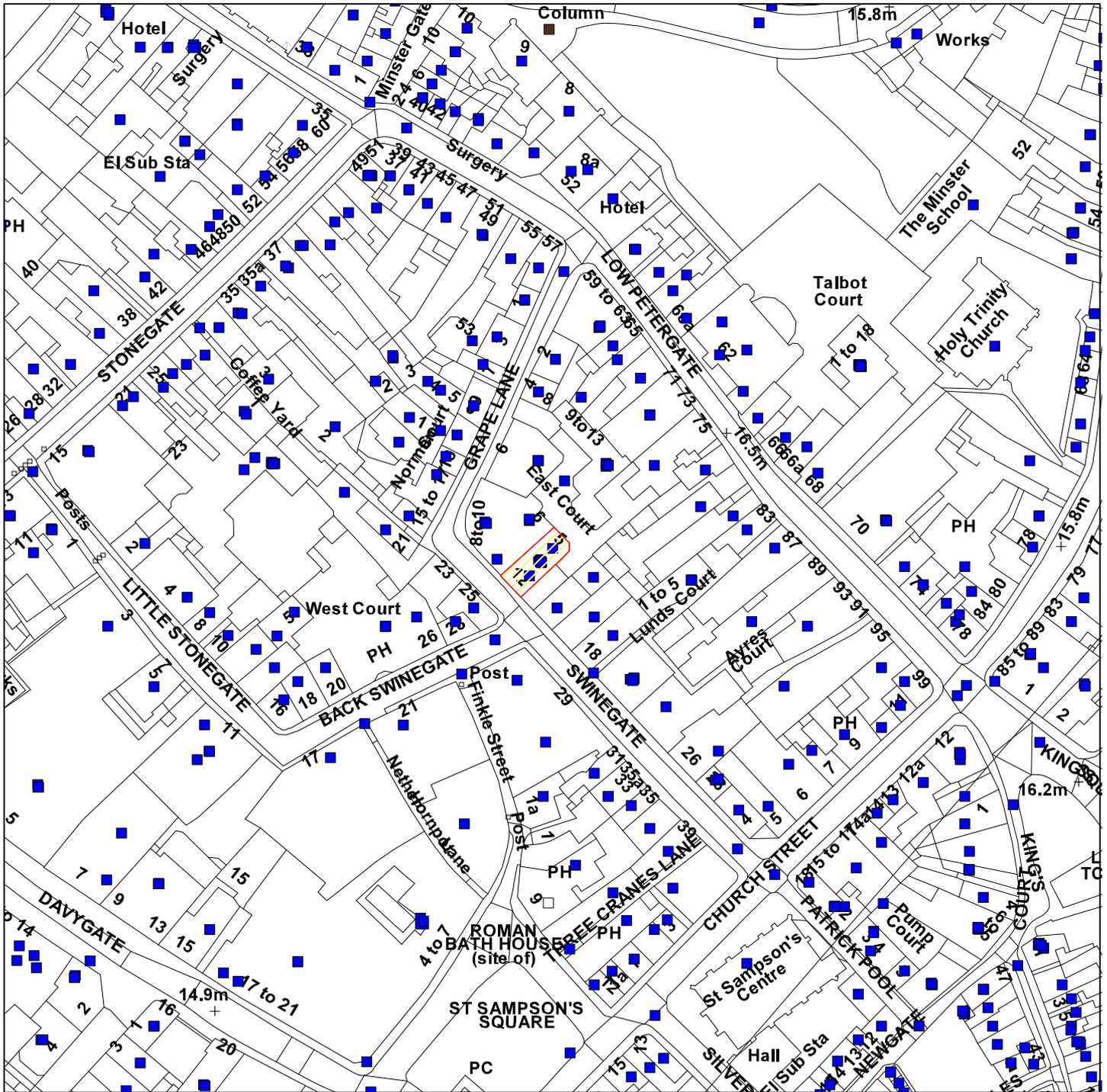
Tel No: 01904 551323

12/03023/FUL

Bora Bora, 5 Swinegate Court East



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	05 November 2012
SLA Number	Not Set

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COMMITTEE REPORT

Date: 15 November 2012 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 12/03022/FUL
Application at: Lucia Bar And Grill 9 - 13 Swinegate Court East Grape Lane
York YO1 8AJ
For: Variation of condition 5 of planning permission 12/01910/FUL
for restaurant/bar to extend opening hours to allow premises
to open till 02:00 every day
By: Mr Osman Doganozu
Application Type: Full Application
Target Date: 16 November 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 This application relates to 9-13 Swinegate Court East which is occupied by Lucia Bar and Grill and Bar Esperanza.

1.2 Planning permission was granted for the use of the ground floor as a restaurant in the 1990s. In July 2011, the upper floor of the property became vacant and permission was granted for the restaurant to expand onto the first floor. Neither permission restricted the opening hours of the restaurant.

1.3 At the August meeting of the West and Centre Planning Committee, the first floor of the premises was granted planning permission retrospectively for a change of use to a drinking establishment. Members resolved to restrict the permitted opening hours of the restaurant and the first floor bar and as such, condition 5 of the permission requires the premises to close at midnight each day of the week.

1.4 This application seeks permission to vary Condition 5 to enable the premises to operate from 10.00am until 02:00 the following day, on each day of the week. These opening hours are sought for both the A3 restaurant use and the A4 drinking establishment use.

1.5 The applicant states that the use of the first floor bar is mainly used by customers of the restaurant (75%) for pre and after dinner drinks or waiting for an available table on the ground floor. Last orders for food in the restaurant are 11pm and it is considered important that customers have the facility to consume their meal without feeling rushed in order for the premises to close at midnight.

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 Multiple (Spatial)

2.2 Policies:

CYS6 Control of food and drink (A3) uses
CYHE3 Conservation Areas
CYS7 Evening entertainment including A3/D2

3.0 CONSULTATIONS

Environmental Protection Unit

3.1 Since the comments made at the time of the previous application, the Environmental Protection Unit have received no further justifiable noise complaints regarding this premises and it is considered that the 2 conditions applied previously relating to the submission of a scheme for all the machinery, plant and equipment installed and for an electronic noise limiter to be installed within Bar Esperanza, will satisfactorily address any issues as far as the Environmental Protection Unit is concerned.

