



Notice of a 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, 10 January 2013

Time: 3.00 pm

Venue: The Guildhall, York

AGENDA

Site visits for this meeting will commence at **11.00 am** on **Wednesday 9 January 2013** at Memorial Gardens.

1. Declarations of Interest

At this point, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. Exclusion of Press and Public

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

3. **Minutes** (Pages 5 - 30)

To approve and sign the minutes of the meeting of the West & City Centre Area Planning Sub-Committee held on Thursday 15 November 2012.

4. **Public Participation**

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by 5pm the working day before the meeting, in this case **5pm on Wednesday 9 January 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.

5. **Plans List**

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

a) **Sunnydene, Moorlea Avenue, York, YO24 2PA (12/03373/FUL)** (Pages 31 - 38)

Erection of dwelling (resubmission). [*Dringhouses and Woodthorpe Ward*] **[Site Visit]**

b) **Car Parking Area, Holgate Road, York (12/03132/FUL)** (Pages 39 - 52)

Erection of 3 storey block of 6 no. Apartments. [*Micklegate Ward*]/**[Site Visit]**

c) **Plot 15, Great North Way, Nether Poppleton, York (12/02991/REMM)** (Pages 53 - 64)

Reserved matters application 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. [*Acomb Ward*]

- d) **Foundation Housing, Bowes Morrell House, 111 Walmgate, York, YO1 9UA (12/03635/LBC)** (Pages 65 - 72)

Internal alterations including replacement of partition walls to ground floor, infill existing opening to rear and installation of serving hatch on first floor. *[Guildhall Ward]* **[Site Visit]**

- e) **15 Dewsbury Terrace, York, YO1 6HA (12/03313/FUL)** (Pages 73 - 80)

Single storey side extension following demolition of existing car port. *[Micklegate Ward]* **[Site Visit]**

- f) **15 Dewsbury Terrace, York, YO1 6HA (12/03314/LBC)** (Pages 81 - 88)

Internal and external alterations including single storey side extension. *[Micklegate Ward]* **[Site Visit]**

- g) **Lendal Cafe, 2A Lendal, York, YO1 8AA (12/02802/FUL)** (Pages 89 - 98)

Change of use of York Antique Centre (Class A1) to restaurant (Use Class A3) with installation 3 no. condenser units at rear. *[Guildhall Ward]* **[Site Visit]**

- h) **Lendal Cafe, 2A Lendal, York, YO1 8AA (12/02803/LBC)** (Pages 99 - 106)

Internal alterations including part removal of an internal wall, insertion of new partition wall and new ceiling over dining area. External alteration including internally illuminated sign over door on front elevation, 2 no. internally illuminated menu boxes; alterations to 2 no. side windows to include louvres; and 3 no. condenser units at the rear. *[Guildhall Ward]* **[Site Visit]**

- i) **296 Bishopthorpe Road, York, YO23 1LG (12/03131/FUL)** (Pages 107 - 120)

Erection of 2no. four storey dwellings with garages following demolition of existing workshop. *[Micklegate Ward]* **[Site Visit]**

j) Manor Farm, Intake Lane, Acaster Malbis (12/03436/FUL)
(Pages 121 - 130)

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. [*Bishopthorpe Ward*] [**Site Visit**]

6. Enforcement Cases Update (Pages 131 - 266)

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

If Members have any specific queries or questions regarding enforcement cases, please e-mail or telephone Andy Blain, or Matthew Parkinson by **5pm on Wednesday 9 January 2013** if possible so that Officers can bring any necessary information to the meeting.

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

7. 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)

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- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
- find out about the rules for public speaking from the Democracy Officer.

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Further information about what's being discussed at this meeting

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

Scrutiny Committees

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

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

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WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE

SITE VISITS

Wednesday 9 January 2013

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

TIME (Approx)	SITE	ITEM
11.20	Manor Farm Intake Lane Acaster Malbis	5j)
11.50	296 Bishopthorpe Road	5i)
12.20	Sunnydene, Moorlea Avenue	5a)
13:20	Car Parking Area, Holgate Road	5b)
13.50	15 Dewsbury Terrace	5e) f)
14.10	Bowes Morrell House 111 Walmgate	5d)
14.30	2a Lendal	5g)h)

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City of York Council

Committee Minutes

MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	15 NOVEMBER 2012
PRESENT	COUNCILLORS WATSON (CHAIR), GALVIN, GILLIES (VICE-CHAIR), JEFFRIES, LOOKER, ORRELL, REID, MCILVEEN (AS A SUBSTITUTE FOR CLLR FUNNELL) AND RICHES (AS A SUBSTITUTE FOR CLLR SEMLYEN)
APOLOGIES	COUNCILLORS FUNNELL AND SEMLYEN

30. **DECLARATIONS OF INTEREST**

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

Councillor Gillies declared a personal non prejudicial interest in plans item 4a (9 Precentors Court) as he is a director of Visit York. He advised the committee that Visit York have received correspondence in respect of this application although he had not been involved in this.

31. **MINUTES**

RESOLVED: That the minutes of the last meeting of the West and City Centre Area Planning Sub-Committee held on 18 October 2012 be approved and signed by the Chair as a correct record.

32. **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.

33. 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.

33a 9 Precentors Court York YO1 7EJ (12/03024/FUL)

Members considered a full application from Mr Nick Williams for the change of use from a dwelling (Use Class C3) to a Guest House (Use Class C1).

Officers circulated a written update to the committee which included comments made in correspondence received from the following people:

The applicants, stating:

- The business will employ 3 staff
- The business has the full support of Visit York
- Only local suppliers will be sourced for provision to the business
- The business will not affect the balance of residential v commercial properties in Precentors Court. 50% of the bedrooms at No 9 will be in use by the owners of the property who will be in full time residency. The 7 new town houses and 3 flats within the Purey Cust balance the amount of residential properties in the vicinity.
- The business will not affect parking within the street due to the existing legal restrictions being in place and the location being very well served by local trains and busses. There is also ample room for dropping off
- The applicant doesn't own a car
- The percentage of guests dropping off will be small due to 70% of people using train or using parking permits for local car parks. The permits will generate approx £2,500 per annum for York Council (based on max 1 car per day x £7 = 2 permits per overnight stay) with Marygate car park being the closest

- Noise will not be an issue due to the rooms being in an owner occupied house and no access will be given to the guests to the walled gardens which will only be in use by the owners.

Visit York, in support, stating::

- Change of use would benefit the City
- The owners already run a successful B&B
- Believe there is a genuine need for top level B&B

An objector stating:

- NPPF states heritage assets are irreplaceable and not enough emphasis has been placed on this aspect
- Application site is a heritage asset and so is the street and all the neighbouring properties
- Approval would set a precedent
- The change of use would not maintain or enhance the immediate area
- Majority of visitors will arrive by car. Even if they arrive by train they are likely to get a taxi to the guest house, increasing traffic in the location
- Lack of parking means it is not compatible with its surroundings
- Visitors will park illegally
- Illegal parking prevents residents cars from backing out or turning
- Workmen at the site have blocked neighbours car in by parking illegally but these can be move as the owner of the vehicle is on site. If visitors leave their cars they may not be able to locate the owner as easily
- Can a condition be added to restrict the use of the private garden
- If approved it would have a serious impact upon highways, amenity of neighbours, noise and the general character of the area.

With the agreement of the Chair, two letters of objection were circulated to Members. Both senders raised concerns that they had not been consulted on the proposals.

The first letter from Mudd & Co, Chartered Surveyors acting as Managing Agent of The Purey Cust raised objections on the grounds of inappropriate development stating that it would lead to an unacceptable increase in pedestrian and vehicle traffic in a location where there is no off or on street parking provision.

The second letter, from the Very Revd Canon Glyn Webster, Acting Dean of York, stated that to change the use to a guest house would have a very negative effect on the whole feel of what is a very significant little street in the heart of York in addition to the impact increased traffic would have on residents and the front of the Minster. He asked that the matter is deferred until the Dean and Chapter have been properly consulted on the application.

Officers confirmed that they had notified all parties which they are statutorily required to notify and had also put up a site notice as required.

One Member raised the point that if they granted change of use, a future owner may have something bigger in mind than a small luxury bed and breakfast operation. Officers advised that condition 4 stated that only four bedrooms may be used for guest accommodation. They explained that the use classes order provided flexibility but that if Members were concerned they could add a condition to prevent the premises being used for functions etc.

Representations were received from a resident of Precentors Court in objection to the application who was also speaking on behalf of neighbours at 4 and 7 Precentors Court. He made the following points:

- The Minster still owns three properties on Precentors Court so should have been consulted on this application.
- Potential for increased traffic. Vehicles already park illegally at the head of Precentors Court – parking situation may get worse.
- Concerns about future use of the building – applicants may ask for an extension in future
- There is no way to prevent residents from coming and going late at night. Increased noise will affect residents' amenity.
- Situated in York's historic core. Some properties on street are listed.

He asked Members to consider the request from Very Revd Canon Glyn Webster to defer a decision until other interested parties have been given the opportunity to comment on the application.

With regard to consultation, officers confirmed that they had fulfilled legal requirements and Council policy by notifying those premises with adjoining boundaries and had put up a site notice in compliance with the requirements of the Development Management Procedure Order and Statement of Community Involvement.

Representations were received from the applicant in support of the application. He advised Members that he already runs Galtres Lodge Hotel and Michaels Brasserie on Low Petergate in York and that his intention is to open a luxury bed and breakfast at the premises while living there also. He provided the following information:

- No food or alcohol would be offered.
- Advised by Visit York that there was a shortage of this type of accommodation in York.
- Will not be hosting hen/stag parties
- RE parking concerns – 70% of existing guests use train. Will issue parking passes for guests to use Marygate. Only drops offs at the premises.
- Do not intend to offer more than 4 guest rooms – content to reduce this to 3 if Members so desire.
- There is already one holiday let and another potential holiday let in the street.

With regard to concerns over increased traffic, Members acknowledged that when the Purey Cust operated as a hospital there would have been a significant volume of traffic using it and moving across the front of the Minster. They noted that even if the house was used solely by a family, they could potentially own 2-3 cars between them. However to allay objectors concerns in this area, they suggested that the owner could advertise on his website that taxis drop off guests at Bootham Bar to prevent additional traffic in Precentors Court.

Members considered adding a condition to prevent operation beyond that of a bed and breakfast and agreed that a condition be added to prevent the applicant from providing catering to persons other than those who are guests staying at the premises.

