



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, 14 February 2013
- Time:** 3.00 pm
- Venue:** The Guildhall, York

AGENDA

Site visits for this meeting will commence at 11.00 am on Wednesday 13 February 2013 meeting at Oliver House.

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 - 38)

To approve and sign the minutes of the meetings of the West & City Centre Area Planning Sub-Committee held on 5 December 2012 and 10 January 2013.

3. Public Participation

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by 5pm the working day before the meeting, in this case **5pm on Wednesday 13 February 2013**. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the Committee.

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

4. Plans List

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

- a) **Oliver House, Bishophill Junior, York, YO1 6ES (12/03598/FULM)** (Pages 39 - 46)

Change of use from elderly peoples home (Use Class C2) to offices and workspace and erection of single storey front and rear extensions. [*Micklegate Ward*] [**Site Visit**]

- b) **57 Woodlea Avenue, York, YO26 5JX (12/03627/FUL)** (Pages 47 - 52)

Erection of porch to front [*Acomb Ward*]

- c) **Army and Navy Stores, 54 - 56 Fossgate, York, YO1 9TF (12/02985/FUL)** (Pages 53 - 66)

Change of use from shop (Use Class A1) to mixed use comprising retail, restaurant/cafe and drinking establishment. [*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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- 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 13 February 2013

No mini-bus for these visits, Members meet at Oliver House at 11.00

TIME (Approx)	SITE	ITEM
11.00	Oliver House, Bishophill Junior	4a
12:00	Army and Navy Stores, 54 - 56 Fossgate	4c

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City of York Council

Committee Minutes

MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	5 DECEMBER 2012
PRESENT	COUNCILLORS WATSON (CHAIR), FUNNELL, GALVIN, GILLIES (VICE-CHAIR), JEFFRIES, LOOKER, ORRELL, REID AND SEMLYEN

34. INSPECTION OF SITES

The following sites were inspected before the meeting.

Site	Attended by	Reason for Visit
11 Poplar Street	Councillors Galvin, Gillies, Semlyen and Watson.	As objections had been received and the officer recommendation was to approve.
Il Paradiso Del Cibo, 40 Walmgate	Councillors Galvin, Gillies, Semlyen and Watson.	As objections had been received and the officer recommendation was to approve.
1 Church Street	Councillors Galvin, Gillies, Semlyen and Watson.	At the request of Councillor Watson.
3 Little Stonegate	Councillors Galvin, Gillies, Semlyen and Watson.	As objections had been received and the officer recommendation was to approve.

35. DECLARATIONS OF INTEREST

At this point in the meeting, Members were asked to declare any personal, prejudicial or disclosable pecuniary interests they might have in the business on the agenda. No interests were declared.

36. 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.

37. 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.

37a Clement House, 6 Bishopgate Street, York, YO23 1JH (12/03359/LBC)

Members considered an application for listed building consent from Mr and Mrs Lambley for a single storey extension.

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 upon the special historic nature of the dwelling. As such the proposal complies with Policy HE4 of the City of York Development Control Local Plan and National Planning Policy Framework paras 132 and 134

37b Acomb Branch Library, Front Street, York, YO24 3BZ (12/03240/FUL)

Members considered a full application from the Yorkshire Ambulance Service for the variation of condition 1 of permitted application 10/01187/FUL to extend the temporary permission

for siting of a portakabin for use as an ambulance stand-by point for a further 5 years.

Officers advised the committee that the Ambulance Service reports that the portakabin serves its purpose well and at present there is no suitable location for a permanent stand-by point. Furthermore it allows flexibility due to uncertainties about how call-outs will operate in the future because this arrangement does not tie them to one site. Officers confirmed that there had been no problems with ambulances exiting the site, which had been a concern when Members approved the temporary permission two years previously. Members confirmed that residents of the ward were happy for the stand-by point to remain in its current position.

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 building and the adjacent conservation area. As such, the proposal complies with Policy GP23 of the City of York Development Control Local Plan (2005).

37c 1 Church Street, York, YO1 8BA (12/02166/FUL)

Members considered a full application from Mr Holder for the change of use from retail (use class A1) to mixed retail/cafe use (retrospective).

Representations were received from Chris Holder, the applicant. He advised the committee that he had been in catering for 25 years and that his wish had always been to open a delicatessen in his home town of York. He explained that he had been looking for suitable premises for 18 months but had been gazumped many times by national chains. He stated that he was passionate about catering and would employ local people in his business.

Members considered whether it was necessary to condition the times the business could operate. Officers explained that they did not consider this necessary due to its locality and type of use and members accepted this advice.

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 vitality and viability of the city centre and the impact on the character and appearance of the conservation area. As such the proposal complies with the provisions of the National Planning Policy Framework and Policies S3, S6 and HE3 of the City of York Development Control Local Plan.

37d 11 Poplar Street, York, YO26 4SF (12/03192/FUL)

Members considered a full application from Mr Jim Hargreaves for the erection of a two storey detached dwelling to the side.

Officers provided an update on the application. They advised that four objections had been received, including two from local residents and two on behalf of Poppleton Road Memorial Hall. These raised concerns that existing parking problems in the area would increase, there would be a loss of off-street parking, an increased demand for on-street parking and access for large vehicles would be more difficult.

One of the residents also raised concerns about the loss of sunlight/daylight and the overlooking of adjacent houses and gardens. In addition, Cllr Alexander had objected on behalf of a local resident.

With regard to access and parking, officers advised that the site is occupied by a single domestic garage with a substandard driveway that is too short to accommodate a parked car. The vehicle crossover would be removed as a result of the development and the adjacent footway/kerb made good. Therefore there would be no net change in the amount of car

parking available. The only issue would be the increase in the demand for parking due to the creation of the extra, modest (2-bedroom) house. The surrounding area is not subject to any residents parking scheme. The adjacent highway is protected by existing restrictions in key locations to ensure that vehicle flow and visibility are maintained. Network Management consider that the car parking associated with the proposed and existing properties can be accommodated on-street without detrimental impact.

Officers advised that Network Management have asked that standard condition HWAY17 (removal of redundant crossing) be included if planning permission is to be granted and confirmed that they supported this request.

Officers stated that the committee of Poppleton Road Memorial Hall have asked Network Management to consider introducing parking restrictions on Poplar Street, adjacent to the hall, due to the impact and nature of the traffic generated by the hall's activities. The proposed restrictions do not appear to relate to this planning application as the development would not affect the existing arrangements currently in place in this area. They advised that if the hall committee would like to pursue this request they should write to Network Management and ask for Poplar Street to be included in their review of parking restrictions in the area.

With regard to neighbour amenity, officers advised that sunlight and daylight were covered in the report. All of the proposed windows face front and rear so would not overlook adjacent houses. The only part of the house that could cause overlooking is the side wall of bedroom 2. It is unlikely that the applicant would insert a window in this elevation. Nevertheless, condition 5 in the report would prevent such a risk by removing permitted development rights for external alterations.

Representations were received from Mr David Nunns on behalf of Poppleton Road Memorial Hall in objection to the application due to the loss of parking and likelihood of additional parking. He stated that over the last 20 years he had seen an increase in the number of cars in Poplar Street and Oak Street and parking on Poplar Street had become more difficult. Although many local residents walk or cycle to work, their vehicles are left on the street during the day and delivery lorries have problems accessing the street. He stated that money has been spent

upgrading the memorial hall and that the hall uses on street parking to supplement its parking needs but that they have lost some weekly bookings due to problems with parking. He expressed the view that the application would be detrimental to the amenity of the hall and what will be left of 11 Poplar Street.

Members noted that the plot was small but agreed that York needed more small starter homes. They acknowledged that parking was at a premium in this area and this development would provide the need for one further parking space but that this needed to be balanced against the need for extra homes. They did not consider that this application would have an undue effect on the memorial hall.

RESOLVED: That the application be approved subject to a Section 106 Agreement, subject to the conditions listed in the report and the additional condition below.

Additional Condition

The development shall not commence until the existing vehicular crossing not shown as being retained on the approved plans has been removed by reinstating the kerb and footway to match adjacent levels.

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

REASON: The proposal, subject to the conditions listed in the report and the additional condition above, and the Section 106 agreement, would not cause undue harm to interests of acknowledged importance, with particular reference to housing provision, visual appearance, flood risk, neighbour amenity, sustainability, cycle storage and provision of open space. As such the proposal complies with the National Planning Framework and policies GP1, GP4a, GP10, GP15a, H4a, T4 and L1c of the City of York Local Plan.

37e Borders, 3 Little Stonegate, York (12/02521/FUL)

Members considered a full application from ARC Inspirations LLP for the change of use from retail (Use Class A1) to Bar/Restaurant (Use Class A4/A3).

Representations were received from Karen Waugh, the owner of Kennedy's Bar in objection to the application. She expressed concerns about the loss of retail sites from the city centre. She stated that with regard to the number of bars, the Quarter was already at saturation point with 14 bars, some of which were already seriously under trading and questioned the need for another bar, which she said would also lead to an increase in noise and litter pollution in the area. She raised concern that the plans did not include details of the extraction system which was a vital part of the application.

Representations were received from Richard Lockey, the Architect, in support of the application. He explained that the unit had been empty since 2010 when Borders closed and in 2011 the unit was split from the retail unit on Davygate. It had been continually marketed with little interest. He stated that the proposals would create a cafe/bar serving quality food and would create around 75 jobs. He explained that the company had other bars including one in Harrogate and this development would follow the same design as the others. He advised the Committee that he had liaised with officers regarding the design and if approved, the funding was in place and the development would move forward in the New Year. He confirmed that the unit had never been used as a stand alone retail unit.

With regard to change of use,. Members acknowledged that the principle of change of use had been accepted when the Committee had given permission for a youth cafe on this site. They expressed the opinion that there was little chance that it could ever be used for retail and considered this was a suitable and imaginative use of the building. They noted that there were other examples in the city where former churches had been converted into cafes/bars and this proposal would allow a derelict site back into use.