City Centre Management

3.2 No objections

Police Architectural Liaison Officer

3.3 In respect of "designing out crime", no issues to raise. These premises have a licence in place to operate until 0300 hours every day (one hour longer than the variation being applied for). This licence was endorsed by both the Police and Council Licensing departments.

Guildhall Planning Panel

3.4. Object. The hours extension means it would be at the earliest 03:00 before the noise would start to die down. We note that the majority of the covers are outside and believe this would be unacceptable to local residents. The companies so scant regard for their neighbours by operating without permission so if they are given permission, will care little for the disturbance to their neighbours.

Local Publicity

8 letters of objection have been received from residents and businesses (including a letter from the Lund's Court Residents Association representing 5 flats) which raise the following planning issues.

(i) Oppose the introduction of late night drinking establishments in the area. Noise and disturbance now has an adverse impact on residential amenity and the ability of residents to sleep. Consider the midnight closing time should be maintained. It is also noted that the midnight closing time imposed at committee in August has not been upheld.

(ii) Increased anti-social behaviour, noise, litter, crime and vandalism in the area since the introduction of late night drinking establishments, which has a detrimental impact on the character and appearance of the area, and incurs costs on existing businesses having to repair damaged premises.

(iii) The area used to be attractive, and where commercial and residential premises co-existed harmoniously. There is concern that increased amounts of late night drinking establishments will lead to residents moving out of the city centre and prevent new residential development. The area could become the next 'Micklegate' where noise disturbance and vacant retail premises are an issue for that area.

(iv) Other courtyards in the area like 1331, the Slug and Lettuce and Stonegate Yard have to be cleared by 11pm. This should be the same for both of these businesses especially as Swinegate Court East is such a confined area so noise travels upwards.

(v) Although the applicants are able to put all sorts of noise limitation measures in place at their premises, the one thing they can't do is control the noise made by customers as they leave and walk down Grape Lane. Closing at a reasonable hour is the only way that the problem can be contained to an extent.

(vi) Kuja Bar adjacent to Barley Hall has a late licence and ceased trading at the beginning of 2012 since when it has remained vacant. This hardly suggests there is a shortage of bars in the area. If the applicants are keen to find another form of operation, why have they not taken over this bar?

Additional points raised by the residents of Flat 1 at 2 Grape Lane;

(vii) Base noise and vibration from the upstairs bar area is still being experienced despite a noise limiter being installed. The noise comes up from the ceiling which it is assumed is not insulated. The premises licence includes a condition that the noise and vibration shall be inaudible at nearby residential properties. This has not

happened. Noise from the courtyard is also experienced which is an open ended situation so sound is carried and rebounds off nearby buildings. It is appreciated that we live in a bar saturated area (14 in total) but it is only in the past 6 months with the opening of the nightclub next door that our lives have drastically changed. We can accept midnight as a closing time because we can enjoy 6 to 7 hours sleep but 2am is unacceptable. This time becomes later with customers and then staff leaving the premises into Grape Lane often waiting for taxis outside our property. There are many other bars in the area which have a licence until 2am but these bars are not next door in close proximity to residential properties as is Lucia's.

4.0 APPRAISAL

Key Issues

4.1 The main issues are the impact on residential amenity as a consequence of the proposed operating hours and the vitality of the city centre.

Planning Policy

4.2 The National Planning Policy Framework advises that planning should positively promote competitive city centres and enhance their vitality and viability. The NPPF advises that residential development can play an important role in ensuring the viability of town centres. It forwards the principle that planning should seek to ensure a good standard of amenity for all existing and future occupants of land and buildings. Planning decisions should aim to achieve places which promote safe and accessible environments where crime and disorder and the fear of crime, do not undermine quality of life or community cohesion. Planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

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

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

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

4.5 Dwellings form an integral part of city centres and their character, vibrancy and vitality. The National Planning Policy Framework recognises that town centres are

'the heart of communities', that 'residential development can play an important role in ensuring the vitality of centres' and planning policies should 'encourage residential development on appropriate sites'. Local Plan policies GP12, H11 and H12 also encourage residential development in the city centre and advise such development can make a vital contribution to housing need in the city.

Assessment

4.6 At the August Committee, Officers had recommended approval for the use to open until 03:00 with a condition giving a temporary permission for the outside area to open beyond midnight, to assess the impact on the area. Many objections were raised relating to the general character of the area and music/noise from Lucia's and Bar Esperanza and the Environmental Protection Unit had received noise complaints with respects to noise from the external chiller units and the late night base beat emanating from the Esperanza Bar. With conditions requiring noise mitigation measures for the plant and machinery at the premises and for an electronic noise limiter to be installed within Bar Esperanza, the Environmental Protection Unit were satisfied that the business could be operated in a manner which would not affect nearby dwellings.

4.7 Members decided to grant retrospective planning permission for the change of use of the first floor of the premises to a drinking establishment imposing a midnight closing time. The opening hours of the premises were restricted as Swinegate Court is a compact part of the historic core where there are residential properties close-by, residents form an important part of the vitality and viability of the city centre and their continued presence should be encouraged. Midnight was deemed a reasonable closing time because as the licence permits a maximum occupancy of 30 people outside, noise disturbance from both music and customers is likely to occur.

4.8 There are a number of premises situated in the Swinegate Quarter that operate as bars. Consequently there is late night activity in the area and attributed to it a degree of noise, disturbance and anti-social behaviour. The bars and their opening times are listed below:

Premises	Closing time - licensing	Closing time – planning
1331 Grape Lane	02.00	None
Wildes Grape Lane	00.30	None
Oscars	02.30	02.00 Outside area 02.30 fri & sat 20.00 sun – thurs
Biltmore	02.30	02.00

		Outside area 02.30 fri & sat 20.00 sun – thurs
Vudu Lounge	04.30	03.00 fri & sat 02.00 sun – thurs (for 1 year then revert to 01.00)
Slug & Lettuce	02.30 fri & sat pm 00:30 sun – thurs	None
Stonegate Yard	02.20	None
Kennedy's	02.30	None
La Tasca	No restrictions	Midnight Outside area 22.00

4.9 There are houses nearby including a flat at No.2 Grape Lane, which is adjacent to and shares a party wall with the application site. Its bedroom fronts Grape Lane which is around the corner from the courtyard seating area. There are also houses in Lund's Court, Norman Court and Petergate.