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

Additional Condition

There shall be no commercial functions undertaken at the premises and catering shall be provided only to guests staying overnight at the premises.

Reason: In the interests of the residential amenities of neighbouring properties and the character of the conservation area in accordance with policy HE3 and V3 of the Local Plan.

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

33b The Heads House, 1 Love Lane, Scarcroft, York YO24 1FE (12/02602/FUL)

Members considered a full application from The Mount School for the erection of a detached dwelling house (revised scheme).

Officers advised that comments had been received from Councillor Fraser, Ward Member for Micklegate Ward and a copy was circulated to the Committee for their information. This put forward concerns of residents, mainly from St Aubyn's Place, pointing out that that the current application is for a larger development than previously approved with almost all the windows facing into St Aubyn's Place as well as a terrace and balcony, both also facing St Aubyn's Place, raising concerns about overlooking. It also raised concerns regarding the inadequacy of screening provided by existing and proposed

trees, the adequacy of the drainage arrangements and the potential for the development to become a bed and breakfast establishment in the future exacerbating the potential for overlooking. The Committee was asked to either reject the application or, if minded to approve the application, to apply conditions to address these concerns.

Officers advised that a further letter of representation has been received from the occupier of 22 St Aubyn's Place expressing concern in respect of the impact of the proposal on their residential amenity and the surrounding landscape.

Officers recommended that the following conditions be revised

- Condition 2 - Addition of drainage scheme to the list of approved plans:
- Condition 5. Amend reason for condition to include reference to protecting existing trees.
- Condition 8. Revised wording to require permanent retention of landscaping scheme unless otherwise approved and its implementation prior to the occupation of the dwelling:

Officers drew Members attention to paragraph 4.4 of the report which stated that the revised scheme envisages a greater proportion of the proposed accommodation fronting onto Love Lane and advised them that he did not agree with this statement. They clarified that the living areas were at upper level rather than the bedrooms and asked Members to consider the impact of the current proposals on neighbours in comparison to the previous proposals.

Representations were received from Mrs D Heigh, a neighbour, in objection to the application. She made the following comments:

- in the previous application the principal living areas overlooked Love Lane - now all the living accommodation faces south towards St Aubyn's Place. A large balcony and terrace will look down over our houses.
- Proposed screening is not sufficient - the large deciduous trees are to one side and will not block it. The hedge will be below the boundary wall and the wall will not provide screening.
- Previous proposals were preferential to these.

- There would be a significant loss of privacy to homes and gardens in St Aubyn's Place

Representations were also received from Mr Gardiner, the applicant. He explained that he had bought the plot and had then undertaken investigations as to how the design could be improved in order to build a sustainable carbon neutral building. He made the following points:

- House would be located as far as possible on the plot from St Aubyn's Place
- House will sit lower down in the landscape. Lower ridge height and use of cedar roof reduces impact on surroundings
- Natural screening is increased – retention of trees and planting of additional mature trees
- Lower ground floor will not be visible from St Aubyn's Place
- Recognise concerns of neighbours but have sought to reduce impact as far as possible over previous scheme.

One Member suggested it may be better to use opaque glass rather than clear glass on the balcony. The applicant expressed the opinion that this may be more intrusive and explained that when seated on the balcony, all the owners would be able to see would be the sky and not the houses below.

Members welcomed the design and sustainability of the proposed house and accepted that the applicant had done as much as possible to mitigate potential objections.

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

Amended Condition 2

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

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

Technical Drainage Supplement J-D0997-R01
July 2012 and associated drawings DO J
D0997 sheet nos. 122, 149, 150 and 163.

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

Amended Reason for Condition 5

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

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

Amended Condition 8

No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees, shrubs and other landscape planting. This scheme shall be implemented prior to the occupation of the development and shall be retained thereafter. Any trees or plants which 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 otherwise agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site and to protect the living conditions of properties in St Aubyn's Place.

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 residential amenity of neighbouring properties, impact upon the setting of the Historic Core Conservation Area, impact of the proposal upon highway users in Love Lane, sustainability of the proposal, impact upon the level of anti-social behaviour in Love Lane, impact upon the mature landscaping within the site and impact upon the local pattern of surface water drainage. As such the proposal complies with Policies GP15a), GP3,GP4a),GP9, GP10,GP1 and HE2 of the City of York Development Control Local Plan.

33c West Cornwall Pasty Company, 38 Parliament Street, York YO1 8RU (12/03096/FUL)

Members considered a full application from the West Cornwall Pasty Company for the retention of a pavement cafe on the public highway.

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 listed building and the wider conservation area, highway safety and the amenity of adjacent users. As such, the proposal complies with Policies S6, HE2, HE4 and GP1 of the City of York Development

Control Local Plan (2005) ; and national planning guidance contained in the National Planning Policy Framework.

**33d Era Health Care, 8A Tower Street, York YO1 9SA
(12/03114/FUL)**

Members considered a full application by the BTM Pension Scheme for a dormer to the front and two rooflights to the rear.

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

REASON: The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on heritage assets and amenity. As such the proposal complies with Policies GP1, HE3 and HE4 of the City of York Development Control Local Plan.

**33e Era Health Care, 8A Tower Street, York, YO1 9SA
(12/03115/LBC)**

Members considered an application for listed building consent for internal and external alterations including a dormer to the front and two rooflights to the rear.

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

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

33f 134 Boroughbridge Road, York, YO26 6AL (12/02658/FUL)

Members considered a full application from Miss Lynette Barton for the variation of condition 5 of planning permission 11/02339/FUL to extend opening hours to allow the hot food takeaway to open from 12.00 to 20.30 on Sundays.

In response to a query which had been raised at the site visit regarding accidents near the site, Officers confirmed that there were no records of any injury accidents during the last three years.

Officers requested that their recommendation to approve the application be amended to give them delegated authority to approve the application following further discussions with the case officer regarding imposing the conditions from the original planning permission. They explained that the case officer had not been available to discuss this prior to the meeting.

RESOLVED: That delegated authority be given to officers to approve the application subject to the conditions listed in the report and any conditions from the original planning permission which remain relevant.

REASON: The proposal would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the residential amenity of neighbouring properties. As such the proposal complies with Policies GP1 and S6 of the City of York Development Control Local Plan.

33g Bora Bora, 5 Swinegate Court East, Grape Lane, York YO1 8AJ (12/03023/FUL)

Members considered a full application from Mr Bora Akgul for the variation of condition 3 of planning permission 12/01249/FUL to extend opening hours until 02.30 every day.

Representations were received from Mr A Smart, local resident in objection to the application. He made the following points:

- Residents living nearby continue to be disturbed by noise coming from Swinegate Court East – we need to ensure level of noise disturbance is reduced.
- Owner has not adhered to conditions agreed at the last meeting and is continuing to operate outside the agreed opening hours.
- The outside areas of other local bars have to be cleared earlier in the evening due to proximity to residential dwellings.
- We cannot continue to be subjected to this level of disturbance, having to clear up broken bottles, vomit etc.

Representations were received from Mr B Crux, a York resident in objection to the application. He raised the following concerns:

- Since the premises had been granted planning permission retrospectively for change of use to a drinking establishment in August they had flouted planning law by continuing to operate beyond midnight. The council failed to take enforcement proceedings regarding this.
- The lack of direction offered by the Council with regard to the city centre's future in view of the effect of future development at Monks Cross.
- The mis-use of the planning system.
- Approving this application could open up the floodgates to others wanting to convert from retail to drinking establishments.

Representations were received from Ms H Ramli, the agent for the application. She made the following points:

- Before change of use was granted, the premises could remain open until 1.30 am (including courtyard). When Members agreed the change of use they added a condition to require the premises to close at midnight. We were told that this was so we were in line with the closing times of other nearby premises but this is incorrect.
- At the licensing hearing the Environmental Protection Unit and police had not raised any noise issues but imposed strict conditions on the licence.
- Members need to consider how genuine the objections are – it is surprising that no objections have been made to other applications for change of use in the vicinity – however these other applications also demonstrate there is still a demand for late night drinking establishments in the area.

Representations were received from the owner of the restaurant in support of the application. He put forward the following points:

- Don't believe the disturbance is caused by his customers – there are many other bars nearby
- Has a 400 signature petition signed by his customers who wish the premises to stay open until 2.30am.
- Bora Bora is only a small bar. Music is not played in the outside area which is just used for people sitting.

Officers reminded Members that prior to August the premises had permission for A1/A3 mixed use rather than A1 and that their decision cannot take into account that the usage is retrospective but must deal with the application on its own merits.

Members acknowledged residents concerns regarding noise disturbance in the area but accepted that there was no evidence from officers or police to prove that the noise problems were due to one specific outlet. They noted that as there were so many late night drinking establishments in the area now, it was very difficult to pin down the noise to one place. Furthermore they acknowledged that the disturbance was not just the result of music being played but also customers moving around in the street and going home.

With regard to this application, they agreed that noise and disturbance in the street late at night remained an issue. They noted that circumstances had not changed since the change of use was granted in August with a condition requiring the premises to close at midnight and felt there was no reason to change their minds on this.

RESOLVED: That the application be refused.

REASON: The premises are within a mixed use area with a significant residential population which contributes to the character and appearance of the conservation area and the vitality of the city centre. The hours of operation proposed would lead to increased levels of noise disturbance late at night, as a consequence of noise from persons using the external seating area and the increased activity there would be in Swinegate Court and surrounding streets.

The proposal would have an undue impact on the amenity of occupants of nearby residential property and also on the character and environmental qualities of the of the area, contrary to paragraph 17 of the National Planning Policy Framework and policies S6 and S7 of the Development Control Local Plan.

33h Lucia Bar And Grill, 9 - 13 Swinegate Court East, Grape Lane, York YO1 8AJ (12/03022/FUL)

Members considered a full application from Mr Osman Doganozu for the variation of condition 5 of planning permission 12/01910/FUL for restaurant/bar to extend opening hours to allow premises to open until 02:00 every day.

Officers advised that a further letter had been received from a resident of Grape Lane objecting as there are already problems with the volume of noise with people leaving Lucia's and other bars especially at closing time.