Members accepted that there were already a number of bars in the area and concerns over the effect on residential amenity and they noted the closing times of nearby premises. With regard to residential amenity, officers drew Members attention

to conditions 4 (restrictions on emptying of bottles into bins), 5 (use of noise limitation devices to control music) and 6 (controls to noise output from plants) to control noise from the premises.

Councillor Gillies moved and Councillor Galvin seconded a motion to approve the application subject to the conditions recommended by officers.

Councillor Watson moved, and Councillor Jeffries seconded, an amendment to approve the application but with a closing time of midnight to protect the amenity of local residents. On being put to the vote, the amendment was lost.

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 vitality of the city centre, the impact on the listed building, the character and appearance of the conservation area and the amenity of surrounding occupants. As such the proposal complies with Policies HE3, HE4 and S6 of the City of York Development Control Local Plan.

37f Borders, 3 Little Stonegate York (12/02879/LBC)

Members considered an application for listed building consent from ARC Inspirations LLP for internal alterations including the reconfiguration of the staircase at the left end and stair up to mezzanine level, enlargement of existing openings into the main space, installation of partition walls and bar (at gallery level) and removal of raised floors.

Officers advised that comments had been received from English Heritage who did not object to the bar above the original panelled gallery front provided this has no affect on the timber panelled gallery and that the bar is reversible ie it can be removed. English Heritage have asked that a condition is applied to require removal of the bar in future if the premises are not longer used as a bar/restaurant. The justification for the bar is that it is necessary to make the proposed use viable. Officers

suggested that a condition could be added, which would require removal of the bar if the bar/restaurant use were to cease. Officers confirmed that English Heritage did not object to the staircases but asked for the C18 ballustrade to be re-used where possible on the “escape stair”.

Officers recommended condition 3 (large scale details of bar) be amended to include construction details to ensure that the insertion can occur without damaging/affecting the original timber panelled gallery.

Add large scale details –

- Proposed staircase from the gallery floor to the upper gallery to include handrail, balusters and string
- Any secondary glazing

Officers recommended that new conditions be added to cover the future removal of bar and the protection of panelling around gallery level.

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

Amended Condition 3

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

a) New bar at first floor level shown in context, which shall demonstrate the insertion can take place without damaging/affecting the original panelled gallery. Details to include the relationship between the bar and the glazed screen and balustrade at first floor level, connection points for the glazed wall display and soffit details.

b) Staircase from the gallery to the upper floor gallery (mezzanine level) - to include a vertical cross section through which includes the handrail, balusters and string.

c) Any secondary glazing proposed. To include indicative cross sections at a scale of 1:10.

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

Additional Condition

The gallery level bar insertion shall be fully removed and areas made good at the time at which the use hereby approved ceases.

Reason: As the bar causes less than substantial harm to the significance of the heritage asset and it will be designed as a reversible feature. As such when it becomes redundant its removal is desirable, to restore the architectural and historic importance of the listed building.

Additional Condition

Protection of panelling around gallery level: A written schedule of protection measures for the timber panelling around the gallery during construction shall be submitted and approved by the Local Planning Authority prior to commencement of construction and the works shall be carried out in accordance with the approved schedule. The timber panelling shall remain as existing, not painted/coated in any way.

Reason: To protect the special architectural and historic interest of the building.

REASON: The proposal, subject to the conditions listed in the report and the amended and additional conditions above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the listed building. As such the proposal complies with Policy HE4 of the City of York Development Control Local Plan.

**37g II Paradiso Del Cibo, 40 Walmgate, York, YO1 9TJ
(12/03296/FUL)**

Members considered a full application by II Paradiso Del Cibo for the use of the highway for tables and chairs to serve II Paradiso Del Cibo and the installation of French doors and a canopy to the side.

Officers advised the committee that a further representation had been received on behalf of the directors, owners and residents of the block of flats known as 1-6 Dixons Yard expressing their objections and raising the following points:

- Officers did not support seating area at time of pre-application enquiry in May 2012.
- Incorrect information from applicants regarding installation of French door
- Impact of noise on residents of flats – impact on ability to let flats and affect sale values
- Overdevelopment – number of customers are too great for size of premises
- Refuse – close proximity of refuse area to seating area represents a health hazard. Bins are regularly overflowing.
- Bins have now been moved and positioned on the pavement restricting movement on footpath.
- Seating on Walmgate – area to front of property had been used as a pavement cafe for years, which is not safe. Tables have recently been removed.
- Fire Safety – means of escape are currently compromised, as is disabled access
- Licence for sale of alcohol does not extend to outside of restaurant leading to breach of licence by serving alcohol in front of premises.
- Consumption of alcohol in the street - nuisance from local drunks

Members acknowledged the problems regarding refuse but were advised that as this was not conditioned in the original change of use application, it could not be considered as part of this application.

Representations were received from Mr Barnes, the agent in support of the application. He explained that the outside seating area, comprising two tables, was enclosed by barriers with a canopy over in the colours of the Italian flag. The purpose of this

area was for people to be able to sit and have a drink while they were waiting for a table to become available inside the restaurant. He stated that its impact on residential amenity was controlled by specified hours of operation with the outside area to be vacated by 9.45pm Mon to Sat and by 7.45pm on Sundays and no music to be played outside. He assured Members that the proposals would have no adverse impact on residential amenity. He confirmed that three bins, which were adequate for the needs of the restaurant, were now parked by the wall.

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, 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 conservation area, highway safety and residential amenity. As such, the proposal complies with Policies S6, S7, HE3, T2a, GP1 and GP18 of the City of York Development Control Local Plan (2005); and national planning guidance contained in the National Planning Policy Framework.

37h 2 - 16 Piccadilly, York (12/03155/FULM)

Members considered a major full application (13 weeks) from Mr and Mrs A Graham for the change of use of existing ground floor retail units (use class A1) to flexible A1,A2, A3 or A4 use, change of use of former White Swan Hotel (use class C1) to residential (use class C3) to form 14 apartments, at first, second and third floor level, external extensions to the rear and side, at first and second floor level and associated works.

Representations were received from Harry Spawton, the agent in support of the application. He advised the committee that the application followed significant pre application discussions with officers and local residents. No objections had been received and they had the support from York Civic Trust. He confirmed that the proposed uses accorded with the local development

plan and national policy guidelines and it would allow a building which had lay vacant for 20 years to be brought back into use.

Members expressed their full support for the proposals. They raised the issue of bats with the Countryside Officer who was present at the meeting. He confirmed that a bat survey had been carried out which indicated a small potential roost on the site but advised that the works would not affect the roost or the entrance to it. Planning officers drew Members attention to condition 20 but confirmed that there was no need for a protected species licence.

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 conservation area, the vitality and viability of the city centre, amenity, species protected by law and highway safety. As such the proposal complies with Policies GP1, GP12, GP16, HE3, H4a, NE6, S3a, S6, L1c and ED4 of the City of York Development Control Local Plan.

38. APPEALS PERFORMANCE AND DECISION SUMMARIES

Members received a report which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1st April to 31 October 2012 and provided a summary of the salient points from appeals determined in that period.

RESOLVED: That the content of the report be noted.

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

Councillor B Watson, Chair
[The meeting started at 3.00 pm and finished at 4.30 pm].

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MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	10 JANUARY 2013
PRESENT	COUNCILLORS WATSON (CHAIR), FUNNELL, GALVIN, GILLIES (VICE-CHAIR), JEFFRIES, LOOKER, ORRELL AND SEMLYEN
APOLOGIES	COUNCILLOR REID

39. INSPECTION OF SITES

The following sites were inspected before the meeting.

Site	Attended by	Reason for Visit
Manor Farm Intake Lane Acaster Malbis	Councillors Galvin, Gillies and Watson	As objections had been received and the officer recommendation was to approve.
296 Bishopthorpe Road	Councillors Galvin, Gillies and Watson	As objections had been received and the officer recommendation was to approve.
Sunnydene, Moorlea Avenue	Councillors Galvin, Gillies and Watson	As objections had been received and the officer recommendation was to approve.
Car Parking Area, Holgate Road	Councillors Galvin, Gillies and Watson	As objections had been received and the officer recommendation was to approve.
15 Dewsbury Terrace	Councillors Galvin, Gillies and Watson	At the request of Cllr Brian Watson.
Foundation Housing, Bowes Morrell House, 111 Walmgate	Councillors Galvin, Gillies and Watson	At the request of Cllr Brian Watson

2A Lendal	Councillors Galvin, Gillies and Watson	As objections had been received and the officer recommendation was to approve.
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40. DECLARATIONS OF INTEREST

At this point in the meeting, Members were asked to declare any personal, prejudicial or disclosable pecuniary interests they might have in the business on the agenda. No interests were declared.

41. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That the Members of the Press and Public be excluded from the meeting during the consideration of the 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 Paragraph 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

42. MINUTES

RESOLVED: That the minutes of the meeting of the West and City Centre Area Planning Sub-Committee held on 15 November 2012 be approved and signed by the Chair as a correct record.

43. PUBLIC PARTICIPATION

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

44. 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.

44a Sunnydene, Moorlea Avenue, York, YO24 2PA (12/03373/FUL)

Members considered a full application from Mr Mike Moore for the erection of a dwelling (resubmission).

Officers circulated a photograph which had been taken at the site visit which showed the site under water.

Representations were received from Mrs Somerville, a neighbour, in objection to the application. She raised the following issues:

- flooding is a major issue with the site – there is little information in the application on how surface water drainage would be dealt with.
- the site just needs tidying up rather than building on.
- the proposed fence on the driveway would be unsightly and offensive to look at from her living room – it would also affect light to this room.
- the new house would be visible and overbearing when viewed from her property

Members agreed that surface water drainage was an issue and that without further information regarding this, the application should not be approved.