4.10 In determining the application, the key test is whether the surrounding occupants would suffer an undue loss of amenity as a direct consequence of Lucia's / Bar Esperanza trading between midnight and 2:00.

4.11 The previous consent required the implementation of noise mitigation measures for the plant and machinery at the premises and for the installation of an electronic noise limiter. An application to discharge these conditions has yet to be received, however the applicant states that these works have all been completed and has advised that an up to date independent noise survey is shortly to be submitted. Members will be updated at the meeting.

4.12 Since the consideration of the application in August, the Environmental Protection Unit advise that they have received no further justifiable noise complaints regarding this premises and consider that the conditions applied previously would satisfactorily address any issues they might have. It is noted from comments raised by the occupants of the flat adjacent to the application site that base noise and vibration from the upstairs bar area is still being experienced despite a noise limiter being installed. On receipt of the noise survey and the information to discharge the conditions, the Environmental Protection Unit will be reconsulted to ensure that the measures employed are sufficient to ensure that no music and/or bass beat is audible within nearby residential properties.

4.13 Aside from assessing the impact on residential amenity from the "inside" of the premises, Officers acknowledge that external seating area has the potential for noise disturbance from music and raised voices. The applicant has confirmed that this seating area is used in association with the bar as well as the restaurant and therefore should this application be approved, this area could be used between midnight and 2am by up to 30 persons.

4.14 The licence permits the premises to play music outside in the courtyard but the Environmental Protection Unit comments that the levels are maintained at background level and the external music is not currently a source of noise complaints.

4.15 The closest residential property is the flat at No.2 Grape Lane, which is adjacent to and shares a party wall with the application site. Its bedroom fronts Grape Lane which is around the corner from the courtyard seating area. Noise from amplified music can be controlled through an appropriately worded condition (provided the condition is adhered to). As such and because of the intervening buildings and streets between the application site and surrounding residential premises, it is deemed that persons using the outside area would be unlikely to create undue noise disturbance (i.e. no more than that which is already experienced in this area). As with the previous application, Officers recommend allowing the later opening hours for the outside seating area for a temporary period, so they can be reconsidered and revert to midnight if the 02:00 closing time leads to disturbance.

5.0 CONCLUSION

5.1 Subject to the reapplication of conditions to ensure appropriate noise mitigation measures are implemented with respects to the plant and machinery and to ensure music is inaudible within nearby residential properties, Officers consider potential noise disturbance to arise from allowing Lucia's / Bar Esperanza to trade between midnight and 02:00 would be satisfactorily mitigated.

5.2 A temporary permission for the use of the outside area to allow for trading until 02:00 is recommended to allow for a trial period. Conditions can control noise from amplified music to ensure music is inaudible within nearby residential properties and to restrict times when glass/bottles are taken out to control noise from the premises.

5.3 As granting permission would lead to a fresh permission for the premises, a comprehensive list of conditions will be necessary, in the interests of the amenity of surrounding occupants.

6.0 RECOMMENDATION: Approve

1 The premises shall only be open to customers between the following hours:
10.00 to 02.00 the following day.

From 15/11/2013 the outside area shall not be open to customers between 24:00 midnight and 10.00 each day of the week unless a further planning permission has been granted to extend or remove this restriction.

Reason: To monitor noise associated with the outside area and to protect the amenity of nearby residents from noise associated with the premises.

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

Floor plans received 7 September 2012

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

3 Within 1 month of permission being granted, a scheme shall be submitted to and approved in writing by the Local Planning Authority for all the machinery, plant and equipment installed. The machinery, plant and equipment and specifically any approved noise mitigation measures shall be fully implemented and operational within 1 month and shall be appropriately maintained thereafter.

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

4 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.

5 No amplified, recorded or live music in association with the restaurant and external seating area shall be played which 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.

6 The premises shall only be open to customers between the following hours:

10.00 to 02.00 the following day.

From 15/11/2013 the outside area shall not be open to customers between 24:00 midnight and 10.00 each day of the week unless a further planning permission has been granted to extend or remove this restriction.

Reason: To monitor noise associated with the outside area and to protect the amenity of nearby residents from noise associated with the premises.

7 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.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

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

Contact details:

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

Tel No: 01904 551610

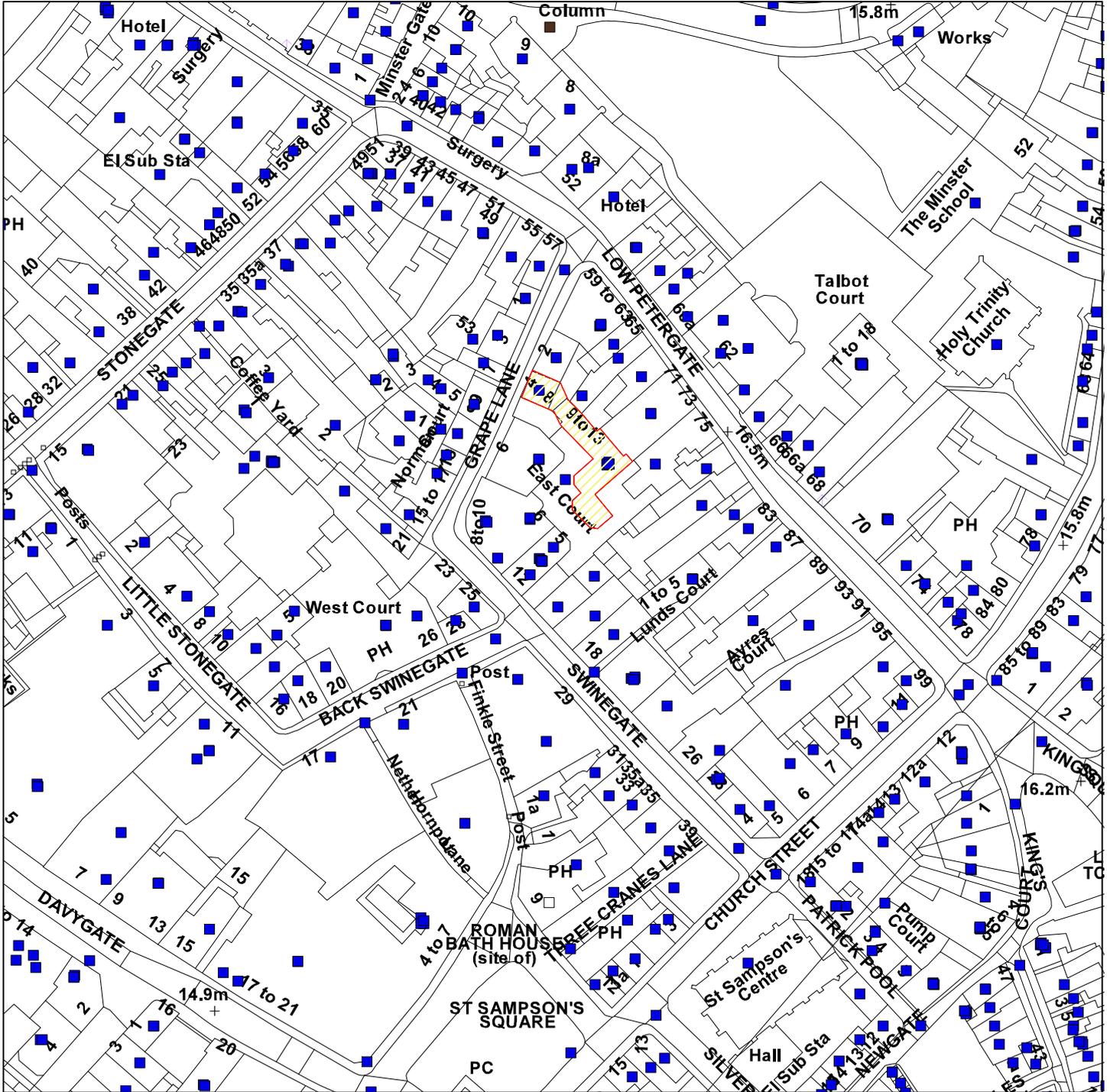
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12/03022/FUL

Lucia Bar and Grill, 9-13 Swinegate Court East



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	05 November 2012
SLA Number	Not Set

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COMMITTEE REPORT

Date: 15 November 2012 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 12/02685/FUL
Application at: Central Library Museum Street York YO1 7DS
For: First floor rear/side extension to form new archive repository
and installation of 3.no. roof cowls on existing roof (York
explore Phase II)
By: Mr Charlie Croft
Application Type: Full Application
Target Date: 24 October 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 The Central Library, Museum Street comprises a substantial brick and stone detailed Grade II Listed early 20th Century example of the work of the local Arts and Crafts architect WH Brierley. It furthermore occupies a prominent location within the Historic Core Conservation Area directly to the north of the City Centre and within the setting of the City Walls a Scheduled Ancient Monument and the Kings Manor a Grade I Listed Building dating from the Medieval period. Full planning permission and a parallel Listed Building Consent (ref:- 12/02686/LBC) is sought for erection of a first floor metal clad extension with fixed link and associated escape stair to house the City Archives at the same time as the existing first floor reference library is refurbished. This represents the second of two phases of work to refurbish the whole building, phase I having focussed on the refurbishment of the lending library and associated meeting spaces.

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; Library Library Square York YO1 2DS
0631

2.2 Policies:

CYHE2 Development in historic locations

CYHE3 Conservation Areas

CYHE4 Listed Buildings

3.0 CONSULTATIONS

INTERNAL:-

3.1 Environmental Protection Unit raise no objection to the proposal.

3.2 Highway Network Management raise no objection to the proposal.

3.3 Strategic Flood Risk Management raise no objection to the proposal.

3.4 Design, Conservation and Sustainable Development raise no objections in principle to the proposal but express concern in respect of the proposed access arrangements to the rear of the extension, the proposed replacement roof membrane, the proposed cctv and the proposed external lighting and signage.

EXTERNAL:-

3.5 English Heritage raise no objection in principle to the proposal.

3.6 Guildhall Planning Panel object to the proposal on the grounds that the proposed extension would have a significantly adverse impact upon the character and appearance of the Conservation Area and the setting of nearby Listed Buildings.

3.7 The York Conservation Areas Advisory Committee raise no objection in principle to the proposal but express some concern in respect of the proposed external construction material.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- * Impact upon the character and appearance of the Conservation Area;
- * Impact upon the setting of nearby grade I and II* listed buildings;
- * Impact upon the setting of the City Walls a Scheduled Ancient Monument.

STATUS OF THE DRAFT LOCAL PLAN:-

4.2 The City of York Development Control Local Plan was approved for Development Control purposes in April 2005; its policies remain material considerations although it is considered that their weight is limited except where they are in accordance with Central Government Planning Policy as outlined in the National Planning Policy Framework.

IMPACT UPON THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA

4.3 Policy HE3 of the York Development Control Local Plan sets a firm policy presumption that within Conservation Areas proposals for development involving external alterations will only be permitted where there would not be an adverse impact upon the character and appearance of the area. Central Government Planning Policy as outlined in paragraph 131 of the National Planning Policy Framework urges Local Planning Authorities to balance the desirability of sustaining and enhancing the significance of the Conservation Area whilst ensuring that it remains viable and sustainable economically. The desirability of new development making a positive contribution to local character and distinctiveness is also stressed.