Officers advised that checks had been made by the Environmental Protection Unit (EPU) on Esperanza during the first week of November and it had been confirmed that both the conditions relating to the noise limiter and the plant and machinery have been satisfactorily complied with. EPU have advised that the external extraction/refrigeration equipment is now almost inaudible at residential properties when measured and the condition is complied with. In addition, the internal sound limiter has now been set by Officers at a level where the music is inaudible within residential properties. A second report of sound measurements at Lucia & Esperanza was submitted on 13 November 2012 and EPU commented that the report accurately reflected their observations on the night of the assessments. Within the report, it stated that the audible bass music could have been from other licensed premises nearby. After leaving the resident's property, EPU tracked down the audible music to Bar 1331. EPU reiterated that following compliance with the two previously applied conditions, officers did not consider that the noise from the premises would be detrimental to the amenity of the area.

Officers drew Members attention to paragraph 4.7 of the report and stated that this did not accurately reflect the discussion by Members at the meeting. It should refer to the fact that Members had taken into account the general late night custom and noise in the street.

Representations were received from Mrs Jane Smart in objection to the application. She expressed the following concerns.

- At the last meeting, a condition had been agreed requiring a closing time of midnight due to close proximity of nearby residential premises.
- The applicant has continually breached any condition imposed – but no enforcement action has been taken even though several letters have been sent to the council.
- We suffer from sleep deprivation – noise comes up through the ceiling of the premises into our home (presume ceiling is not insulated). Noise from courtyard rebounds off other buildings and is heard in our flat.
- Area used to be a good mix of residential, retail premises and bars but recently there has been a move in favour of late night drinking establishments.

Representations were received from Mr Barry Crux, a York resident, in objection to the application. He raised the following issues.

- The approved change of use gives the operator the option of operating the whole of the premises as a restaurant or the whole of the premises as a bar.
- Activities undertaken by the applicant are in breach of the conditions.
- Proper guidance is needed in making decisions or this situation will prevail elsewhere.

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

- Confirmed that the ground floor has A3 restaurant use and the first floor has A4 use.
- The bar is integral to the overall venue - it faces onto a private courtyard and is not overlooked. An adjoining venue is open until 2am.
- Conditions imposed on the planning permission provide controls and these controls have been verified by EPU.

- Application has the support of the police and Environmental Protection Unit.

Representations were received from the owner in support of the application. He explained what measures had been taken to reduce noise disturbance to neighbours and made the following points:

- He has been open for three years and employs 38 staff. It was difficult enough to survive in current climate without restrictions on opening hours being imposed.
- Customers normally come in his premises up to about 11pm. The courtyard is normally clear by midnight on weekdays.
- It seems unfair that next door venue is able to remain open until 2am.

Members acknowledged that some modifications had been made by the owners to tackle noise issues and accepted the evidence provided by EPU. They however noted that objections were still being received from nearby residents. They agreed that the issue was the cumulative effect of the area and that this had not changed since the last meeting.

Councillor Orrell moved, and Councillor Riches seconded, a motion to approve the application subject to condition 1 being amended to bring the closing time forward from 2am to 1am (on a temporary basis until 15/11/2013). On being put to the vote, the motion fell.

RESOLVED: That the application be refused.

REASON: The premises are within a mixed use area with a significant residential population which contributes to the character and appearance of the conservation area and the vitality of the city centre. The hours of operation proposed would lead to increased levels of noise disturbance late at night, as a consequence of noise from persons using the external seating area and the increased activity there would be in Swinegate Court and surrounding streets. The proposal would have an undue impact on the amenity of occupants of nearby residential property and also on the character and environmental qualities of the of the area,

contrary to paragraph 17 of the National Planning Policy Framework and policies S6 and S7 of the Development Control Local Plan.

**33i Central Library, Museum Street, York, YO1 7DS
(12/02685/FUL)**

Members considered a full application for a first floor rear/side extension to form a new archive repository and the installation of three roof cowls on the existing roof (York Explore Phase II)

Officers advised that a further response had been received from the Authority's Conservation Officer along with English Heritage. They advised that condition 5 (Large Scale Details) be extended to require further details to be submitted.

Officers briefed the committee on the changes which were proposed. The Council's conservation architect showed the committee examples of the proposed materials to be used for the box and the flashing and explained how these would change colour over time. She explained that the applicant's approach to the scheme was to make the extension different so one is still able to read the existing building.

Representations were received from Mr Daggett, a local resident. He expressed support for the application to provide facilities for a new archive however he expressed dismay at the decision to use a metal clad extension and expressed the view that this would look more integral if the flashing strip was omitted. He also raised concerns about the proposals for the first floor foyer area and oculus which in his opinion would spoil the sequence of spaces by being over cluttered. He asked that the oculus be left as a feature in its own right.

Representations were also received from Mr J Beadnell, the architect, in support of the application. He spoke briefly and advised the committee that there was a lot of support for hosting the archives within the library building including support from English Heritage and the works proposed would make the building look cleaner and nicer. In response to a query from a Member regarding windows, he explained that it was important to avoid having windows in an archive store as these would allow in ultraviolet light. Instead the store would be lit by

controllable artificial light and would incorporate controls for temperature and humidity.

Representations were also received from Richard Taylor, the Council's Archives and Local History Development Manager. He advised Members that York had the best city archive outside London. He explained that one of the basic conservation principles was reversibility and that anything built should be reversible. This box has been designed to is could be removed in future and leaving no trace behind. He explained that when WH Brierley designed the building it was a new building for York and that this extension should clearly be a modern addition. Public consultation had been undertaken during the summer. By decluttering the first floor foyer and oculus, they would improve this space and allow visitors to access electronically information from the archives.

Members expressed their support for the proposals. They agreed that the right decision had been taken to retain the archives within the city and the priority was to house the archives in the most secure, protected but accessible environment as possible. They acknowledged that this may not always be the most aesthetically pleasing. Members expressed their support for the brass finish for the flashing.

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

Amended Condition 3

The development hereby authorised shall be constructed in the bronze textured cladding panel system and TECU Brass cladding systems previously submitted and agreed, samples of all remaining external construction materials including the Sarnifil roofing system shall be submitted to and approved in writing by the Local Planning Authority prior to work on site commencing. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason:- To safeguard the historic character and integrity of the Listed Building.

Amended Condition 4

Prior to the commencement of the development hereby authorised a sample panel of the approved brass and dark metal cladding systems shall be erected on site for the written approval of the Local Planning Authority to demonstrate the pattern of coursing and associated relationship with the existing building. The development shall thenceforth be implemented in accordance with the details thereby approved.

Reason:- To safeguard the historic character and integrity of the Listed Building and to secure compliance with Policies HE2 and HE3 of the York Development Control Local Plan

Amended Condition 5

Large Scale Details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be undertaken in accordance with the approved details:-

- i) The new gate including finish;
- ii) The fire escape door;
- iii) 1:5 section through the upgraded roof structure to illustrate how the roof lights would be integrated;
- iv) The planar glass roof light located below the plug-in link extension;
- v) 1:5 section and elevational drawing for the secondary glazing to be incorporated into the window reveals of the children's library;
- vi) 1:5 section drawings/details of all junctions and flashing positions between the original building and the "plug in" extension;
- vii) 1:20 scale elevation and sectional drawings of the escape staircase including details of the materials and finish of the service ducts and escape staircase area;
- viii) 1:5 Section drawings /details of the junction and flashing positions to the service ducts and escape staircase;

- ix) The new mechanical ventilation units on the flat roof area serving the Family History Room including any enclosure;
- x) The ladder safety attachment to the first floor extension;
- xi) The new louvred panelled doors to the plant room, new gate and roof covering to the cycle parking including details of all materials and finishes;
- xii) The roof fall arrest system;
- xiii) The external works to facilitate disabled access to the rear entrance.

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

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 character and appearance of the Historic Core Conservation Area, impact upon the setting of the Kings Manor , a Grade I Listed Building and impact upon the setting of the City Walls, a Scheduled Ancient Monument. As such the proposal complies with Policies HE2, HE3 and HE4 of the City of York Development Control Local Plan.

**33j Central Library, Museum Street, York YO1 7DS
(12/02686/LBC)**

Members considered internal and external alterations including a first floor extension to the side/rear elevation, the installation of three roof cowls and internal refurbishments to the existing ground and first floors (York Explore Phase II)

Officers advised that a further response had been received from the authority's Conservation Officer along with English Heritage. As a result of this they advised that condition 7 be expanded to require further large scale details to be submitted and approved. Officers also advised that further conditions be added as follows:

- Condition 10 - Samples of acoustic panel and focus wing to be erected in the Marriott Room and Learning Room 2 to be submitted and approved.
- Condition 11 – details of all electrical wiring runs and sockets serving display cabinets to the oculus on first floor to be submitted and approved.
- Condition 12 – full details of proposed internal light fittings including method of attachment to be submitted and approved.
- Condition 13 – full details of the method, means and location of storage for the items of fixed furniture and other internal fittings not to be retained as part of the refurbishment scheme to be submitted and approved.
- Condition 14 – method statement outlining the maintenance regime for the extensions to be submitted and approved.

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

Amended Condition 7

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

- i) The new gate including finish;
- ii) The fire escape door;
- iii) 1:5 section through the upgraded roof structure to illustrate how the roof lights would be integrated;
- iv) The planar glass roof light located below the plug-in link extension;
- v) 1:5 section and elevational drawing for the secondary glazing to be incorporated into the window reveals of the children's library;
- vi) 1:5 section drawings/details of all junctions and flashing positions between the original building and the "plug in" extension;

- vii) 1:20 scale elevation and sectional drawings of the escape staircase including details of the materials and finish of the service ducts and escape staircase area;
 - viii) 1:5 Section drawings /details of the junction and flashing positions to the service ducts and escape staircase;
 - ix) The new mechanical ventilation units on the flat roof area serving the Family History Room including any enclosure;
 - x) The ladder safety attachment to the first floor extension;
 - xi) The new louvred panelled doors to the plant room, new gate and roof covering to the cycle parking including details of all materials and finishes;
 - xii) The roof fall arrest system;
 - xiii) The external works to facilitate disabled access to the rear entrance.
- Reason: So that the Local Planning Authority may be satisfied with these details.

Additional Condition 10

Prior to the commencement of the development hereby authorised samples of the acoustic panels and focus wing to be erected in the Marriott Room and Learning Room 2 shall be submitted to and approved in writing by the Local Planning Authority. The development shall thence forth be undertaken in strict accordance with the details thereby approved.

Reason:- To safeguard the character and integrity of the Listed Building.

Additional Condition 11

Prior to the commencement of the development hereby authorised full details of all electrical wiring runs and sockets serving the display cabinets to the oculus on the first floor shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason:- To safeguard the character and integrity of the Listed Building.