RESOLVED: That the application be refused.

REASON: Insufficient information has been submitted with the proposal to firmly establish that the site can be safely and securely drained without causing material harm in the form of increased flood risk for neighbouring properties taking account of the significant and demonstrable surface water drainage problems at the site, contrary both to the terms of Policy GP15a) of

the York Development Control Local Plan and Central Government Planning Policy in respect of Planning and Flood Risk outlined in the National Planning Policy Framework paragraph 103.

44b Car Parking Area, Holgate Road, York (12/03132/FUL)

Members considered a full application from Experian Developments Ltd for the erection of a 3 storey block of 6 no. apartments.

Officers advised that Micklegate Planning Panel had responded to the consultation and had no objections to the application. However a further four objections had been received from numbers 82 and 86 The Mount and 34 and 69 Holgate Road which raised the following concerns:

- Amenity
 - Amendments made to the scheme do not address concerns over the size of the proposed building and its impact on neighbours. The building would be over-bearing and it would lead to over-shadowing and loss of light. (The building would be 3-storey & within 14m of 82 & 86 The Mount).
 - The offices at 86 accommodate a forensic speech and acoustics laboratory. Work involves the detailed analysis of recorded sound and conversation for criminal investigation and judicial purposes. A major part of this entails careful listening in a quiet acoustic laboratory environment. The noise generated during the development of the site would cause substantial disruption to the business.
- Design - Note comments of the conservation officer that the front elevation would be 'uninspiring'. This is worsened by increasing the width of the vehicle access.
- Highway safety
 - No parking for future residents or visitors is unacceptable. The majority of households generally require some parking provision and it is unrealistic to expect a development to operate without space for residents, visitors or servicing.

- Visibility at access inadequate (*Officers note that the visibility at the entrance will be no worse than it is at the moment.*)
- Servicing
 - Servicing vehicles would be unable to access the site (waste collection for example). Those that can are likely to either block the access of leave vehicles being unable to leave the site in a forward gear.

(Officers note that the strategy for waste collection will be the same as the majority of Holgate, and the additional development in the opinion of the Local Planning Authority would not have a material impact on highway safety.)

- Air quality – The site is within the air quality management area – the development would worsen the air quality for existing residents, by adding to the enclosed nature of the street. It is suggested that air quality has worsened in this particular area due to the re-location of the traffic lights. It is added in the same objection letter that it would be naive to have a car free residential development in this location.

Representations were received from Councillor Gunnell, Ward Member for Micklegate Ward, who had called in the application for determination by committee due to concerns over the scale of the proposed development and the impact on the amenity of surrounding occupants. She explained that she had visited the site and had been in dialogue with residents regarding the proposals. She expressed concerns regarding the planning process and with the developer and made the following points.

- Lack of consideration has been given to the listed buildings at the back of the site.
- Original proposals were not sympathetic to area – these are still not sympathetic
- Site location – plans shows incorrect footprint
- Development introduces a degree of overlooking
- Mature trees have been removed without consent – these provided screening – residents have requested trees are replanted along the boundary wall.
- Issues with the drains

Representations were received from Peter French, a joint owner of business premises at 86 The Mount, a two storey building backing onto the site, and owner of the leasehold of four of the parking spaces. He raised the following concerns:

- Privacy and Overshadowing – the bulk and height of the building would lead to problems of overlooking to our windows and loss of light to the back of our building and yard.
- Inadequate parking – it is imperative that adequate provision is made for parking of vehicles belonging to residents of proposed flats. The provision of zero spaces per resident is unrealistic.
- Visibility splay at entrance is in contravention with council policy.

Representations were received from Clive Burns, a local resident of Holgate. He raised concerns regarding parking as follows:

- Availability of parking - it is naive to expect that the owners of the new flats will not have cars and visitors to the flats may have cars too. It is already a constant battle for local residents to find spaces to park their own cars in the residents parking zones. There is no more space.
- Safety - as the car park is hidden behind the arch, visitors will only realise that there is no room to park their car once they have driven in. As there is no room to turn around they would have to reverse back out through the arch onto a busy road.

Representations were received from John Howlett, a planning consultant acting on behalf of the applicant. He made the following comments:

- the development is car free - this fits in with the site's location in the city centre with amenities close at hand – car free developments are not unusual in York.
- site is located in a conservation area.
- Re impact of the property on the amenity of local occupiers – rear garden is defined by a 2m wall – considers this relationship to be acceptable.

In response to a question by the Chair, Mr Howlett agreed that it would be possible to erect a sign outside the archway to advise people there was no parking available.

Officers confirmed that there was sufficient space to turn a car round in the parking area if anyone turned into it so there was no reason why they couldn't enter and leave forwards.

Members accepted that accommodation of this type was needed in the city and acknowledged the need to encourage people not to use vehicles but that this had to be balanced against changes to the street scene. One Member stated she was uncomfortable about building more one bed flats as this failed to address the strategic housing needs assessment.

RESOLVED: That the application be approved subject to a Section 106 agreement, the conditions listed in the report and the addition of an informative asking the applicants to erect a sign at the entrance to the arch to inform people that no parking is available for the flats.

REASON: The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on heritage assets, residential amenity and highway safety. As such the proposal complies with Policies HE2, HE3, HE10, GP1 and H4a of the City of York Development Control Local Plan.

44c Plot 15, Great North Way, Nether Poppleton, York (12/02991/REMM)

Members considered a reserved matters application from Mr Garry Barker for approval of access, appearance, landscaping, layout and scale of development of light industrial/storage and distribution units (B1, B2 and B8 Use Class) following previous approval of outline application 06/00518/FUL on 23.10.2006.

Officers advised that revised plans had been submitted which showed alterations to the landscaping scheme. Subsequent comments have been received from the CYC Landscape Officer, the CYC Ecology Officer, and National Grid stating they have no objections to the scheme. As such, the wording of Condition 1 had been revised to take account of the revised plans and an additional condition covering landscaping would need to be added.

The applicant, Mr Gary Barker, was present at the meeting and had agreed to answer any questions members had but none were put forward.

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

Amended Condition 1

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

- Drawing Number: Proposed Site Plan PP03B received 2 January 2013
- Drawing Number: Landscaping Plan PP07B received 2 January 2013
- Drawing Number: Elevations Units 1-6 PP05 received 10 October 2012
- Drawing Number: Units 7-8 PP06A received 17 December 2012;

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

Additional Condition

The approved landscaping scheme (Drawing Number Landscaping Plan PP07B received 2 January) 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: 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 and additional condition above, would not cause undue harm to interests of acknowledged importance, with particular reference to siting, access, appearance, landscaping, layout, and scale. As such the proposal complies with Policies GP1, T4, GP9 of the City of York Development Control Local Plan; and national planning guidance set out in the National Planning Policy Framework.

44d Foundation Housing Bowes, Morrell House, 111 Walmgate, York, YO1 9UA (12/03635/LBC)

Members considered an application for Listed Building Consent from Ms Eileen Ronan for internal alterations including replacement of partition walls to ground floor, infill existing opening to rear and installation of serving hatch on first floor.

Officers advised that English Heritage had confirmed that they had no objections to the proposals. A response had also been received from the Guildhall Planning Panel who had raised concerns about the “misleading nature of the application” and expressed the view that it was an inappropriate use of the historic building.

Members acknowledged that they had found it beneficial to visit the site and noted that no structural work was to be carried out. They agreed that it would be an acceptable use of the building which would allow the building to remain in use.

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 amenity, special architectural and historic interest of the Grade II* listed building. As such, the proposal complies with Policy HE4 of the City of York Development Control Local Plan (2005) and national planning guidance contained in the National Planning Policy Framework (2012).

44e 15 Dewsbury Terrace, York, YO1 6HA (12/03313/FUL)
Members considered a full application from Mr Robert Wyke for a single storey side extension following the demolition of an existing car port.

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 appearance of the listed building, conservation area, and residential amenity. As such the proposal complies with Policies GP1, H7, HE3 and HE4 of the City of York Development Control Local Plan and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

44f 15 Dewsbury Terrace, York, YO1 6HA (12/03314/LBC)
Members considered an application for Listed Building Consent from Mr Robert Wyke for internal and external alterations including a single storey side extension.

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 interest of the listed building. As such the proposal complies with Policies GP1 and HE4 of the City of York Development Control Local Plan and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

44g Lendal Cafe, 2A Lendal, York, YO1 8AA (12/02802/FUL)
Members considered a full application from Mr Kaya and Mr Broome for a change of use of York Antique Centre (Class A1) to restaurant (Use Class A3) with installation of three condenser units at the rear.

With regard to the extraction system, Officers advised that comments had been received from the Environmental Protection Unit in relation to an internal attenuation system with an air intake and output via louvred openings in existing windows on the side elevation facing the side passageway between the Graduate and Zizi's. This revised system would replace the originally proposed external extraction flue on the side elevation parallel to the existing flue for Zizi's.

Officers confirmed that the Environmental Protection Unit would support the high level flue in preference to the revised internal system for amenity, efficiency and cost reasons. There is a door to a residential annex of the Graduate Pub opposite the louvres; the alleyway is quite enclosed which will also result in the kitchen air inlet recycling the exhaust air. The high level flue type of extract system is promoted by EPU, if installed correctly it effectively resolves potential cooking odour issues by venting accelerated exhaust gases into the atmosphere to dissipate naturally. This also has a cost benefit in most cases to the applicant as these systems are much cheaper to install and have a much lower running/maintenance cost.

Officers explained that the installation of a second high level flue would increase the level of visual intrusion on the listed building, particularly when viewed from Wellington Row on the opposite bank of the river, from the riverside promenade, and from the conservation area.