4.4 The Historic Core Conservation Area in the vicinity of the Library comprises a dense pattern of urban development dating back into the Later Medieval period with a mix of shopping, office and leisure uses. The Library building occupies a prominent location within that, at the north western approach to the City Centre. The building itself sits on an island site and is more modest in scale than surrounding properties whilst acting as a visual focal point at the head of the small square leading off Museum Street. The proposed extension would lie at first floor level to the rear of the property on the north-east elevation. Whilst the existing building is an example of early 20th century Neo-Georgian architecture executed in brick with Portland stone detailing, the proposal deliberately chooses a futuristic metaphor using a mix of contemporary metallic cladding materials whilst maintaining the same pattern of scale and massing as the existing building. The principle behind the design seeks to draw attention to the function and use of the extension as the repository of the City's Archives. Concern has been expressed in relation to the proposed cladding material, however its colour, finish and coursing pattern would lead it to blend in closely with the existing building. It is further proposed to incorporate a shadow strip below the proposed extension to differentiate it from the brickwork below, providing it is suitably finished this is considered to be acceptable.

4.5 The proposed extension forms phase 2 of the transformation project to convert the City Central Library in to York Explore by re-locating the City Archives to the site and presenting them in an attractive and easily usable form which will help secure the long term future of the building. It is felt that the proposal would secure the significant contribution of the building to the Conservation Area and that the

contribution of the proposed extension would be broadly positive. The terms of Policy HE3 of the Draft Local Plan and the NPPF have therefore been complied with.

IMPACT UPON THE SETTING OF NEARBY GRADE I AND II* LISTED BUILDINGS

4.6 Policy HE2 of the York Development Control Local Plan sets a firm policy presumption that within or adjoining Conservation Areas and in locations which affect the setting of Listed Buildings or Scheduled Monuments development proposals must respect adjacent buildings, landmarks and settings and have regard to local scale, proportion, detail and materials. Central Government Planning Policy outlined in paragraph 132 of the NPPF urges Local Planning Authority's to give significant weight to the conservation of Heritage Assets including the setting of Listed Buildings and where any harm would be materially significant planning permission should be refused. To the north east of the Central Library lies the Kings Manor a Grade I Listed Building dating from the mid 16th Century with earlier origins. The proposed extension would create a clear visual relationship with the south east gable elevation of the Kings Manor which comprises an early brick form with stone detailing. The proposed extension would in terms of its broad scale, massing and proportion respect the setting of the nearby Listed Building to the north east and not cause material harm.

4.7 The relationship of the extension with the Grade II* buildings at 2-9 St Leonards Place is considered to be acceptable as it faces on to the much altered and extended service elevations.

4.8 The terms of Policy HE2 of the Draft Local Plan and the NPPF have therefore been complied with.

IMPACT UPON THE SETTING OF THE CITY WALLS A SCHEDULED ANCIENT MONUMENT

4.9 The proposed extension lies in close proximity to the City Walls, a Scheduled Ancient Monument directly to the north and north east and the proposal involves ground works to facilitate access to the rear. The relationship of the rear of the extension to the monument which is constructed in stone and which dates to the 13th Century with earlier Roman elements, would be very close especially in respect of the proposed escape stair. Whilst the proposed palette of materials would be both sharp and contemporary the existing pattern of scale and massing would be maintained and the existing vistas of the walls from the surrounding area would not be interrupted. The existing east/west corridor through which the history and development of the walls directly to the north of the site can be understood would be maintained and as a consequence it is not felt that the proposal would materially harm the setting of the Ancient Monument.

5.0 CONCLUSION

5.1 The Central Library, Museum Street comprises a substantial two storey brick and Portland stone constructed Neo Georgian Building Listed as an example of the work of local Arts and Crafts architect W H Brierley. Planning permission and a parallel Listed Building Consent is sought in respect of the erection of a first floor extension as a second phase of the refurbishment of the Library to accommodate the City Archives. A contemporary metaphor incorporating a metallic cladding but reflecting the existing pattern of scale and massing has been chosen to reflect the proposed use and function of the extension. Whilst notably different from the existing design and palette of materials the proposed extension would add a distinctive contribution to the character and appearance of the Conservation Area whilst at the same time securing the role and function of the existing library building. The proposal is therefore felt to be appropriate in planning terms and approval is therefore recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

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

Drawing Refs:- YO001 4007 P1, YO001 0003 P1, YO001 3004 P1, YO001 3002 P1, YO001 3001 P1, and YO001 2002 P1.

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

3 VISQ8 Samples of exterior materials to be app -

4 VISQ7 Sample panel ext materials to be approve -

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

i) The roof level fall arrest system,

ii) The external works to facilitate disabled access to the rear entrance.

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

Application Reference Number: 12/02685/FUL

Item No: 4i

6 Notwithstanding the application details hereby approved full details of the external lighting and cctv cameras to be installed shall be submitted to and approved in writing by the Local Planning Authority before work on site commences including size, design and location of fittings. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason:-To safeguard the character and appearance of the Conservation Area and to secure compliance with Policies HE2 and HE3 of the York Development Control Local Plan.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the character and appearance of the Historic Core Conservation Area, impact upon the setting of nearby Grade I and II* Listed Buildings and impact upon the setting of the City Walls, a Scheduled Ancient Monument. As such the proposal complies with Policies HE2, HE3 and HE4 of the City of York Development Control Local Plan.

Contact details:

Author: Erik Matthews Development Management Officer

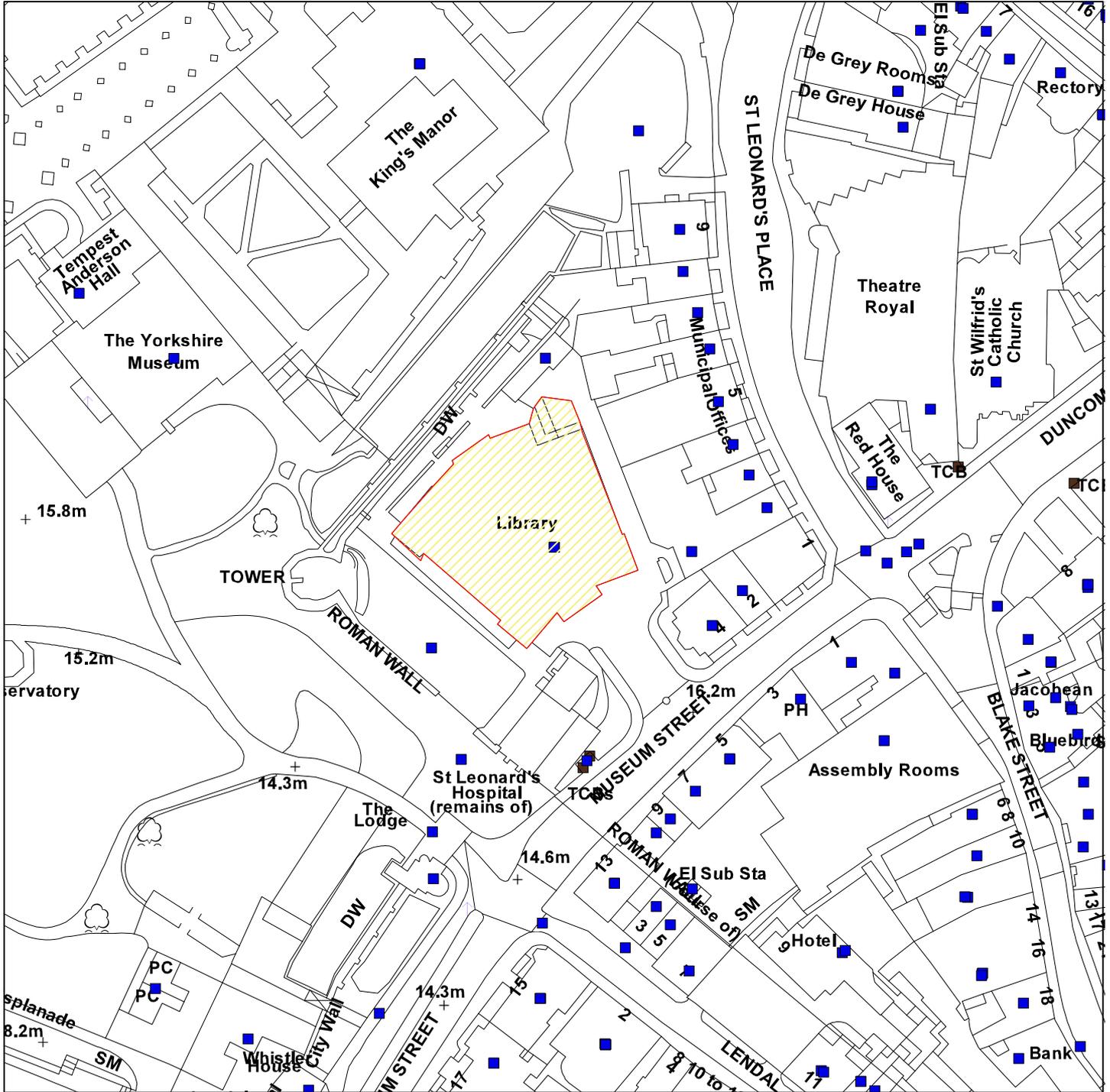
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12/02685/FUL

Central Library, Museum Street



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	05 November 2012
SLA Number	Not Set

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COMMITTEE REPORT

Date: 15 November 2012 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
 Commercial Team

Reference: 12/02686/LBC
Application at: Central Library Museum Street York YO1 7DS
For: Internal and external alterations including first floor extension to side/rear elevation, installation of 3 no. roof cowls and internal refurbishments to existing ground and first floors (York Explore Phase II)
By: Mr Charlie Croft
Application Type: Listed Building Consent
Target Date: 24 October 2012
Recommendation: Approve following Sec of State Decision

1.0 PROPOSAL

1.1 The Central Library comprises a two storey brick and Portland stone built Grade II Listed example of the work of local Arts and Crafts architect WH Brierley. It also occupies a prominent location within the Historic Core Conservation Area with the City Centre directly adjacent to the south and east and the City Walls, a Scheduled Ancient Monument to the north and west. Listed Building Consent is presently sought for the erection of a first floor extension with associated internal alterations to facilitate the relocation of the City Archives forming phase 2 of the refurbishment of the building to form York Explore. The proposed extension adopts a Modern Contemporary architectural metaphor and a parallel planning application for the work (ref:-12/02685/FUL) has been submitted and is also for Member's consideration on this agenda.

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; Library Library Square York YO1 2DS
0631

2.2 Policies:

CYHE2 Development in historic locations
CYHE4 Listed Buildings

3.0 CONSULTATIONS

INTERNAL:-

3.1 Design, Conservation and Sustainable Development raise no objection to the proposal subject to further consideration of the proposed flashing material, the proposed treatment of the ventilation system in the interior, the internal relationship of the extension to the existing building, the treatment of the existing parquet flooring, the proposed roof level fall arrest system , the proposed lighting and cctv and the treatment of the rear access to facilitate disabled usage.

EXTERNAL:-

3.2 Guildhall Planning Panel object to the proposal on the grounds that the palette of materials and design of the proposed extension would cause significant material harm to the character and integrity of the Listed Building.

3.3 English Heritage raise no objection in principle to the proposal.

3.4 One letter of objection to the proposal has been received expressing concern in respect of the proposed treatment of the internal foyer and oculus which rather than being empty and uncluttered as originally intended would be busy and over developed.

4.0 APPRAISAL

KEY CONSIDERATIONS

4.1 Impact upon the historic character and integrity of the Listed Building.

STATUS OF THE DRAFT LOCAL PLAN

4.2 The City of York Development Control Local Plan was approved for Development Control purposes in April 2005; its policies remain material considerations in terms of determining applications although it is considered that their weight is limited except where in accordance with Central Government Planning Policy outlined in the National Planning Policy Framework

THE CHARACTER OF THE LIBRARY BUILDING

4.3 The Central Library was purpose built as a library in the 1920s with a significant extension in 1938 by the local Arts and Crafts architect WH Brierley and his chief draughtsman John Rutherford. It is a good example of early 20th Century Neo-Georgian Civic Architecture executed in brick with Portland stone detailing with a timber panelled and marble and parquet floored interior, which sits on its own site in a visually prominent location to the north of the City Centre and as such it has been Listed at Grade II as being of particular architectural and historical interest. It has remained in its original use since its construction and the current proposal forms part of a wider programme of refurbishment in order to secure the character and on-going economic viability of the building into the foreseeable future. Central Government planning policy in respect of Listed Building Control outlined in paragraph 131 of the NPPF stresses the importance of safeguarding the economic viability and community significance of important "heritage assets" like the library.