Additional Condition 12

Notwithstanding the application details hereby approved full details of the proposed internal light fittings including their method of attachment shall be submitted to and approved in writing by the Local Planning Authority before work on site commences. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason:- To safeguard the character and integrity of the Listed Building.

Additional Condition 13

Prior to the commencement of the development hereby authorised full details of the method, means and location of storage for the items of fixed furniture and other internal fittings not to be retained as part of the refurbishment scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason:- To safeguard the historic character and integrity of the Listed Building.

Additional Condition 14

Prior to the commencement of the development hereby authorised a method statement outlining the maintenance regime for the extensions shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason:- To safeguard the character and integrity of the Listed Building.

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 impact upon the historic character and integrity of the Listed Building .As such the proposal complies

with Policies HE 2 and HE 4 of the City of York
Development Control Local Plan.

Councillor B Watson, Chair

[The meeting started at 3.00 pm and finished at 6.00 pm].

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COMMITTEE REPORT

Date: 10 January 2013 **Ward:** Dringhouses And Woodthorpe
Team: Major and Commercial Team **Parish:** Dringhouses/Woodthorpe Planning Panel

Reference: 12/03373/FUL
Application at: Sunnydene, Moorlea Avenue, York YO24 2PA
For: Erection of dwelling (resubmission)
By: Mr Mike Moore
Application Type: Full Application
Target Date: 2 January 2013
Recommendation: Refuse

1.0 PROPOSAL

1.1 Sunnydene, Moorlea Avenue comprises a substantial brick built detached bungalow dating from the 1970s accessed via a narrow private access drive to the west of the City Centre. Planning permission is currently sought for the erection of a 1 1/2 storey dormer bungalow on land within the curtilage of the property. The proposal represents a revised re-submission of an earlier proposal ref:- 12/02187/FUL that was withdrawn following on from concerns expressed in relation to its design and relationship to neighbouring properties.

1.2 Councillor Ann Reid has called in the application for consideration by the West and Centre Area Planning Sub-Committee because of neighbour concerns.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001
DC Area Teams GMS Constraints: West Area 0004

2.2 Policies:

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

CYH4A Housing Windfalls
CYNE8 Green corridors

3.0 CONSULTATIONS

INTERNAL

3.1 Environmental Protection Unit raise no objection in principle to the proposal but express concern in respect of the possibility of land fill gas migration into the site.

3.2 Lifelong Learning and Leisure raise no objection to the proposal subject to the payment of a commuted sum in lieu of the provision of on-site open space.

3.3 Strategic Flood Risk Management object to the proposal on the grounds that insufficient information has been submitted with the proposal in respect of the proposed means of surface water drainage.

3.4 Highway Network Management raise no objection to the proposal.

EXTERNAL

3.5 Dringhouses and Woodthorpe Planning Panel raise no objection in principle to the proposal subject to the issue of surface water drainage being satisfactorily resolved.

3.6 Five letters of objection and a 16 signature petition have been submitted objecting to the proposal. The following is a summary of the letters of objection:-

- Concern about the lack of detail in respect of the mode of surface water disposal to the site;
- Concern in respect of the impact of additional traffic using the narrow access track serving Sunnydene and adjoining properties;
- Concern in respect of the impact of the proposal upon the residential amenity of adjacent properties;
- Concern at the impact of the proposal upon local biodiversity; and
- Concern at the impact of the proposal upon local property prices.

3.7 One letter of support draws attention to the drainage benefits of having a property built in that location together with the fact that the existing site would be tidied up.

4.0 APPRAISAL

KEY CONSIDERATIONS INCLUDE

- Impact upon the residential amenity of neighbouring properties;
- Impact upon the surface water drainage of the surrounding area;

- Impact upon local biodiversity;
- Concern in respect of an additional property accessed from the existing drive.

STATUS OF THE DRAFT LOCAL PLAN

4.1 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 RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES

4.2 Policy GP1 of the York Development Control Local Plan sets a firm policy presumption in favour of new development that respects or enhances the local environment, is of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area as well as ensuring that residents living nearby are not unduly affected by noise, disturbance, overlooking, over-shadowing or dominated by overbearing structures. This policy is considered to be broadly in line with the NPPF in terms of its core planning principles requiring high quality of design and a good standard of amenity.

4.3 The application proposes the erection of a dormer bungalow on an area of land associated with the property Sunnydene accessed via a narrow access drive shared with three other properties. It is a revised re-submission of an earlier proposal for a full two storey detached dwelling house that was withdrawn following concerns expressed in respect of its relationship to the two properties along Moorlea Avenue which was felt to be overbearing. The revised proposal envisages a significantly lower form of development with the building footprint located further to the west away from the rear of 8 Moorlea Avenue. The proposed dwelling would now sit to the rear of no.9 but at a distance of 22m from the rear of the original dwelling and 16m from its rear extension. The principal living areas of the new property have been designed to face either the rear garden or the road frontage with any windows facing in the direction of Moorlea Avenue obscure glazed and not lighting habitable rooms. There would thus be no issue of overlooking or overbearing impact arising from the scheme as revised. The terms of Policy GP1 of the Draft Local Plan would thus be complied with.

IMPACT UPON THE LOCAL SURFACE WATER DRAINAGE NETWORK

4.4 Policy GP15a) of the York Development Control Local Plan sets a firm policy requirement that developers satisfy the Local Planning Authority that any flood risk be successfully managed with the minimum environmental effect and ensure that the site can be developed, serviced and occupied safely.

Paragraph 103 of the NPPF in respect of Planning and Flood Risk outlined in requires that Local Planning Authorities ensure that flood risk is not increased elsewhere in considering development proposals. The current application site lies in Flood Zone 1 which has the lowest defined risk of flooding from river sources. However the application site is regularly inundated to the extent that adjoining properties have flooded gardens. The application details envisage the installation of an attenuation scheme connected to a rainwater harvesting system linked to the existing surface water sewer system. The environs of the property would be subject to permeable paving. The applicant has not however identified a viable surface water outfall. Detailed calculations have not been submitted in respect of the existing surface water system even though it is proposed to link the attenuation system to the existing system. No topographical survey indicating ground levels relative to finished floor levels has been submitted in order to assess the impact of the proposal upon neighbouring properties. At the same time a discharge rate of many times in excess of the Greenfield rate ordinarily specified has been quoted. Bearing in mind the lack of significant information in respect of surface water drainage and also bearing in mind the fact that the site has recently been inundated to a level significantly in excess of a metre there is clear evidence of a significant problem in draining the site for which a satisfactory solution should be forthcoming prior to any planning permission for redevelopment of the site being given.

IMPACT UPON LOCAL BIODIVERSITY

4.5 Policy NE8 of the York Development Control Local Plan sets out a clear policy presumption that planning permission will not be forthcoming for development that would destroy or impair the integrity of green corridors or stepping stones. The application site is centrally placed within a development of bungalows dating from the 1970s accessed from Moorlea. It was formerly an orchard and contains several degraded fruit trees. Concern has been expressed in respect of the impact of the proposal upon wildlife living within the application area. However as a consequence of the open and degraded character of the site together with the severe drainage problems experienced it is felt that the wildlife and landscape interest of the site is modest and not a viable reason for refusal of itself.

CREATION OF AN ADDITIONAL PROPERTY ACCESSED FROM A PRIVATE ACCESS DRIVE

4.6 Concern has been expressed in relation to the creation of an additional property accessed from a private drive in highway terms. However, it is felt that the additional traffic generated by a property of the size envisaged would not be such as to create conditions prejudicial to the safety and convenience of local highway users.

OTHER ISSUES:-

4.7 Concern has been raised in respect of the impact of the proposal upon the prices of property surrounding and the precise ownership of the access drive to the properties. The impact of a development proposal upon local property prices is not a material planning consideration and the applicant has subsequently confirmed that he is the sole owner of the access drive.

5.0 CONCLUSION

5.1 Sunnydene comprises a substantial brick built bungalow dating from the 1970s accessed from a private access drive to the west of the City Centre. Full planning permission is sought for the erection of a 1 1/2 storey dormer bungalow on a disused former orchard to the south of the property. The scheme represents a revised re-submission of an earlier proposal previously withdrawn as a result of concerns expressed in relation to its impact upon the residential amenity of neighbouring properties. It is felt that the revised design has adequately addressed the previous matters of concern. However, further concern has been expressed in respect of the lack of detailed information in relation to the surface water drainage of the site. The site has been substantially waterlogged to a depth in excess of 1 metre in the recent past to the extent that significant amounts of water have seeped into neighbouring gardens. This provides clear evidence of a significant problem in respect of the surface water drainage of the site. In the absence of a clear and detailed scheme that would tackle this problem an obvious risk exists that the proposal would compromise the local surface water drainage pattern and increase flood risk to neighbouring properties.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 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.

7.0 INFORMATIVES:

Notes to Applicant

1. 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) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in an attempt to achieve an acceptable outcome:-

Full details of the mode of surface water drainage for the site and its surroundings were sought.

However, the applicant /agent was unwilling or unable to amend the application in line with these suggestions, resulting in planning permission being refused for the reasons stated.