Members were asked to consider the impact of both methods of extraction and if all other matters of consideration were acceptable with the change of use application, they were asked to delegate authority to officers to approve the planning application subject to resolving the extraction system in line with Members' views.

Representations were received from Raymond Barnes, the agent in support of the application. He made the following points:

- The property had been on the market since it was vacated by the Antique Centre two years previously- The only interest has come from food and drink users - retailers have not shown interest due to the lack of a shop window - believe this is an acceptable use of the building.
- Applicant prefers high level extraction option

- The flue will not be particularly visible from Wellington Row – you would have to look very hard to see it.

Members acknowledged that the building would struggle to function as retail and were happy to support the change of use. They discussed the extraction flue and expressed the opinion that the higher flue would work better and be better for health and the environment. They did not believe this would be unduly obtrusive from the opposite bank of the river.

RESOLVED: That delegated authority be given to officers to approve the application subject to resolving the extraction system in line with Members' views and subject to the conditions listed in the report.

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

44h Lendal Cafe, 2A Lendal, York, YO1 8AA (12/02803/LBC)
Members considered an application for Listed Building Consent from Mr Kaya and Mr Broome for internal alterations including part removal of an internal wall, insertion of a new partition wall and a new ceiling over the dining area and external alterations including an internally illuminated sign over the door on the front elevation, two internally illuminated menu boxes; alterations to two side windows to include louvers; and three condensers at the rear.

RESOLVED: That delegated authority be given to officers to approve the application subject to resolving the extraction system in line with Members'

views and subject to the conditions listed in the report.

REASON: The proposals, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the special interests of the Listed Building. As such, the proposals comply with Policies HE4 and HE8 of the City of York Development Control Local Plan (2005) and national planning guidance contained in the National Planning Policy Framework (2012).

44i 296 Bishopthorpe Road, York, YO23 1LG (12/03131/FUL)
Members considered a full application from Yorbuild@JRK Properties Ltd for the erection of two four storey dwellings with garages following the demolition of an existing workshop.

Officers advised Members that Councillor Merrett had called in the application for consideration by the committee in view of the forward location of the building relative to other buildings on the same side of the road and its consequent prominence relative to the Terry's factory listed buildings and conservation area opposite.

Representations were received from Melissa Madge, representing the Ashcroft Residents Company, on behalf of local residents, in objection to the application.

- Application site is in a prominent position at gateway to the city – the area is characterised by its feeling of openness with existing buildings set back from the road.
- Removal and replacement of building is accepted as necessary but proposed building is too large and too close to the highway. It will detract from the listed buildings and the conservation area.
- Proposed design is not right – the roof style is not found anywhere nearby and therefore conflicts with the local roofscape.
- Proposals are for a large proportion of the rear of the building to be glazed – this faces onto the protected copper beech tree – this will restrict the amount of light received by the window and is likely to result in pressure to remove the tree

- Proposals will affect the amenity of Ash House – height of proposed building will throw the house into shadow. The proposed building would be overbearing

Representations were received from David Robinson, the architect, on behalf of the applicant. He circulated a photograph showing the site from above and made the following points:

- Density of site – two units on a brownfield site is appropriate.
- The design is of good quality – the applicant is mindful of adjacent residents.
- A full tree survey has been undertaken.
- Acknowledge comments made re light – a comparative daylight and sunlight study has been undertaken by a specialist company based on existing and proposed building – result shows very little difference in its effect on Ash House. The significant factor is the beech tree – this impacts more on the light to Ash House than anything else.

Members acknowledged that the building had been brought forward of the building line of the adjacent development in order to protect the beech tree which is subject to a tree preservation order. They noted that further down Bishopthorpe Road the building line was closer to the road.

Members accepted that the developers have done as much as possible with the design to mitigate residents concerns. They agreed that the proposals would provide two family homes and enhance the area.

RESOLVED: That the application be approved subject to the conditions listed in the report and a Section 106 Agreement.

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 impact upon the visual amenity of the wider street scene, impact upon the residential amenity of the neighbouring property, impact upon the neighbouring protected tree and potential site contamination. As such the proposal complies with Policies HE2, H4a), L1c), NE1 and GP1of

the City of York Development Control Local Plan.

- 44j Manor Farm, Intake Lane, Acaster Malbis (12/03436/FUL)**
Members considered a full application from Mr & Mrs Roger Raimes for a Change of Use of three agricultural buildings to light industrial (Class B1c) and installation of portable office building (retrospective) and (Proposed) Change of Use of one agricultural building to light industrial, and installation of second portable office building.

Officers advised that Environmental Protection Unit had responded with detailed comments in relation to the proposal. These indicated that during day light hours the level of noise arising from activities at the site arising from maintenance, loading and unloading activity falls below the general level of background noise and that harm to amenity or a form of nuisance would not therefore occur. However, during the late evening, night time and early morning period the level of background noise drops significantly and a problem of loss of amenity and the potential for a nuisance therefore arises. It is therefore recommended that a condition be appended to any approval to regulate the operating hours of the site. This is dealt with by draft amended Condition 2.

Officers also advised that they had received a further letter from the applicant raising concern in respect of the proposed restrictions on hours of operation and in particular the proposed restriction on Bank Holiday and Sunday working, and at the same time raising concerns in respect of a number of responses that have been received. Officers explained that these restrictions were necessary in order to safeguard the residential amenity of neighbouring properties and an amended version of the recommended condition that would restrict activities other than vehicle movements to or from the site was outlined below.

Officers advised that a further letter of representation has also been received from a neighbouring resident but that this did not raise any further issues over and above those already covered in the committee report.

Officers advised that condition 2 should be amended as follows:

“No items associated with the use hereby authorised shall be loaded or unloaded, sorted, repaired, washed or otherwise

maintained within the application site, outside of the hours of 08:00 to 20:00 Monday to Saturday. No such operation shall be undertaken within the application site on Sundays or Bank Holidays.

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

Representations were received from Julian Cripps on behalf of local residents living to the east side of Acaster Malbis who face Manor Farm and the site, in objection to the application. He raised the following concerns

- Large number of vehicles (trailers and support vehicles) accessing the site and high number of staff proposed to work on the site.
- Company has not provided information on hours of work.
- There is nothing to guarantee the amenity of residents
- Condition 2 is unclear and could be interpreted in different ways.

The Planning Officer re-read amended condition 2 for the benefit of the speaker.

Representations were also received from Richard Monaghan, Managing Director and owner of Papakata, in support of the application. He explained that he had lived in Acaster Malbis for the last three years, with his wife's family having lived in the village for 20 years. He made the following comments:

- Papakata has always had same hours of operation for Warehouse 10 with no complaints
- 95 percent of villagers have not objected – objections come as a surprise as we have been very open about plans and consulted with residents, holding a drop in meeting at the village hall.
- No work would take place between 10pm and 7am.
- Requested that vehicle movements were not restricted – 7am start is necessary to be able to leave early to avoid traffic build up on motorway.
- Suggested making conditions specific to Papakata so as to allay villagers fears about what may happen if use of the site changes in future.
- Site is convenient for us due to its location – we want to stay there.

In response to a question, he explained that the company was planning to invest £70,000 in 2013 to duplicate its fleet of trailers in order that one set of trailers can be loaded during the day ready to leave the following morning to avoid the need to reload late at night when trailers return to site as bad weather/road conditions often delays return.

Councillor Semlyen moved, and Councillor Looker seconded, a motion to approve the application subject to the conditions listed in the report but with the hours specified by officers in amended condition 2 being changed to 07:00 to 20:00 and to allow work on Sundays and Bank Holidays.

Councillor Galvin moved, and Councillor Orrell seconded, an amendment to approve the application subject to the conditions listed in the report but with the hours specified by officers in amended condition 2 being changed as follows:

- Monday to Friday – 08:00 to 20:00
- Saturday 08:00 to 18:00
- No work to be undertaken on Sundays or bank holidays
- Permission to be temporary for a period of 12 months.

Councillor Gillies asked Councillor Galvin to consider changing his amendment to allow the applicants to start work at 7am but he declined due to concerns over the amenity of local residents.

On being put to the vote, the amendment proposed by Councillor Galvin, and seconded by Councillor Orrell, was carried.

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

Amended Condition 1

This use shall cease by 14 January 2014 unless prior to that date a further planning permission has been obtained to extend the period of the permission.

Reason: So that the Local Planning Authority may assess the impact of this use upon the residential amenity of neighbouring properties.

Amended Condition 2

No items, associated with the use hereby authorised shall be loaded or unloaded, sorted, repaired, washed or otherwise maintained within the application site, outside of the hours of 08.00 to 20.00 Monday to Friday and 08.00 to 18.00 on Saturdays. No such operation shall be undertaken within the application site on Sundays or Bank Holidays.

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

REASON: The proposal, subject to the conditions listed in the report and the amended conditions above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the open character and purposes of designation of the Green Belt, impact upon the residential amenity of neighbouring properties, the sustainability of the use from the application site and impact upon the safety and convenience of highway users on the adjoining network. As such the proposal complies with Policy YH9 and Y1C of The Yorkshire and Humber Plan, policies GB1, GB3 and GP1 of the City of York Development Control Local Plan and Government policy contained within paragraphs 79 - 92 of the National Planning Policy Framework.

45. ENFORCEMENT CASES UPDATE

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

One Member raised concerns that the enforcement cases update report is often considered at the end of a long agenda. They discussed alternative possible ways of receiving updates on enforcement orders which would allow them to devote more time to them.

- RESOLVED:
- (i) That the report be noted.
 - (ii) That the Chair liaise with officers regarding possible alternative ways of presenting the information to members in future.

REASON: To update Members on the number of outstanding Enforcement cases within the Sub-Committee area.

Councillor B Watson, Chair
[The meeting started at 3.00 pm and finished at 5.40 pm].