IMPACT UPON THE HISTORIC CHARACTER AND INTEGRITY OF THE LISTED BUILDING

4.4 Policy HE4 of the York Development Control Local Plan sets out a firm policy presumption that Listed Building Consent will only be forthcoming in terms of development involving internal or external alterations where there would be no adverse impact upon the character, appearance or setting of the building. Central Government Planning Guidance in respect of Listed Building Control as outlined in paragraphs 132 and 134 of the NPPF urges Local Planning Authorities to give significant weight to the need to secure the conservation of a Listed Building's significance in assessing the merits of a given development proposal. Any particular harm should be weighed very carefully against the public benefits of the proposal including securing the optimum use of the building which as a first principle should be the use for which it was designed where-ever feasible.

PROPOSED EXTERNAL WORKS

4.5 Two areas of external work are proposed in respect of the development. These comprise a substantial first floor extension in a Modern metaphor to house the City Archives and to provide an ancillary public access area, together with a series of ancillary works which comprise the erection of a roof level fall arrest system, the provision of external ventilation cowls, the erection of cctv cameras and the alteration of an existing ground floor disabled access to facilitate disabled usage.

THE FIRST FLOOR EXTENSION

4.6 The proposal envisages the erection of a first floor extension in order to house the City Archives in a humidity and temperature controlled environment whilst at the same time providing an suitable area where they may be made ready for public

access. The proposed storage extension would be constructed in a copper coloured metal cladding panel which would be coursed so as to resemble the pattern of stone work with a lighter flashing panel beneath to give a transition to the brick work of the existing building below. Whilst giving a sharply contrasting idiom to the existing building the proposed extension would match the pattern of scale and massing of the existing and the proposed palette of materials would closely blend in with the existing brick work below. Furthermore the principal elements of the character of the building within the public realm are the southern elevations to Library Square and the western elevation to the Museum Gardens and the proposed extension would not materially impact upon either.

4.7 The proposed "plug in" or preparation area extension would be constructed in a lighter contrasting cladding panel which in a rear facing location would not materially harm the character of the building. Once again the pattern of scale and massing of the existing structure would be maintained. An escape stair giving access to both elements of the proposal is also proposed, this would be sculptural in form and would give a positive enhancement to an existing under-used and architecturally plain rear elevation.

OTHER EXTERNAL WORKS

4.8 As part of the proposal it is envisaged to create a series of ventilation ducts with associated roof top cowls to give the upper floor of the building a degree of natural ventilation and to build on the existing arrangements. The principal impact would be a series of cowls on the roof top. Any impact would however be modest in view of the nature of the existing roof form and the local topography and they are felt to be acceptable. At the same time a fall arrest system is proposed for the roof top area. This is envisaged to be of a wire and hook design which would have a minimal impact upon the external character of the building and is therefore felt to be acceptable.

4.9 Alterations to the external access to the rear are envisaged to lower an existing step and re-align the existing landscaping to facilitate mobility impaired and wheel chair access. The proposed works are felt to be modest in impact and therefore acceptable. At the same time it is proposed to erect a series of CCTV cameras around the exterior to help deal with an existing issue of anti-social behaviour. These would again be modest in scale and located so as to minimise any impact upon the exterior of the building and are therefore felt to be acceptable.

INTERNAL WORKS

4.10 Two significant areas of internal work are proposed. The provision of a display and "invitation area" associated with the link to the new extensions and focussed on the lobby surrounding the first floor oculus and also the provision of a family history study area incorporating a timber mezzanine within the existing stack area to the

rear of the main first floor reading room. As the contribution of the stack area to the character of the Listed Building is extremely modest the proposed details are felt to be unexceptionable with any harm particularly minimal. The principal reading room itself would be refurbished with the existing fixed furniture largely retained and the parquet flooring restored. Further restoration of the parquet flooring at the ground floor which has become damaged by damp is also envisaged. The detail of this should be reserved by condition as part of any consent in view of its significance for the wider character of the building.

4.11 The principal area of internal works that give some cause for concern is the proposed treatment of the oculus or glazed light well within the front entrance to the building. This forms a central piece of Brierley's overall design concept for the building replicating in miniature the approach to the Georgian Country House. This is characterised by the polished marble flooring, wide open stair case with central oculus and glazed cupola above, all uncluttered in terms of internal paraphernalia. This character has been largely retained in respect of the ground floor area, however the upper level has become cluttered by a series of display cabinets, computers and leaflet racks. It is envisaged that this would be rationalised into a single display area showcasing a particular aspect of the archives on a rotational basis. It is also envisaged that a series of i-pods would be erected around the edge of the oculus to enable users to gain an introduction to the materials held within the archives electronically. Broadly speaking the level of clutter within the upper level of the oculus would be reduced and the character of the building thereby safeguarded however, concern has been expressed in respect of the location of IT equipment around its edge and the potential for disruption of views from below and more fundamentally the introduction of a further source of clutter which would erode the character of the building. The scheme has been amended to address this issue and the proposed IT equipment would be drawn away from the edge. The detail of the internal works are therefore considered to be acceptable.