Contact details:

Author: Erik Matthews Development Management Officer

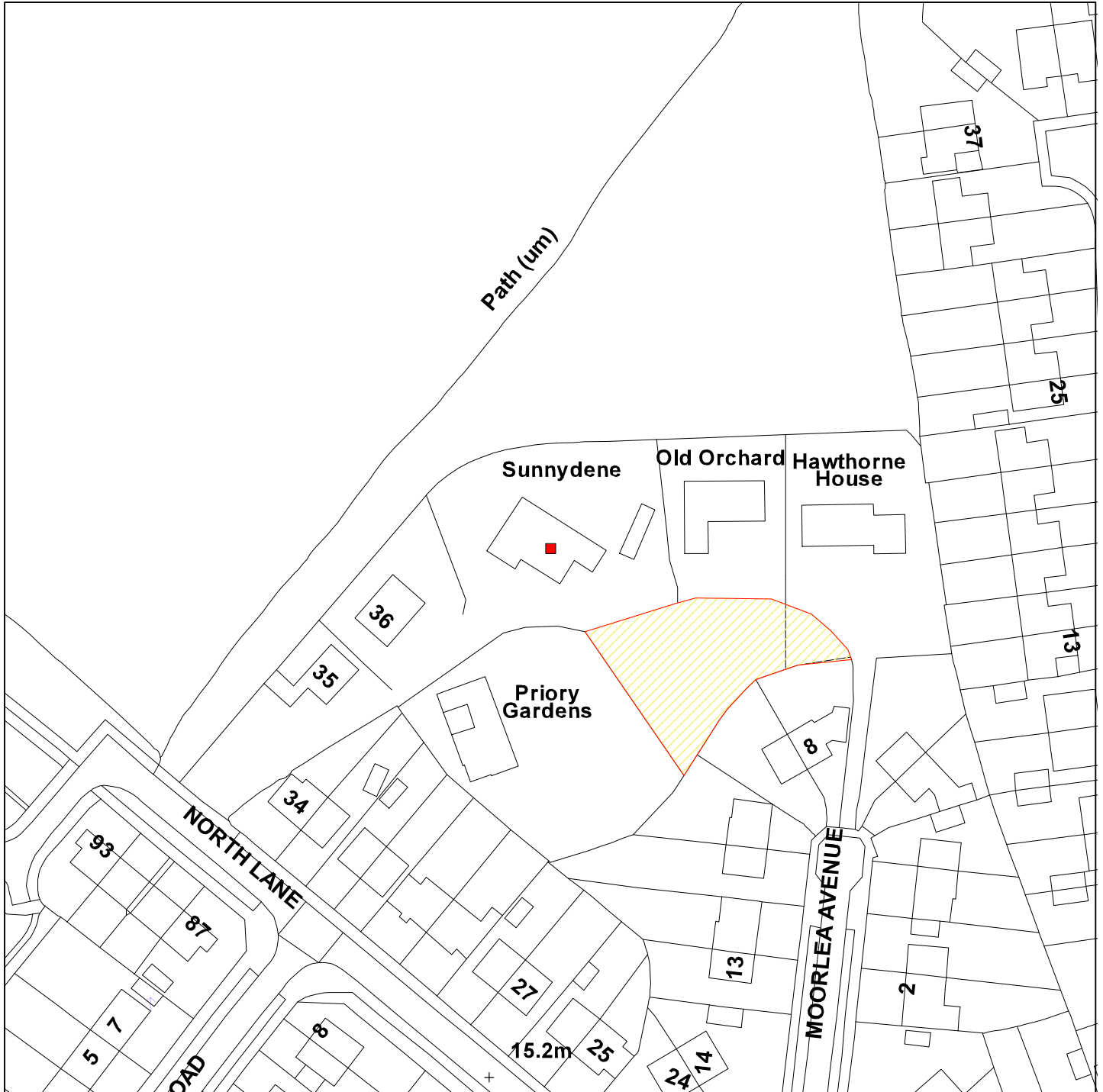
Tel No: 01904 551416

Sunnydene, Moorlea Avenue, YO24 2PA

12/03373/FUL



GIS by ESRI (UK)



Scale : 1:1000

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Organisation	City of York Council
Department	City and Environmental Services
Comments	
Date	20 December 2012
SLA Number	Not Set

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COMMITTEE REPORT

Date: 10 January 2013 **Ward:** Micklegate
Team: Major and **Parish:** Micklegate Planning
Commercial Team Panel

Reference: 12/03132/FUL
Application at: Car Parking Area Holgate Road York
For: Erection of 3 storey block of 6 no. apartments
By: Experian Developments Ltd
Application Type: Full Application
Target Date: 3 December 2012
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

APPLICATION SITE

1.1 The application site is within the Central Historic Core Conservation Area, located between 15 Holgate Road - a 2-storey dwelling and Mount Court - a 2.5-storey residential development. The site backs onto 82-86 The Mount which are occupied as residential and offices.

1.2 The application site did accommodate buildings until the C20. The buildings were cleared in the mid C20 and the site has been used as a car park.

PROPOSALS

1.3 Planning permission is sought to infill the gap in the street scene with a building ranging from 2 to 3 storey, which will provide 6 x 1-bed flats at 1st and 2nd floor level. The ground floor would provide the access into the building, accommodate ancillary facilities and retain a vehicle access and car parking spaces.

1.4 The application has been called to committee by Councillor Gunnell - due to concerns over the scale of the proposed development and the impact on the amenity of surrounding occupants.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:
Areas of Archaeological Interest: City Centre Area
Conservation Area: Central Historic Core
York North West Boundary: York North West Boundary

2.2 Policies:

CYGP1	Design
CYHE2	Development in historic locations
CYHE3	Conservation Areas
CYHE10	Archaeology
CYH4A	Housing Windfalls
CYGP4B	Air Quality

3.0 CONSULTATIONS

Design, Conservation and Sustainable Development

3.1 The amendments to the north-east elevation address officers concerns regarding scale and massing in this view. Otherwise, the 'stepping' of the blocks to bridge the scale difference between the two storey house to one side and the large flatted development to the other is not recommended in current CABI design guidance. The front elevation, with the large void at the centre, remains uninspiring.

Archaeology

3.2 The site lies in an area rich in archaeological remains dating from the Romano-British period. On this site, the archaeological excavation would need to cover the entire footprint of the new building and extend down to the lowest formation level for the foundations for the new building. Officers request conditions to secure an archaeological excavation and an archaeological watching brief on this site.

Environmental Protection Unit

3.3 Officers advise the site is within an air quality management area. As such it is asked that the windows to habitable rooms, which face the road are sealed and have mechanical ventilation, drawing air from the rear of the block. The elevation facing the road should also be suitably insulated so traffic noise does not unduly affect future occupants.

Drainage Engineers

3.4 No objection, ask to agree the drainage details and that ground levels do not alter to the extent that surrounding properties suffer from increased surface water run-off

Highway Network Management

3.5 No car parking spaces are proposed for future occupants. A car free development in this location is acceptable. However this should be part of a package to promote sustainable travel.

Officers ask for contributions, that would provide first occupants of the development with a one year car club membership and either a bus pass, or the equivalent contribution towards cycle ownership. Officers have clarified that the site is not in a res-park zone. However the surrounding zones are fully subscribed and future occupants would not be able to obtain parking permits at this time.

3.6 The scheme has been amended, as requested by officers, to allow cars to enter and exit the site in a forward gear.

Holgate Planning Panel

3.7 No response.

Publicity

3.8 Objections were received from the occupants of 82 and 86 The Mount. Two further comments were also made. Comments made are as follows -

- Highways
 - There is no available space in the local res-park area. It is asked that future occupants should not be eligible for res-park permits.
 - There should be space for two cars to pass at the entrance, and room for cars to leave the site in a forward gear, in the interests of highway safety.
 - The access should not be moved closer to the bend, as this would reduce visibility.
 - 4 of the spaces on site area leased to 86 The Mount.
 - Underground drains run through the site and should not be compromised by the proposed development.
- Amenity
 - The development would be over-dominant; the house on the Mount would be overlooked.
 - Trees have already been cleared from the site, having a detrimental impact on the setting.
- Others
 - Concern that construction would cause disturbance to surrounding occupants.
 - Are the railings listed as they have a positive impact on the character of the area?

3.9 Any letters in response to the revised plans will be reported verbally.

4.0 APPRAISAL

4.1 Key Issues

- Principle of the proposed use
- Visual impact/character and appearance of the conservation area
- Amenity of future and surrounding occupants
- Highway Network Management
- Archaeology

PRINCIPLE OF THE PROPOSED USE

4.2 This is a brownfield site in an urban location, within walking distance of the city centre. As such residential development here would comply with the National Planning Policy Framework in that the site is appropriate for housing and the National Planning Policy Framework requires planning to 'boost significantly the supply of housing'.

4.3 The National Planning Policy Framework does require that housing is delivered in accordance with identified need. York's latest Strategic Housing Market Assessment informs that predominantly 2 and 3 bed sized houses are required in the city, although there is need for all types of housing. 1-bed flats are proposed in this scheme. The type of housing proposed is not objected to as there is a need to continue to provide car parking, which means that flats are the only form of housing that can be accommodated on site. Some 2-bed flats, rather than all 1-bed units had been sought by officers, but the applicant advised that these would make the scheme unviable. Whilst a mix of flat types would have been preferred, the lack of variation does not make the scheme unacceptable given the overall size of the development.

VISUAL IMPACT/CHARACTER AND APPEARANCE OF THE CONSERVATION AREA

4.4 The site is within the Central Historic Core Conservation Area. The National Planning Policy Framework advises that in determining applications account should be taken of the desirability of sustaining and enhancing the character and appearance of the conservation area. Policy HE2 of the Local Plan requires that within conservation areas development proposals respect adjacent buildings, open spaces, landmarks and settings and have regards to local scale, proportions, details and materials. Proposals will be required to maintain or enhance existing urban spaces, views, landmarks and other townscape elements, which contribute to the character or appearance of the area.

4.5 The proposed building would be of brick with a slate roof. Both the front building line and its height are stepped, to deal with the curve of the street and due to the variance in scale of the 2 and 3 storey buildings to each side. The roof form copies that of the recent block of apartments to the SW. To an extent the front boundary

wall and railings which run parallel with the street are retained (although the access has been widened to allow two vehicles to pass).

4.6 The development would in-fill a gap in the street. It would be of appropriate massing and materials. A condition is suggested to ensure that the windows are recessed in their reveals to provide some articulation, depth and interest to the facade. The vegetation on site was removed prior to the application being made. A condition is proposed to control the design of the soft landscaping proposed and at least one tree can be accommodated behind the proposed building.

4.7 It would have been preferable to have the building's main access facing the street and the covered passage to the car parking removed. However the proposed entrance location allows the wall and railings to be retained (to an extent) and it is a requirement that the car parking spaces, which serve other developments along The Mount, are retained on site. Overall the development would not detract from the character and appearance of the conservation area and the visual impact is deemed to be acceptable.

AMENITY OF SURROUNDING AND FUTURE OCCUPANTS

4.8 The National Planning Policy Framework asks that developments always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Local Plan policy GP1: Design requires that development proposals ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures.

Amenity of surrounding occupants

4.9 No.82/84 The Mount is a dwelling which backs onto the site. The proposed building would be around 8m from the rear boundary and 23m from the main rear elevation of 82/84. The ground levels vary between the sites, to the extent that where the building is proposed, the ground level is around 1.4m lower than ground levels at 82/84.