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COMMITTEE REPORT

Date: 14 February 2013 **Ward:** Micklegate
Team: Major and **Parish:** Micklegate Planning
Commercial Team Panel

Reference: 12/03598/FULM
Application at: Oliver House Bishophill Junior York YO1 6ES
For: Change of use from elderly peoples home (Use Class C2) to offices and workspace and erection of single storey front and rear extensions
By: Ms Angela Portz
Application Type: Major Full Application (13 weeks)
Target Date: 12 March 2013
Recommendation: Approve

1.0 PROPOSAL

1.1 Oliver House comprises a substantial three storey buff brick constructed building circa 1970 occupying a visually prominent site within the Historic Core Conservation Area to the south west of the City Centre and directly to the east of the City Walls, a Scheduled Ancient Monument. The building was constructed as an Elderly Persons Home but it has recently become surplus to operational requirements and has since closed. Planning permission is sought for the change of use of the property from an Elderly Person's Home Use Class C2 to a mix of offices and workspace for the York Council for Voluntary Organisations together with two single storey extensions to the north and to the south east elevations to provide a formal reception area and to provide a cafe with associated kitchen.

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:

CYHE3 Conservation Areas
CYHE2 Development in historic locations
CYC3 Change of use of community facilities
CYE4 Employment devt on unallocated land

3.0 CONSULTATIONS

INTERNAL:-

3.1 Environmental Protection Unit raise no objection to the proposal.

3.2 Design, Conservation and Sustainable Development were consulted with respect to the proposal on 14th December 2012. Any comments will be reported verbally.

EXTERNAL:-

3.3 Micklegate Planning Panel were consulted with regard to the proposal on 14th December 2012. Any comments will be reported verbally.

3.4 Safer York Partnership raise no objection to the proposal.

3.5 One letter of representation has been received from a neighbouring property in respect of the proposal. The following is a summary of its contents:-

- i) Broad support for the proposed change of use;
- ii) Objection to the proposed external material for the reception area extension to the north elevation of the building;
- iii) Objection to the proposed relocation of the reception area on highway safety grounds;
- iv) Objection to the relocation of a section of car parking to the principal site frontage.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- Impact upon the character and appearance of the Historic Core Conservation Area
- Loss of a Community Facility
- Highway issues

STATUS OF THE DRAFT LOCAL PLAN

4.2 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations in arriving at Development Management decisions although it is considered that their weight is limited except where in accordance with the National Planning Policy Framework.

IMPACT UPON THE CHARACTER AND APPEARANCE OF THE HISTORIC CORE CONSERVATION AREA

4.3 Policy HE3 of the York Development Control Local Plan sets a firm policy presumption that within Conservation Areas development proposals that would involve external alterations together with changes of use will only be permitted where there would be no adverse impact upon the character or appearance of the area. Central Government Planning Policy in respect of Planning and the Historic Environment set out in paragraphs 131 and 132 of the NPPF indicates that in determining planning applications that impact upon designated Heritage Assets such as Conservation Areas, Local Planning Authority's should give particular weight to the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

4.4 The current proposal envisages the change of use and modest ground floor extension of a disused Elderly Person's Home of utilitarian appearance. The Historic Core Conservation Area Appraisal identifies the building and its neighbour to the east as not making a positive contribution to the character and appearance of the Conservation Area and identifies the need for public realm improvements in the direct vicinity in order to secure the visual amenity of the wider area. The proposed development envisages dealing with its impact upon character by painting the ground floor in an off-white colour to contrast with the buff brick above whilst at the same time the two single storey ground floor extensions would be constructed in a polycarbonate cladding material. Both elements would reduce the impact of the development on the Conservation Area by relieving its often plain, monotonous external appearance.

4.5 The principal northern elevation of the property is furthermore viewed in the context of the early 19th Century terraced housing and Listed former Presbyterian Chapel lining Priory Street with the City Walls, a Scheduled Ancient Monument to the east. The overwhelming mass and bulk of the building together with its idiosyncratic use of coarse buff brick draws the eye of the viewer away from the more high quality townscape around. The introduction of a series of measures including the partial re-fenestration of the north and south principal elevations, the painting of the ground floor and the construction of single storey extension to both front and rear elevations would effectively mitigate the existing impact upon the setting of adjacent Listed Buildings and the City Walls. The terms of Policy HE3 of the York Development Control Local Plan would therefore be complied with.

LOSS OF A COMMUNITY FACILITY

4.6 Policy C3 of the York Development Control Local Plan sets a firm policy presumption that planning permission will only be granted for the change of use of social, health or care homes where the proposal is of a scale and design appropriate

to the character and appearance of the locality, it can be demonstrated that the existing buildings are surplus to the existing or future needs of the local community and it can be demonstrated that alternative acceptable sites for the existing use can be provided. The existing building was constructed in the early 1970s as an Elderly Person's Home. Following a review of services for older persons in 2011 a greater emphasis has been placed upon assisted living independently with smaller more up-to-date facilities where this would not prove viable and the application site became surplus to requirements. The design and location of the building has made it unsuitable for another similar community home use. The proposed development relates directly to the existing service provided by the Local Council for Voluntary Organisations at the Priory Street Centre a short distance away. It would incorporate a range of office suites, meeting rooms and a cafe within the rear ground floor extension for use by local charities and community groups and would link closely to other voluntary sector activities in the area. The terms of Policy C3 of the Draft Local Plan would therefore be complied with.

HIGHWAY ISSUES

4.7 Concern has been raised in respect of the location of the proposed parking and reception areas in relation to the flow of traffic on the adjacent highway. However, traffic flow on the adjacent highway is extremely modest and the narrowness and configuration of the road network surrounding the property is such that vehicles may not easily travel at speed. It is felt therefore that the proposal would not have a material impact upon the safe and free flow of traffic in the locality. The Conservation Area Appraisal seeks improvements to the public realm in the vicinity of the principal northern elevation of the building. This can effectively be secured by a condition on any permission seeking the submission and approval of a detailed hard and soft landscaping scheme together with samples of floorscaping materials.

5.0 CONCLUSION

5.1 Oliver House comprises a substantial three storey free standing structure circa 1970 occupying a prominent location within the Historic Core Conservation Area. The building was formerly in use as an Elderly Person's Home and following a review of provision for older persons within the City has been declared surplus to requirements. Planning permission is sought for the change of use of the building to provide a suite of offices with associated meeting rooms for a range of local charity and community groups. Two single storey extensions to the principal northern street elevation, to house a reception area, and to the south east to house a cafe, have been proposed. The existing building by virtue of its scale, massing and external appearance, to an extent, erodes the character and appearance of the Conservation Area. The application proposes the construction of the two extensions in a polycarbonate cladding system, the painting of the ground floor off white and the replacement of a section of the fenestration of both principal elevations in timber. It is felt that the proposals would significantly enhance the impact of the existing

building upon the character and appearance of the surrounding area as well as being acceptable in land use terms. 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:- A138_151; A138/130; A138/129; A138_150; A138/101; A138/128; A138/107; A138/105; A138/103; A138/106; A138/104; A138/102; and A138/100.
Date Stamped 23rd November 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 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles and cycles have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

4 VISQ8 Samples of exterior materials to be app -

5. 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 and shrubs and areas of hard landscaping . 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 and hard landscaping within the site to secure the character and appearance of the Conservation Area.

6. Prior to the commencement of the development hereby authorised samples of the proposed external surfacing/floorscaping materials to be used in association with the development 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 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 character and appearance of Historic Core Conservation Area and loss of a community facility. As such the proposal complies with Policies HE2, HE3, C3 and E4 of the City of York Development Control Local Plan.

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

In considering the application, The Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187), through a comprehensive and detailed pre-application discussion process, and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory subject to appropriate conditions. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

Contact details:

Author: Erik Matthews Development Management Officer

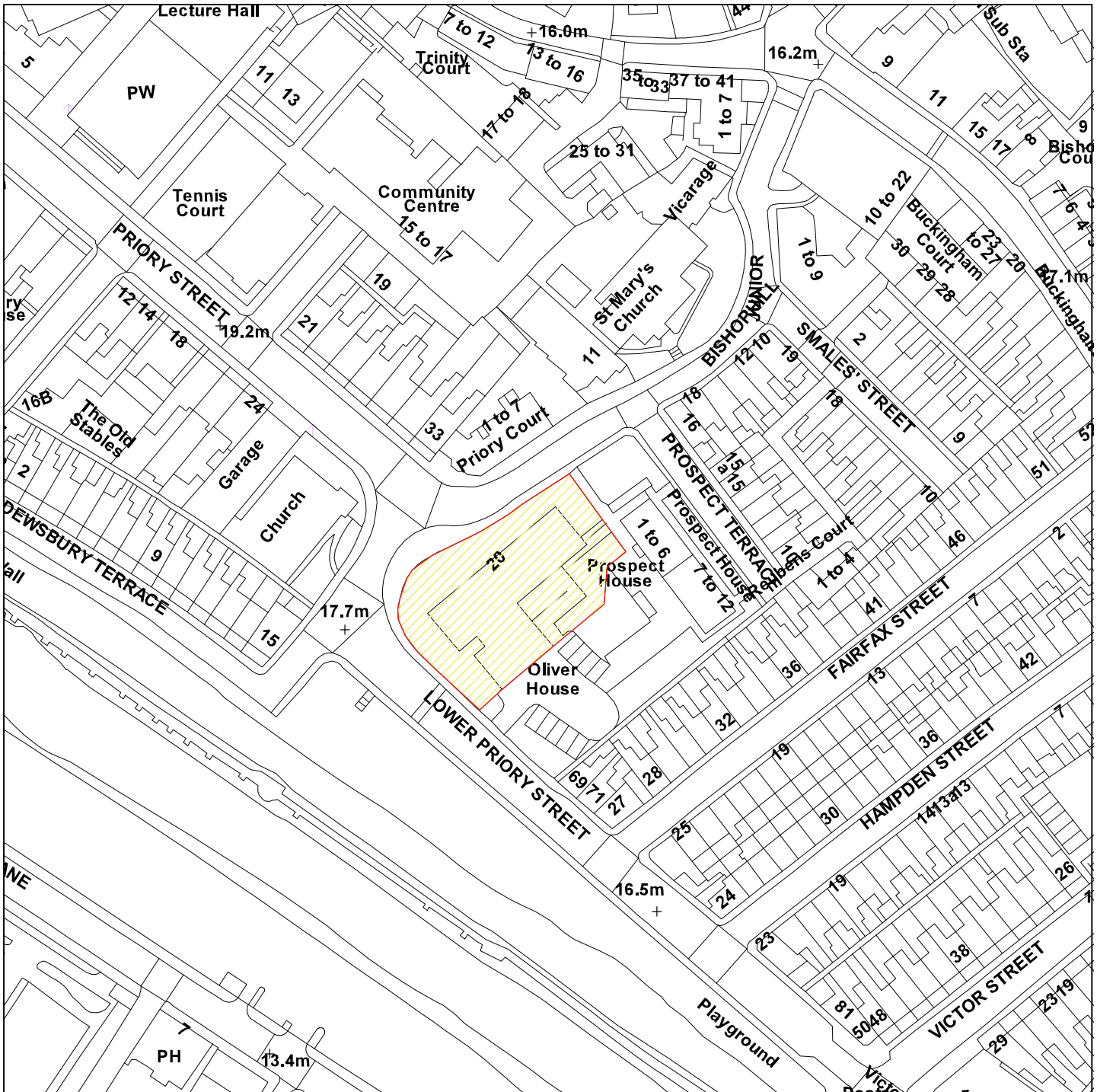
Tel No: 01904 551416

Oliver House, Bishophill Junior, YO1 6ES

12/03598/FULM



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Organisation	City of York Council
Department	City and Environmental Services
Comments	
Date	01 February 2013
SLA Number	Not Set

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COMMITTEE REPORT

Date: 14 February 2013 **Ward:** Acomb
Team: Householder and **Parish:** Acomb Planning Panel
 Small Scale Team

Reference: 12/03627/FUL
Application at: 57 Woodlea Avenue York YO26 5JX
For: Erection of porch to front
By: Mr & Mrs Chris Gunnee
Application Type: Full Application
Target Date: 6 February 2013
Recommendation: Householder Approval

1.0 PROPOSAL

1.1 Planning permission is sought for the erection of a porch on the principal elevation of this semi-detached property. The proposal would measure approx 2.9 metres in total height reducing to approx 2.7 metres at the eaves height by approx 1.8 metres in length and approx 3.0 metres in width. The application site is a semi-detached dwelling, with a single storey side extension and located within an area of similar property styles. Planning permission is required because the area of the porch when measured would exceed 3 square metres.

1.2 This application is to be determined by the West and City Centre Area Planning Sub Committee because the applicant is a council employee.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175
DC Area Teams GMS Constraints: West Area 0004

2.2 Policies:

CYGP1 Design
CYH7 Residential extensions

3.0 CONSULTATIONS

3.1 Acomb Planning Panel - no comments received.

3.2. Neighbour notification letters sent 18.12.2012 period expired on 08.01.13 - no comments received.

4.0 APPRAISAL

4.1 KEY ISSUES:

1. Impact on the existing dwelling.
2. Impact on neighbours.
3. Impact on the surrounding area

The relevant polices and guidance:

4.2 THE NATIONAL PLANNING POLICY FRAMEWORK (2012) sets out the Government's overarching planning policies. As one of 12 core planning principles, it states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17). It states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people (paragraph 56). It states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (paragraph 64).

4.3 DRAFT LOCAL PLAN POLICY CYH7 - states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality (ii) the design and scale are appropriate to the main building (iii) there is no adverse effect upon the amenities of neighbours.

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

4.5 SUPPLEMENTARY PLANNING GUIDANCE 'A Guide to Extensions and Alterations to Private Dwelling Houses' March 2001 states that a porch extension

should be of a simple design and of a size which does not dominate the front elevation. The shape and materials should reflect the character of the main building, including the style of doors and windows. A pitched roof to the porch should be used.

DESIGN & VISUAL AMENITY:

4.6 In terms of design the proposed porch would infill an area between the original ground floor window and external doorway of approximately 3.0 metres in width, incorporating a mono pitch roof, constructed of brick elevations and a tiled roof. It would extend forward of the main entrance by approximately 1.8 metres, thus making the new structure more prominent in the neighbourhood. However, it would still retain a satisfactory set back from the public highway. In terms of visual amenity the surrounding area is characterised by various styles of two storey dwellings, some with noticeable side extensions and flat roof car ports situated with marginal set backs. On this basis the proposal would accord with the general pattern of frontage development established by the surrounding properties.

NEIGHBOUR AMENITY:

4.7 The proposed porch by virtue of its position would have little or no impact on neighbour amenity.

5.0 CONCLUSION

5.1 It is considered that the proposal is acceptable in terms of size and scale and would not cause undue harm to the living conditions of nearby neighbours. Thus the proposal would comply with policies H7 (Residential Extensions) and GP1 (Design) of the Draft Local Plan.

6.0 RECOMMENDATION: Householder Approval

- 1 TIME2 Development start within three years -
- 2 PLANS1 Approved plans - Plans submitted on 11/12/12
- 3 VISQ1 Matching materials -

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL:

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

Application Reference Number: 12/03627/FUL

Item No: 4b

Page 3 of 4

with particular reference to the effect on residential amenity and the impact on the street scene. As such the proposal complies with Central Government advice contained within the National Planning Policy Framework (March 2012), policies GP1 and H7 of the City of York Development Control Local Plan and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

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

In considering the application, The Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

Contact details:

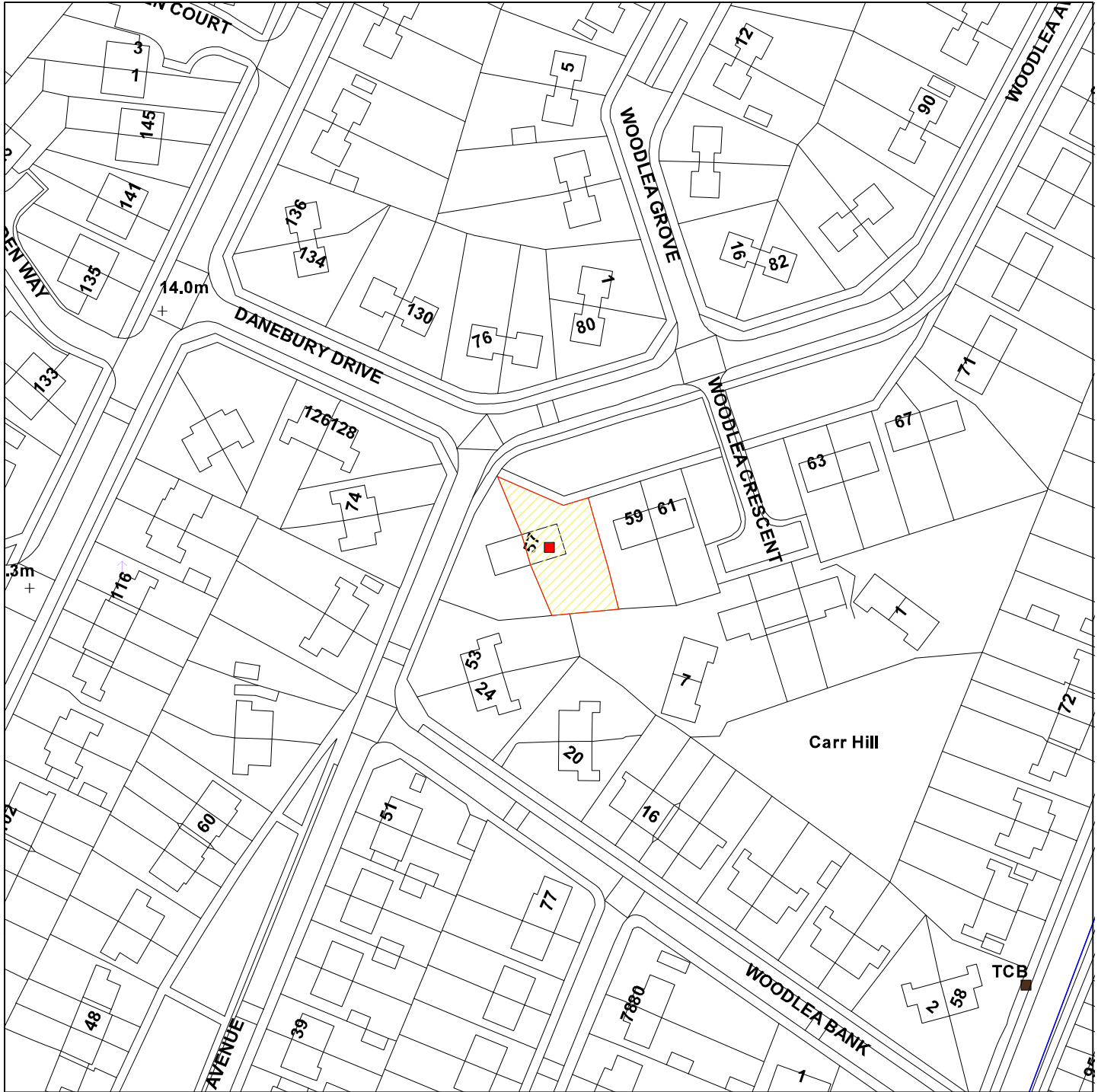
Author: Sharon Jackson Development Management Assistant
Tel No: 01904 551359

57 Woodlea Avenue, YO26 5JX

12/03627/FUL



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Department	City and Environmental Services
Comments	
Date	01 February 2013
SLA Number	Not Set

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COMMITTEE REPORT

Date: 14 February 2013 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 12/02985/FUL
Application at: Army and Navy Stores 54 - 56 Fossgate York YO1 9TF
For: Change of use from shop (Use Class A1) to mixed use comprising retail, restaurant/cafe and drinking establishment.
By: Mr And Mrs Rachel Greaves
Application Type: Full Application
Target Date: 29 October 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks planning permission for the change of use of the vacant Army and Navy Stores, Nos. 54-56 Fossgate to a mixed retail, restaurant and cafe, drinking establishment (Use Classes A1/ A3/A4). The building floorspace is 133 squ. m, and, whilst a mixed use permission is sought the applicant has indicated the following floorspaces:

- Shop - 30 squ.m
- Restaurant/cafe - 266 squ.m
- Drinking establishment - 103 squ.m

1.2 The applicant has advised that the intention is to establish a quality bar with retail and food. Initially the level of hot food/ cooking would be minimal. The applicant proposes that a commercial extraction system would not be required at this stage.