5.0 CONCLUSION

5.1 The Central Library comprises a substantial two storey brick and Portland stone structure of early 20th Century date. It is listed as an example of the work of local Arts and Crafts architect WH Brierley and it occupies a significant location directly north of the City Centre within the Historic Core Conservation Area. Listed Building Consent and a parallel planning permission are presently sought in respect of a first floor extension executed in a Modern architectural metaphor together with a series of internal alterations to facilitate the re-location of the City Archives as part of a wider refurbishment and updating of the Library building. Whilst executed in a Modern contemporary metaphor the proposed extension would have only modest impact upon the character and integrity of the Listed Building and would not materially harm its significance. The ancillary external alterations are modest in scope and would not harm the significance of the building either individually or in combination. In terms of the proposed internal works overall impact upon the

significance of the building is felt to be modest with the revisions to the area surrounding the oculus felt to address the previously highlighted concerns. Overall it is felt that the proposals would secure the long term community significance and economic viability of the building in the use for which it was designed in accordance with Central Government Planning Policy on Listed Building Control outlined in the NPPF as well as policies HE2 and HE4 of the York Development Control Local Plan. Approval is therefore recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve following Sec of State Decision

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

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

Drawing Refs:- YO001 4013 P1, YO01 S327-1SEL PDS, YO001 4011, YO001 4004 P2, YO001 1207, YO001 1209 P2, YO001 5011 P1, YO001 5012 P1, YO001 5013 P1, YO001 4012 P1, YO001 4007 P2, YO001 5010 P2, YO001 D1 CCTV INFO, and YO0014007 P2. Date Stamped 2nd November 2012. YO001 4007 P1, YO001 0003 P1, YO001 3004 P1, YO001 3002 P1, YO001 3001 P1, YO001 5001 P1, YO001 5002 P1, YO001 5004 P1, YO001 5007 P1, YO001 5008 P1, YO001 8005 P1, YO001 5009 P1, YO001 5010 P1 and YO001 2002 P1.

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

3 VISQ8 Samples of exterior materials to be app -

4 VISQ7 Sample panel ext materials to be approv -

5 Notwithstanding the application details hereby approved full details of the proposed method of cleaning of the granolithic panel tiles shall be submitted to and approved in writing by the Local Planning Authority prior to work on site commencing. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

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

6 Prior to the commencement of the development hereby authorised full details of the method to be used to remove the paint finish to the joinery mouldings shall be submitted to and approved in writing by the Local Planning Authority.

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The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

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

7 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) The roof level fall arrest system;

ii) The external works required to facilitate disabled access to the rear entrance.

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

8 Notwithstanding the application details hereby approved full details of the proposed lighting and cctv cameras including number, design and location shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

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

9 Prior to the commencement of the development hereby authorised full details of the proposed works to the timber parquet flooring on the ground and first floors of the Library shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

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

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the historic character and integrity of the Listed Building .As such the proposal complies with Policies HE 2 and HE 4 of the City of York Development Control Local Plan.

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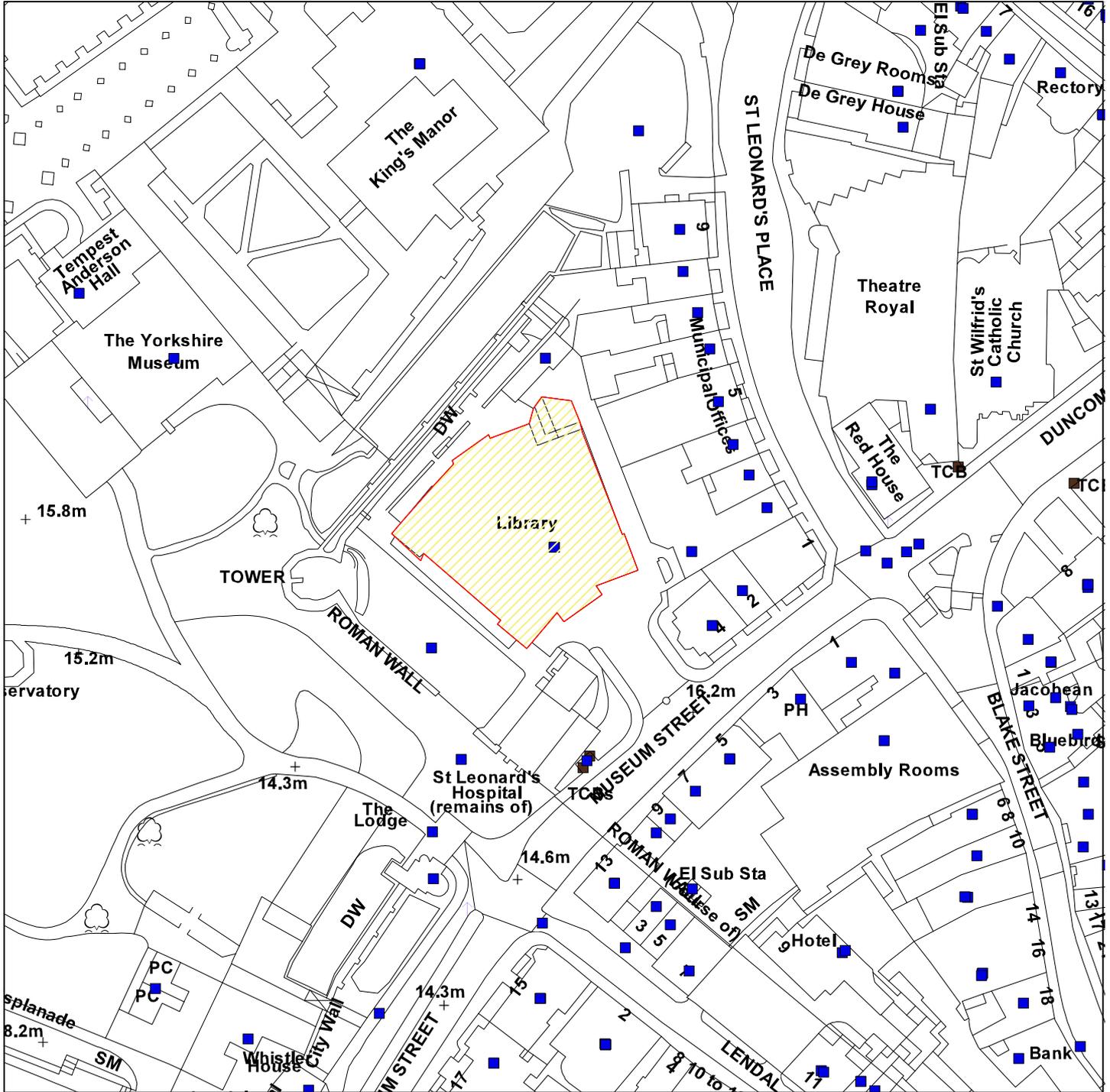
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Central Library, Museum Street



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