4.10 The development would introduce a degree of overlooking. However 21m is usually considered an acceptable separation between rear elevations. In this case, the distance of 23m between buildings is deemed to be acceptable. It is considered the overlooking that would result is not grounds to refuse the application.

4.11 Using the Building Research Establishments (BRE) guidelines the proposed building would not cause an undue loss of light.

4.12 Although the proposed development would be 3-storey, the ground levels at each site vary and the eaves level of the proposed building would be lower than

those at 82/84 The Mount. As such and considering the separation between buildings, the proposed development would not be over-dominant.

4.13 A construction management scheme is proposed as a condition.

Amenity of future occupants

4.14 The development would have covered and secure cycle storage in a convenient location. The flats are of a reasonable size and have adequate outlook. Conditions are proposed to deliver adequate noise levels within the building and alternative ventilation, the latter required due to pollution from road traffic. A contribution of £2,040 has been accepted by the applicants to contribute toward off site open space in the locality. The scheme would comply with the National Planning Policy Framework in terms of providing a reasonable level of amenity for future occupants.

HIGHWAY NETWORK MANAGEMENT

4.15 The revised scheme has car parking and manoeuvring space on site that complies with national standards and vehicles will be able to leave the site in a forward gear. The access point will be widened therefore allowing two cars to pass. The car parking will be used for offices on The Mount, not the proposed flats. There is no change in use of the car park, and whether the access point is safe/appropriate is not material to the proposed development.

4.16 It is proposed not to provide car parking for the flats. Highway Network Management confirm that future occupants would not be provided with res-park permits. The levels for car parking in the Local Plan are maximums. For 1-bed units the maximum is 1 car parking space. Given that 6 x 1-bed flats are proposed, the site is within walking distance of public transport and the city centre, and sustainable alternatives to private car use are proposed (the applicants have agreed to contribute to car club membership for future occupants and cycle parking is proposed) a car free development in this case is not objected to.

ARCHAEOLOGY

4.17 The National Planning Policy Framework advises that where development sites include or have the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

4.18 The site is within the City Centre area of archaeological importance. Local Plan policy HE10 requires an evaluation of sites within the area, to assess the importance of remains on site, and for developments to preserve at least 95% of archaeological deposits. Conditions are proposed which require an archaeological

investigation and publication of the works, in order for the scheme to comply with the Local Plan policies.

LAND CONTAMINATION

4.19 The National Planning Policy Framework advises that planning decisions should also ensure that the site is suitable for its new use taking account of ground conditions, including former activities and any proposals for mitigation including land remediation.

4.20 The desk based assessment undertaken to date advises of the need for further ground investigation to ensure any remediation is suitable. This can be secured through a standard condition.

5.0 CONCLUSION

5.1 The proposed development will not harm the character and appearance of the conservation area, and there will be no undue impact on surrounding occupants. The development will contribute towards housing supply in the city and does not unduly conflict with policies in the NPPF of the Local Plan. Approval is recommended.

5.2 There is an associated unilateral undertaking to secure a contribution towards open space of £2,040 and a car club contribution of £160 per unit, which will give first occupants 1-year membership to the scheme.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve subject to Section 106 Agreement

1 TIME2 Development start within three years -

2 The development hereby permitted shall be carried out in accordance with the following plans:- SC 151 02D and 03C

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

3 Materials

The materials used on the building shall be as shown on the approved drawings and on the application form (slate roof tiles, lead clad dormers and timber doors/window frames). Unless otherwise agreed rainwater pipes on the front elevation shall be in black painted aluminium. The boundary wall and railings shall use reclaimed

Application Reference Number: 12/03132/FUL

Item No: 5b

Page 7 of 11

materials where possible.

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

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of the development in view of the conservation area location.

4 Large scale details of the windows and their reveals (to include a section detail showing window frames and cills set well within the reveal) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

Reason: To ensure the building is of acceptable design quality given the conservation area location.

5 The area shown as cycle and bin storage on drawing 02D shall be retained for such use at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure adequate space for such storage, and to promote recycling and sustainable modes of transport in accordance with policies GP4a and T4 of the City of York Draft Local Plan and the National Planning Policy Framework.

6 The development shall not be occupied 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 to be planted (including at least 1 tree) and the surface material for the paved amenity area.

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: In the interests of visual amenity.

7 Drainage

Application Reference Number: 12/03132/FUL

Item No: 5b

Page 8 of 11

Development shall not begin until details of foul and surface water drainage works have been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details. Details to include:

- a) Calculations and invert levels to ordnance datum of the existing and proposed surface water systems. (This will enable the impact of the proposals on the downstream watercourse to be assessed).
- b) Topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

Reason: To avoid increased flood risk.

8 ARCH1 Archaeological programme required -

9 ARCH2 Watching brief required -

10 Amenity

All windows to habitable rooms (bedrooms and living areas) facing Holgate Road shall be provided with continuous mechanical ventilation (supply and extract with heat recovery) away from the roadside. The system shall be maintained in accordance with the manufacturer's specification at all times.

Reason: To protect the health of future occupants.

11 Amenity

The building envelope with a facade onto Holgate Road shall be constructed so as to provide sound attenuation against external noise of not less than 40dB(A), with windows shut.

Reason: To protect the amenity of future occupants.

12 Land contamination

Unless agreed otherwise by the local planning authority development shall only commence in accordance with the following details -

- a) A site investigation shall be undertaken based upon the findings of the Lithos desk study dated October 2012. The investigation shall be carried out in accordance with BS10175: Investigation of potentially contaminated land: code of practice. The results of the investigation shall be submitted to and approved by the local planning authority in writing prior to any development commencing on the site.
- b) A risk-based remedial strategy shall be developed based on the findings of the

site investigation. The remedial strategy shall be submitted to and approved by the local planning authority in writing. The approved strategy shall be fully implemented prior to any development commencing at the site.

Informative: The remedial strategy shall have due regard for UK adopted policy on risk assessment and shall be developed in full consultation with the appropriate regulator(s).

c) A validation report shall be submitted to and approved by the local planning authority, detailing sample locations and contaminant concentrations prior to any development commencing at the site.

d) Any contamination detected during site works that has not been considered within the remedial strategy shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development at the site.

e) A timetable of proposed remedial works shall be submitted to the local planning authority prior to any works being undertaken on the site.

Reason: For the protection of human health and the wider environment.

13 Construction Management

Prior to commencement of the development, a Construction Management Plan for minimising the creation of noise, vibration, dust and lighting during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority. In addition the following shall be adhered to during construction:

a) Any piling operations shall be carried out using the method likely to produce the least vibration and disturbance. Full details of the dates, times and duration of operations shall be submitted to and approved in writing by the Local Planning Authority before any piling operations are begun and piling operations shall take place in accordance with the approved details.

b) All loaded lorries leaving the site shall be securely and effectively sheeted where appropriate.

c) At all times during the carrying out of operations authorised or required under this permission, best practicable means shall be employed to minimise dust. Such measures may include water bowsers, sprayers whether mobile or fixed, or similar equipment.

At such times when due to site conditions the prevention of dust nuisance by these means is considered by the Local Planning Authority in consultations with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption.

d) Construction work and associated site operations, that would be audible at the site boundary, shall only take place on site between the hours of 07:30-18:00 Monday to Friday and between 08:00-13:00 on Saturdays (excluding Public Holidays).

At times when construction operations are not permitted work shall be limited to emergency works and works which are inaudible at the site boundary. The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency work, and a schedule of essential work shall be provided. Any other works not covered by this condition associated with construction would need to be agreed in writing in advance with the Local Planning Authority.

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

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

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

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:

Sought amendments to the scheme to address its visual impact and use of conditions and a unilateral undertaking to encourage sustainable modes of transport.

Contact details:

Author: Jonathan Kenyon Development Management Officer
Tel No: 01904 551323

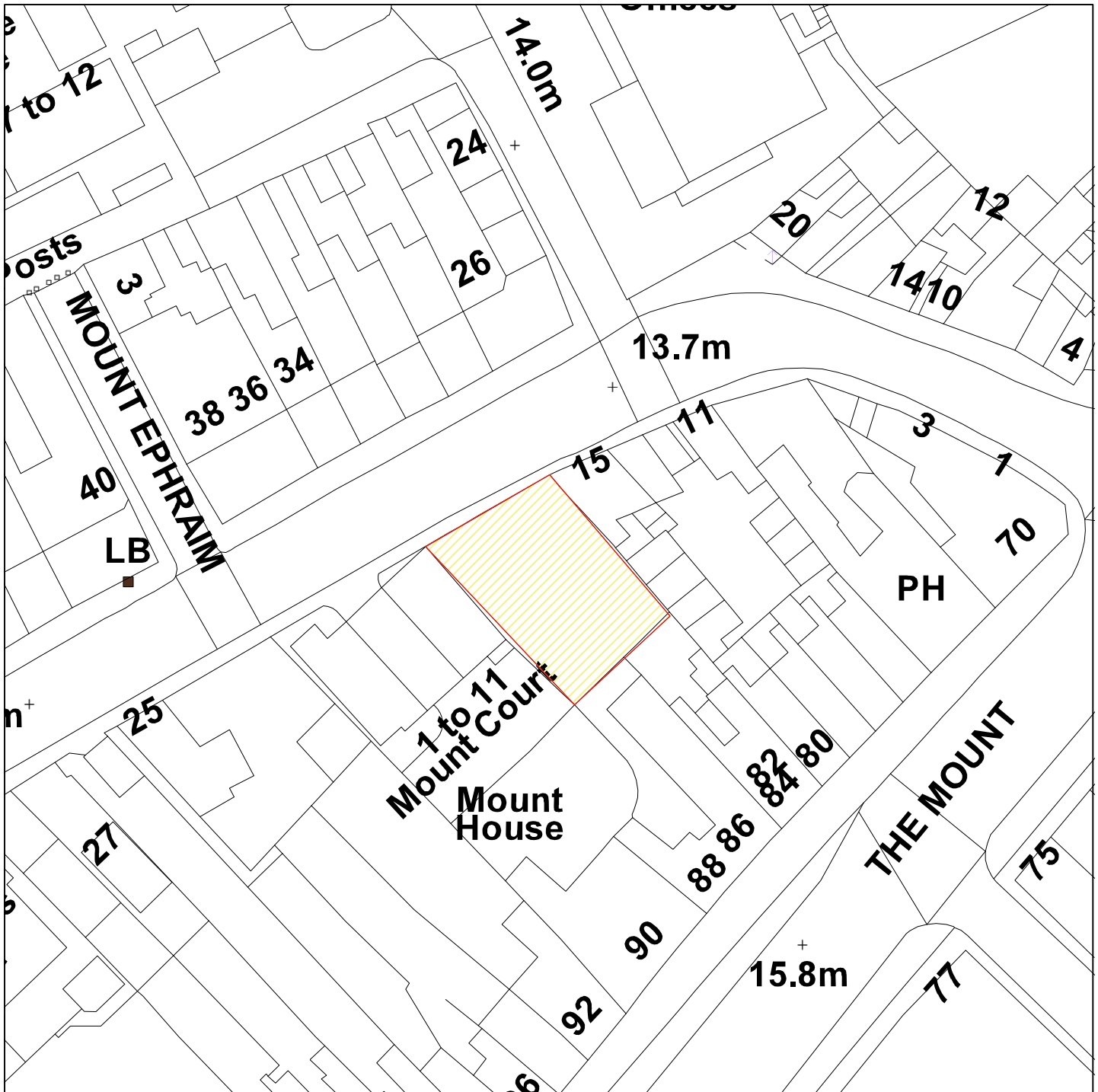
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Car Parking Area, Holgate Road