1.3 The proposed internal layout comprises:

- Basement- storage.
- Ground Floor- retail/ food/drink. The amount of floor space given over to retail would be approximately 15%. The retail area would be formed in the front section of the property, adjacent to the junction of Pavement and Fossgate. It is envisaged that the retail area would principally sell bottled beer etc. to compliment the business. Toilets and kitchen accommodated within a later addition to the rear.
- First floor - food and drink.

- Second floor - mainly be storage/ unused with the exception of the front room of No. 54 adjacent to Fossgate to be used as a staffroom.
- Attic- storage

1.4 Waste would be stored in the basement. The operational hours would be from 10:00 to 24:00 hours, Monday to Sunday. The business would result in 5 no. full-time jobs and 7 no. part time jobs. There are no details of any external or internal alterations associated with the proposals.

CONTEXT

1.5 The premises consist of three buildings that are of special architectural, historical and visual interest. The property at No.54 is a Grade II * Listed Building and Nos. 55 and 56 are listed at Grade II. The listing for Nos. 55 and 56 also include No. 30 Pavement as it was formerly a row of three houses (dating from circa 1796) which became one shop. The shopfronts at Nos. 55 and 56 Fossgate date from circa 1955. No. 54 Fossgate dates from the mid -seventeenth century, is timber framed, and its shopfront is continuous with Nos. 55 and 56 Fossgate, and the ground floor of No. 54 was refitted circa 1932. The Statutory List description for Nos. 55 and 56 states that the interior of the shop contains early twentieth century shop fittings.

1.6 The properties are situated in a prominent location at the corner of Fossgate and Pavement in Central Historic Core Conservation Area No. 1. The premises are situated on a secondary shopping street in an area of mixed retail, restaurants and public house uses on the ground floor, and residential uses adjacent at upper floor level and nearby. The neighbouring uses are Yummy Chicken (A5 use) on the ground floor fronting Pavement. There are 5 No. flats above the takeaway on its upper floors, the Blue Bell Public House(A4 use) on Fossgate with a management flat on the upper floor, the Terrace Public House on the opposite corner of Fossgate and Pavement. There are nearby upper residential properties on Fossgate and to the rear of Fossgate that have access from a lane that also leads to the rear of the application site.

1.7 The applicant is presented to the West/ Centre Planning Sub- Committee at the request of Cllr. Brian Watson because of the impact of the change of use on the building and on the locality.

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; Bluebell Inn 53 Fossgate York

Listed Buildings GMS Constraints: Grade 2; 28 Pavement York

Listed Buildings GMS Constraints: Grade 2; 54-56 Fossgate York

Listed Buildings GMS Constraints: Grade 2; 24 Pavement York

Listed Buildings GMS Constraints: Grade 2; 55 - 56 Fossgate York

2.2 Policies:

CYHE3 Conservation Areas

CYHE4 Listed Buildings

CYS6 Control of food and drink (A3) uses

CYGP1 Design

CYS5 Non-retail uses in shopping streets

CYS7 Evening entertainment including A3/D2

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development

3.1 No objections to the impact on the conservation area but further details are required to assess the impact of the change of use on the listed building.

Environmental Protection Unit

3.2 Insufficient information submitted initially. Following site visits and receipt of further information, no objections subject to conditions

EXTERNAL

Guildhall Planning Panel

3.3 Object to the further loss of retail floor space and consider York cannot afford to lose more retail space, and further restaurants and coffee houses should be discouraged. Crucial information lacking such as the number of covers.

Local Publicity

3.4 Objection received from the occupier of the next door property and owner of nearby food shop on grounds of the impact on business, and the proximity of the use harming their living conditions. Explain that their living and sleeping accommodation is immediately adjacent to the application site and they would be disturbed by the proposed 0200 and 0300 closing times (Officer note: the applicant has altered the proposed closing times to 24.00 Midnight)

4.0 APPRAISAL

4.1 Key issues:

- Impact of change of use, including loss of retail and impact on the vitality and viability of the area and the city centre
- Amenity of surrounding occupants
- Impact on heritage assets - the listed building and the Central Historic Core conservation area.

PLANNING POLICY CONTEXT

National Policy Guidance

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 Planning Policy

4.3 The Development Control Local Plan was approved for Development Control purposes in April 2005: its policies are material considerations where they reflect the National Planning Policy Framework. The relevant policies are;

4.4 Policy GP1 'Design' of the City of York Council Development Control Local Plan includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.5 Policy HE3 'Conservation Areas' states that within conservation areas, proposals for the following types of development will only be permitted where there is no adverse effect on the character and appearance of the area: demolition of a building (whether listed or not); external alterations; changes of use which are likely to generate environmental or traffic problems.

4.6 Policy HE4 'Listed Buildings' states that consent will only be granted for the following types of development where there is no adverse effect on the character, appearance or setting of the building: development in the immediate vicinity of listed buildings; demolition; internal and external alterations; change of use; erection of satellite antenna.

4.7 Policy S5 supports retail and service uses on non-primary shopping streets where they would not harm the vitality and viability of the city centre as a whole.

4.8 Policy S6 'Control of Food and Drink Uses' states that planning permission for the extension, alteration or development for food and drink uses will be granted providing: any likely impact on the amenities of the surrounding occupiers as a result of traffic, noise, smell or litter would be acceptable; the opening hours of hot food takeaways and premises where alcohol is consumed are to be restricted where this is necessary to protect the amenity of surrounding occupiers; car and cycle parking meets the standards outlined in Appendix E; acceptable external flues and means of extraction have been proposed; and security issues where consumption of alcohol is involved have been addressed.

4.9 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.

ASSESSMENT

Land Use

4.10 The premises are presently vacant and to bring the buildings back into use would be compliant with the National Planning Policy Framework which seeks to promote city centres and enhance their vitality and viability. The thrust of local plan policies also steers commercial and leisure developments to previously developed land/buildings within defined city centres. In principle, restaurants and drinking establishments on non-primary shopping streets are supported by Policies S5, S6 and S7 of the Local Plan and guidance within the NPPF which seeks to promote a vibrant local economy whilst protecting local distinctiveness, provided there is no harm to retail vitality, the living conditions of nearby residents, and public safety.

4.11 Fossgate is not a primary shopping street and is a street where the principle of non-retail uses and other commercial uses, including restaurant/cafe/drinking establishments are appropriate according to planning policy provided the impact on the vitality and the viability of the area is acceptable. The proposed mixed use would not detract from the vitality and viability of this part of the city centre. The area surrounding the application property has a mix of retail/ city centre residential/ takeaway/ public bar and restaurant uses, and it is considered that the proposed use would be reasonably compatible with the neighbouring uses if appropriately controlled to ensure that nearby residential amenity would not unduly affected. Indeed the change of use would bring a vacant retail unit back into use, adding to the vitality and viability of the area in land use terms with a vibrant city centre use in a sustainable location.

The amenity of surrounding occupants

Use

4.12 The proposed mixed use would be situated in a part of the city centre where there are higher ambient noise levels from the existing mixed uses in the area-residential, public houses, restaurants, takeaways, taxi rank. Whilst there are no significant concerns regarding the general impact of the use in the area, there are specific concerns due to the potential for loss of amenity to the local residents that occupy the adjacent buildings and the surrounding buildings area from noise. The applicant has revised the hours of operation of the business from 10:00 to 24:00, rather than the previously requested hours which finished at 02:00am, with the business operating during these hours seven days a week. Information has also been received detailing the proposed layout of the uses within the building (para. 1.3).

Noise Transference

4.13 The applicant envisages that the business would not be a nightclub or a noisy public house, and music would be kept at low level to allow customers to converse. However there are still concerns over the potential for loss of amenity or noise nuisance as a result of the proposed use, particularly the class A4 drinking establishment use. The site is directly adjacent to a number of residential flats and residential accommodation above the Blue Bell public house next door. The noise concerns principally relate to noise from music, people drinking/talking/shouting and plant/machinery noise.

4.14 The sound insulation values of the party walls with the adjacent residential properties and room layouts are unknown and the submitted noise impact analysis recommends that wall linings on these elevations are provided to reduce sound transmission to an acceptable level. The proposed specification for such walls comprised wall linings (with two layers of 12.5mm plasterboard supported on a timber or metal frame with a minimum distance of 10mm between the frame and existing wall with the void filled with quilt mineral fibre of at least 35mm thickness and a density of 10kg per cubic metre) should reduce noise from the proposed use to an acceptable level in the adjacent properties if the noise level inside the public house does not exceed 82dB(A). If the required sound attenuation measures cannot be implemented, then additional noise monitoring of the sound insulation provided by the existing party walls will be necessary, and further restrictions may be necessary, including reduction in the hours of operation. These issues could be controlled by planning conditions if Members support the application.