12/03132/FUL



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Organisation	City of York Council
Department	City and Environmental Services
Comments	
Date	20 December 2012
SLA Number	Not Set

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COMMITTEE REPORT

Date: 10 January 2013 **Ward:** Acomb
Team: Major and **Parish:** Acomb Planning Panel
Commercial Team

Reference: 12/02991/REMM
Application at: Plot 15 Great North Way Nether Poppleton York
For: Reserved matters application 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
By: Mr Garry Barker
Application Type: Major Reserved Matters Application (13weeks)
Target Date: 16 January 2013
Recommendation: Approve

1.0 PROPOSAL

1.1 The applicant seeks reserved matters approval to erect 8 no. light industrial/storage and distribution units (B1, B2 and B8 Uses). The applicant seeks approval for siting, access, appearance, landscaping, layout, and scale. Units 1 to 6 form an L shaped building, and Units 7 and 8 will be detached. The units' size varies from 113sqm to 285sqm. The proposed units would be 8 metres in height (7.3 metres to the eaves). Units 1 to 6 would be 43.2 metres along the north elevation and 42.5 metres along the east elevation. Units 7 and 8 would be detached and would measure 11metres by 15.7 metres and 11 by 12.7 metres respectively. The roof and exterior finish to the walls would be profiled cladding. Each unit would have a pedestrian access with canopy, and a vehicle/goods entrance. The existing bunding will be removed and the proposed land levels and height of the proposed units will be similar to the neighbouring units.

1.2 The outline application 99/01777/OUT "Proposed Mixed Use Development comprising cycle and car park to proposed rail halt, business (B1), general industrial (B2) and storage or distribution (B8) uses", was approved 01.04.2003. This planning permission established the principle of developing Plot 15 (along with 2C, 8B, 8C, 9, 6A and 8A) for the aforementioned Use Classes. The time limit of the outline application was extended to 01/04/2013 by 06/00518/FUL.

1.3 Plot 15 is one of the few remaining vacant plots within York Business Park. Plot 15 is sited adjacent to the Harrogate railway line and set back from the East Coast rail line.

There is an electricity pylon adjacent to the proposed site and the overhead cables would be over the site. National Grid has confirmed that there are electricity cables running under the site, to the rear of proposed units 7 and 8.

1.4 Revised plans have been submitted revised the landscaping scheme to take account of the comments by National Grid, the Landscape Architect, and the Ecology Officer. In addition vehicle swept paths for each unit have also been submitted.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

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

2.2 Policies:

CYGP1 Design

CYGP4A Sustainability

CGP15A Development and Flood Risk

CYGP9 Landscaping

CYNE7 Habitat protection and creation

CYE3B Existing and Proposed Employment Sites

CYT4 Cycle parking standards

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

Highway Network Management

3.1 No objections

Ecology Officer

(original scheme; any further comments will be reported at the committee meeting)

3.2 The location of this site is of importance within this area, and it is situated in between two particularly important sites for invertebrates (the Bee Bank to the south east, and Poppleton Ings to the north east, where wildflower enhancement work has recently been carried out). It is important therefore that enhancement is carried out on this site to benefit invertebrates, especially bees, and that linkages and connectivity between sites are created or maintained.

It is important that nectar rich species are used, particularly autumn and spring flowering species, to provide a good food source for the local invertebrate population.

Landscape Architect

(original scheme; any further comments will be reported at the Committee meeting)

3.3 The landscaping plan should have a greater number of trees and flowering shrubs.

Environmental Protection Unit

3.4 No objections. Noted that considerable time and effort has been spent on site investigation works including gas sampling. Although no contamination has been found that would require remediation for the end users of the site, request that the gas sampling is completed and the results submitted to the council.

3.5 Request condition require gas sampling results be submitted and an informative advising of procedure if contamination is found during construction

York North West Team

3.6 No comments received

EXTERNAL CONSULTATIONS/REPRESENTATIONS

Nether Poppleton Parish Council

3.7 No objections

Acomb Planning Panel

3.8 No comments received

Police Architectural Liaison Officer

3.9 No objections

National Grid

(original scheme; any further comments will be reported at the committee meeting)

3.9 Object. Some of the trees being planted are over the top of an electricity cable as ultimately the roots may grow to cause damage to the cable.

Network Rail

3.10 No objections. Request conditions: for the surface water drainage, boundary fencing and external lighting. The safe use of crane and plant, excavations and earthwork, and access to railway can be dealt with via an informative.

4.0 APPRAISAL

RELEVANT SITE HISTORY

06/01688/REMM - Erection of 2 no. light industrial/storage and distribution units (B2 and B8 Uses) - Approved

KEY ISSUES

- Design/Layout/Scale
- Landscaping
- Highway Issues
- Sustainability
- Drainage

ASSESSMENT

PLANNING POLICY

4.1 The National Planning Policy Framework sets out the presumption in favour of sustainable development. Significant weight should be placed on the need to support economic growth.

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

4.3 Policy GP9 'Landscaping' states that where appropriate development proposals will be required to incorporate a suitable landscaping scheme, and this must: be planned as an integral part of the proposals; and include an appropriate range of indigenous species; and reflect the character of the locality and surrounding development; and form a long term edge to developments adjoining or in open countryside.

4.4 Policy NE7 'Habitat Protection and Creation' states that Development proposals will be required to retain important natural habitats and, where possible, include measures to enhance or supplement these and to promote public awareness and enjoyment of them. Within new developments measures to encourage the establishment of new habitats should be included as part of the overall scheme.

4.5 Policy E3b 'Existing and Proposed Employment Sites' states that the standard employment sites identified in schedule 2 and any other sites or premises either currently or previously in employment use, will be retained within their current use class.

DESIGN, LAYOUT, AND SCALE

4.6 The principle of the use of the site for B1, B2, and B8 use has been granted in the previous outline permissions. The proposed units are not in close proximity to any current residential development. The surrounding development is industrial in character and appearance.

4.7 The proposed units are very similar in design to the units neighbouring the site. The elevations have indicated that the cladding would be different colours but has not provided any further details. It is considered that further details could be sought via condition to ensure that it co-ordinates with the current muted colour palette of the surrounding units.

4.8 Units 1, 2, 5, and 6 would be set around a service yard/turning area and parking area. The road would be slightly extended to give access to units 3 and 4. Units 7 and 8 are proposed to the other side of Rose Avenue, these units would be detached. The parking would be set to the front as well as behind the units. The layout of Units 7 and 8 appears a little awkward by virtue of the layout and this could potentially impact on the type of vehicles that can visit the site and the possible users of the site, although the type of users would be limited by the size of the unit. The layout is constrained by the shape of the plot, and the appearance is not considered to result in harm to the character of the area. It is considered prudent to condition that there should be no outside storage of materials by virtue of the siting of the units close to a transport route into York and to protect the visual amenity of this transport corridor. In addition the details of any proposed external lighting should also be conditioned.

4.9 There is an existing mixture of unit sizes within the business park. The units are relatively small and would add to the variety of accommodation within the business park and the wider York Area.

LANDSCAPING

4.10 The application site is dominated by rough grassland and some immature self seeded shrub and tree species, and earth bunding, none of which can be considered as significant landscape features worthy of retention.

4.11 The development would be surrounding by a 2.4 metre high palisade fence to provide security to the units, some of the adjacent units are also surrounding by this type of fencing. There would be shrub and tree planting to the outside of the fencing to soften the appearance. Feedback with regards to the revised landscaping scheme is awaited from the Landscape Architect, the Ecology Officer, and the National Grid, the comments will be reported to at the committee meeting. From the initial response from National Grid, they requested that the planting in the vicinity of the underground cables be removed and this would remove their objection, the revised plans show only hardstanding and grass where the underground cables are sited. It is considered that if there are still concerns regarding the landscaping scheme that this could be overcome by a suitably worded condition, which if required will be proposed at the committee meeting.

HIGHWAYS

4.12 Issues relating to traffic generation have already been considered at the outline stage and therefore can not be considered as part of this application.

4.13 The access to Units 1, 2, 5, 6, 7, and 8 already exists. The extension of Rose Avenue and the access to Units 3 and 4 will be gated. The layout of the road would result in access being retained to the site to the east, to allow future development of the neighbouring site.

4.14 Lorry swept paths have been submitted and the Highways Network Management team are satisfied with these details.

4.15 Policy T4 ' Cycle Parking Standards' states that in all new developments, cycle parking provision will be required in accordance with the standards set out in Appendix E of the Local Plan. The plans show cycle parking within the units but also covered cycle parking outside the units which is considered to comply with Policy T4

SUSTAINABILITY

4.16 The outline application for Plot 15 was submitted in 1999 and granted approval in 2003, pre-dating any policy requirements for the submission of BREEAM related documents.

No relevant conditions were attached as part of the outline approval requiring the applicant to submit a BREEAM assessment or provide for on-site renewable energy, as such this issue cannot lawfully be considered at reserved matters stage.

DRAINAGE

4.17 The site is a flood zone 1. Network Rail has requested that a condition be placed on the planning permission requiring additional details of the drainage of the site. The foul and surface water drainage of the site was dealt with during the outline application. No conditions were placed on the outline approval requesting further drainage details, and as such drainage conditions can not be reasonably added to this reserved matters application

OTHER ISSUES

4.18 Network Rail have requested a number of conditions as this is a reserved mattered application it is not considered that it is reasonable nor lawful to add most of these conditions. However they have been listed as informative so the applicant is aware of their concerns.