Plant and Machinery Noise

4.15 It is indicated that any plant and machinery would be designed to a criteria of 5dB below the background sound level. The adoption of this approach would be acceptable and would be required to be conditioned to protect against noise nuisance or loss of amenity due to plant and machinery noise.

Odours

4.16 Further information submitted by the applicant indicates that the initial low level of cooking would not require a commercial extraction unit in the first two years of trading. There is an openable window in the kitchen, and the proposed hood style fan would be adequate for the extraction from the proposed domestic size cooker. Any future changes to the types of food, numbers of covers etc served may necessitate ventilation, extraction and abatement. Any planning permission would require the final details to be agreed with the Local Planning Authority in order to ensure that adequate odour control is provided. Replacement kitchen extraction/ventilation would require a further planning permission.

4.17 On balance, it is considered that the measures that are required to prevent the living conditions of the neighbours being harmed can be achieved, and there is no conflict with Policy GP1 and S6 of the Local Plan.

Impact on Heritage Assets

4.18 Fossgate is a significant street within the city centre and is a popular route providing leisure/ residential/ retail uses. There are a number of restaurants and public houses in the immediate area that are open in the evening similar to the proposed opening hours of the business. It is considered that an additional restaurant use in the area would not result in an over-concentration of such uses which would detrimentally affect its mixed city centre character. The appearance of the conservation area would not be affected by the use as it would be physically contained within the building. As neither the appearance nor the character of the conservation area would be harmed, there would be no conflict with Policy HE3 of the Local Plan.

4.19 It is intended that a full and detailed assessment of the impact of the change of use on the Grade II and Grade II* Listed buildings will be covered in an application for Listed Building consent. However, under s.66 of the Planning (Listed Building and Conservation Areas) Act 1990 the local planning authority must have special regard to the desirability of preserving the building or any features of special architectural or historic interest in respect of alterations to enable the change of use to be implemented.

4.20 The list descriptions for the properties identifies the interiors as being significant, particularly exposed timbers, shop fittings, fireplaces and the staircase at no. 54. The main intervention at this stage to allow the change of use to be assessed would be the requirement for acoustic wall linings etc adjacent to the Bluebell Public House and flats at 26-28 Pavement; and minor alterations to the existing kitchen and toilets.

4.21 It is considered that the works required could be implemented without affecting significant historic fabric, or unduly harming the integrity of the listed building. Works could be undertaken on the upper floors without harm to significant features and the insertion of wall linings could be designed to be reversible. The works in the kitchen area would take place in a modern extension at the rear of No.54, avoiding significant intervention in the Grade II* listed building. The detail of these works could be secured by condition and a listed building consent application would also be required.

4.22 Overall the scheme would secure a viable use for a currently vacant listed building and subject to approval of details could be implemented without harm to the special interests of the listed building, thus complying with Policy HE4 of the Local Plan.

5.0 CONCLUSION

5.1 It is considered that the change of use of the building to the proposed use would secure a viable economic use for the Listed Building which is currently vacant. The historic environment would be secured by the reuse of the building; additional employment opportunities would be provided, and the range of leisure facilities for residents and tourists would be extended in a sustainable location. The mixed use could be provided without harmful environmental problems, subject to appropriate planning conditions. The loss of retail use of the premises would not significantly detract from the quality of retail provision within the city centre. It is therefore concluded that there is no conflict with policies GP1, HE3, HE4, S5, S6, of the Local Plan and national planning guidance contained in the National Planning Policy Framework.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

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

Drawing No. 014412-01, Revision A, Proposed layout plan, received on site on 30 January 2013

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

3 The use shall not commence until full particulars and details of a scheme to insulate the premises against the transmission or airborne and impact sound has been submitted to, and approved by, the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any approval given.

Reason: To protect the amenities of adjacent residents and prevent noise disturbance to nearby properties.

4 No amplified noise or music, other than soft background music, shall be played in the premises at any time. Background music is defined as music with a sound level of no greater than 60dB(A) and any such music shall be played via a sound limiter.

Reason: To protect the amenities of adjacent residents and prevent noise disturbance to nearby properties.

5 All speakers mounted on the building fabric shall incorporate anti- vibration mountings, the details of which shall be submitted to, and approved by, the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any approval given.

Reason: To protect the amenities of adjacent residents and prevent noise disturbance to nearby properties.

6 The use shall not be carried on outside the hours of 10:00 - 24:00.

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

7 Details shall be submitted to demonstrate that the noise level from plant, equipment and ducting shall be 5 dB (A) or greater below the measured background-noise level (L90) at the nearest noise-sensitive premises, these details shall be submitted to and approved in writing by the Local Planning Authority before installation. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

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

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

fumes, odour or noise. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for approval; once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained thereafter.

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

7.0 INFORMATIVES:- Notes to Applicant

1. REASON FOR APPROVAL

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

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

- Responses to the applicant following receipt of letter/emails concerning the request for additional information/ processing of the application
- Request for and receipt of a Noise Impact Analysis (Report by S and D Garritt Ltd, dated 19.11.2012)
- Receipt of survey drawings of the existing building, received 13.12.12
- Site meetings with agent and Council officials on 8 and 18 January 2013 following receipt of application
- Agreed general layout of proposed uses with the agent
- Agreed approach to sound insulation following on-site meeting with the agent

2. LISTED BUILDING CONSENT REQUIRED

For the avoidance of doubt, no works, including those required by the above conditions should be carried out without the applicant having first been granted a listed building consent. This includes works to, or removal of the shop fixtures and fittings. Should stripping out be required prior to the submission of an application for listed building consent you are advised to contact the local planning authority for advice beforehand. Unauthorised work to a listed building which affect its character as a building of special architectural or historic interest is an offence under section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. CONDITION NO.8

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

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

Contact details:

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

Tel No: 01904 552407

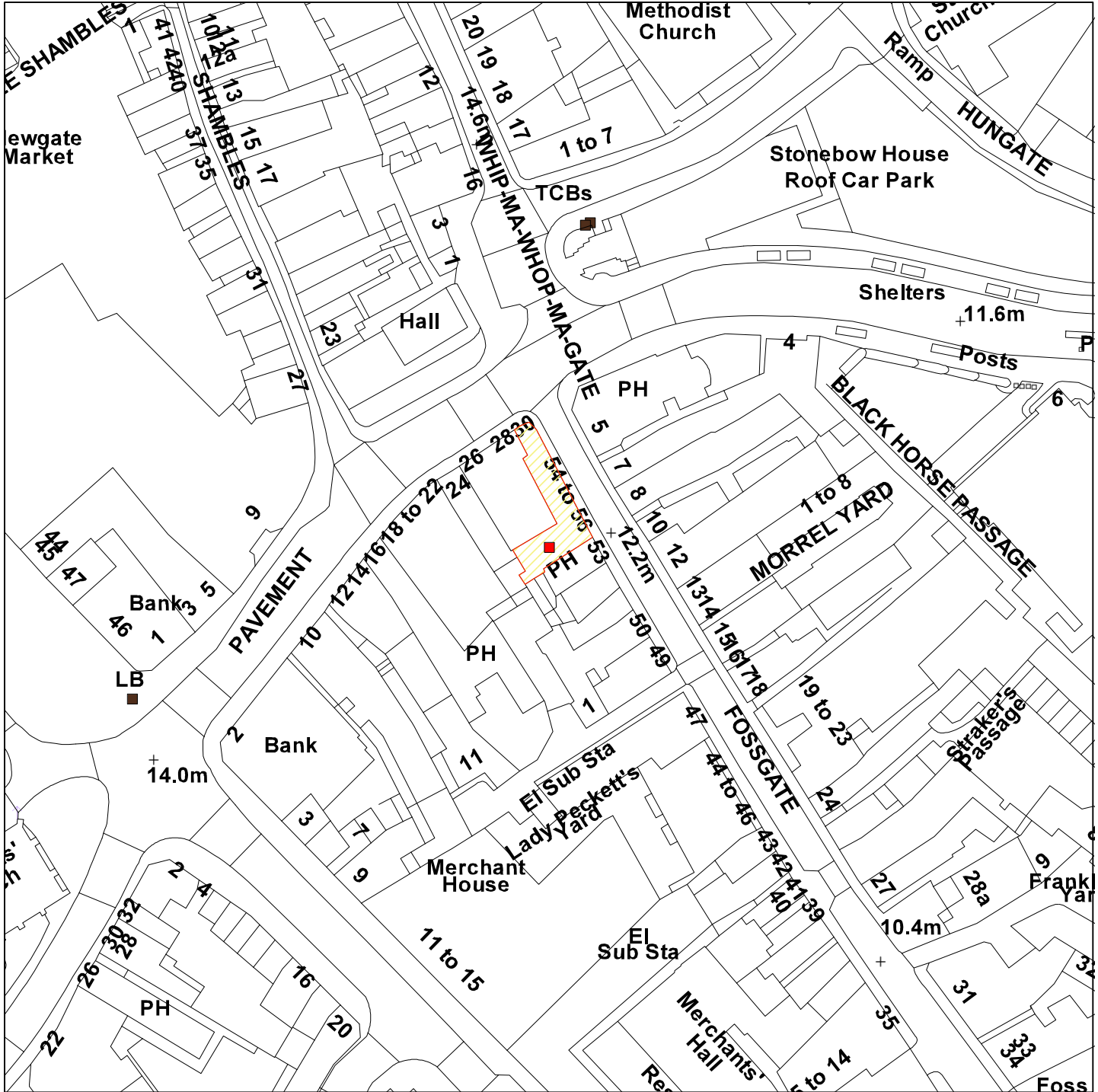
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Army and Navy Stores, 54-56 Fossgate, YO1 9TF

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Organisation	City of York Council
Department	City and Environmental Services
Comments	
Date	01 February 2013
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