4.19 EPU has requested details of gas sampling via condition. As this information was not conditioned as part of the outline application, and the reserved matters application is not assessing this issue it would be unreasonable and unlawful to condition this.

5.0 CONCLUSION

5.1. The principle of the use of the land for a B1, B2, and B8 use has been agreed and outline planning permission granted. For the above reasons the proposed development is considered to be acceptable subject to the following conditions.

6.0 RECOMMENDATION: Approve

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

Drawing Number: Proposed Site Plan PP03A received 17 December 2012

Drawing Number: Landscaping Plan PP07A received 17 December 2012

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.

2 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials, including colour scheme, to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

3 HWAY19 Car and cycle parking laid out -

4 Notwithstanding the submitted plans and prior to the commencement of the development full details of the method and design (including illumination levels) and siting of any external illumination shall be submitted to and approved in writing by the Local Planning Authority and shall be completed in accordance with the approved details. Any subsequent new or replacement illumination shall also be agreed in writing by the Local Planning Authority prior to its provision.

Reason: In order to protect the character and appearance of the area from excessive illumination.

5 No raw materials, finished or unfinished products or parts, crates, materials, waste, or any other item shall be stacked or stored outside any building on the site without the prior approval in writing of the Local Planning Authority.

Reason: In the interests of visual amenity of the area.

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

Reason: To prevent obstruction to other highway users.

7 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

Reason: In the interests of the visual amenities of the area and to maintain a sufficient boundary with the railway.

8 Prior to the commencement of development a plan showing details of the proposed finished ground, slab and roof ridge levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved levels.

Reason: to ensure that ground levels are lower than existing and ensure the proposed buildings are of a similar height to the adjacent.

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 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.

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) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome.

Requested revised landscaping plans to overcome the concerns by consultees. Requested re-siting of the goods entrance to Unit 9 to ensure the unit was viable, requested further details including swept paths and colour scheme of the proposed buildings.

3. INFORMATIVE: Control of Pollution Act 1974

4. ENVIRONMENTAL PROTECTION UNIT INFORMATIVE: Contaminated Land

5. INFORMATIVE: Statutory Undertakers equipment

6. NETWORK RAIL INFORMATIVE : Drainage, Fail Safe Use of Crane and Plant, Excavations/Earthworks, Security of Mutual Boundary, Lighting and Access to Railway.

7. NATIONAL GRID INFORMATIVE:

Contact details:

Author: Victoria Bell Development Management Officer

Tel No: 01904 551347

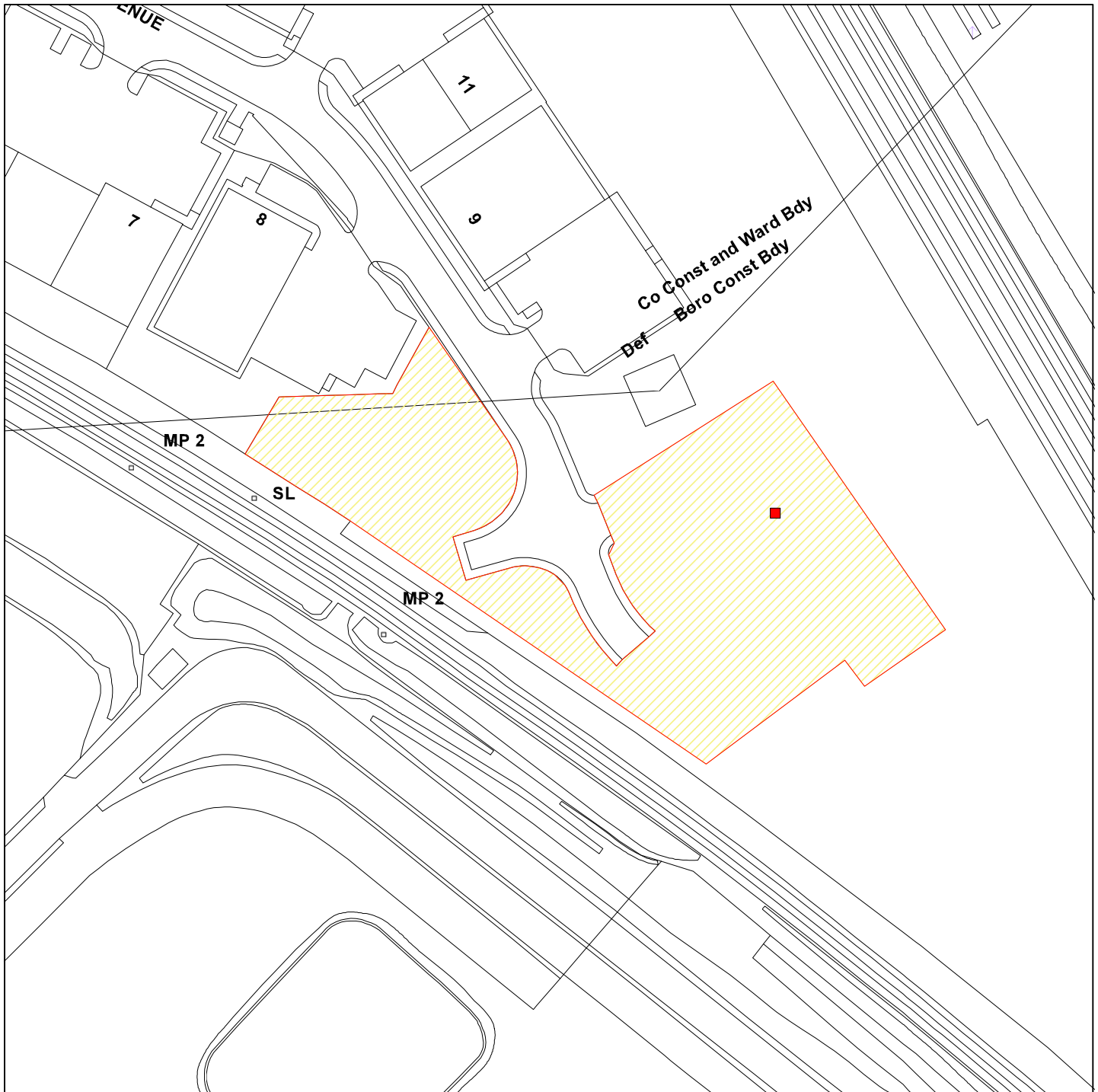
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Plot 15, Great North Way, Nether Poppleton

12/02991/REMM



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Organisation	City of York Council
Department	City and Environmental Services
Comments	
Date	20 December 2012
SLA Number	Not Set

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COMMITTEE REPORT

Date: 10 January 2013 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 12/03635/LBC
Application at: Foundation Housing Bowes Morrell House 111 Walmgate
York YO1 9UA
For: Internal alterations including replacement of partition walls to
ground floor, infill existing opening to rear and installation of
serving hatch on first floor
By: Ms Eileen Ronan
Application Type: Listed Building Consent
Target Date: 24 January 2013
Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks listed building consent for works to adapt the building as a counselling and support centre for a client group. The required alterations are few and have been considered at pre-application stage by the Conservation Architect and English Heritage officers.

1.2 The works include:

- a) The removal of non- original partitioning in existing reception area.
- b) Formation of separate rooms at ground level
- c) On the first floor a new opening (serving hatch) to be formed within the modern partition between the proposed kitchen and dining area.

1.3 The building is listed at Grade 11* and it is located within the Central Historic Core Conservation Area close to the city walls. Walmgate is an important historic approach road into the city, possibly dating from the Roman occupation. Archaeological evidence shows that the route was mostly developed in the Middle Ages and Bowes Morrell House is one of three surviving buildings within the area dating from this period, the others being churches.

1.4 This application is presented to the West/ Centre Planning Sub- Committee at the request of Cllr Brian Watson given the scope of works.

PROPOSED USE OF THE BUILDING (FOR INFORMATION ONLY)

1.5 Members are advised that the previous tenants, Foundation Housing (now Foundation), worked to provide housing for the socially excluded.

Application Reference Number: 12/03635/LBC

Item No: 5d

They were commissioned by the Council to provide floating housing support to vulnerable people, supporting people with a range of issues such as mental health, criminal justice and/or drug and alcohol problems with their tenancies. A key role was to assist their clients to address drug and alcohol issues in partnership with specialist services. One-to-one interviews and group work was done at this site. In addition a specialist young people drug and alcohol service was based at Bowes Morrell House run by CRI, a national specialist drug charity.

1.6 The new tenants, the Cyrenians, are a support organisation for those who are now rehabilitated from drug and alcohol issues. The Cyrenians have been commissioned by the Council and their focus is about assisting people who have 'previously' had problems with drugs or alcohol to live positively within the community. They provide support, group work, and help to individuals who wish to continue to live drug and alcohol free lives, helping people to overcome life's challenges and live a positive life as citizens of York. The Cyrenians are looking at a slightly wider range of life skills than simply tenancy support and sign posting, and no young people will be seen as part of this work.

1.7 It was considered that the existing and proposed uses were similar office/seminar uses with low level counselling, and no further planning permission was required. Members are also advised that the nature of the work carried out by the Cyrenians is completely different from the treatment programme which the Council operate through the charity Lifeline, currently at 10 - 12 George Hudson St.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006
Conservation Area GMS Constraints: Central Historic Core CONF
City Boundary GMS Constraints: York City Boundary 0001
DC Area Teams GMS Constraints: Central Area 0002
Listed Buildings GMS Constraints: Grade 2 Star; 111 Walmgate York YO1 2UA
0017

2.2 Policies:

CYHE4-Listed Buildings

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

3.1 Design, Conservation and Sustainable Development - No objections subject to conditions.

EXTERNAL CONSULTATIONS/ REPRESENTATIONS

3.2 Guildhall Planning Panel - No comments at the time of writing.

3.3 English Heritage - No comments at the time of writing.

4.0 APPRAISAL

4.1 KEY ISSUE

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

POLICY CONTEXT

4.2 National planning policy is now contained in the National Planning Policy Framework (2005). It advises that local planning authorities should support a strong town centre economy and conserve and enhance the historic environment.

4.3 The relevant development plan is the City of York Council Development Control Local Plan (2005). The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the National Planning Policy Framework. POLICY HE4 of the Local Plan relates specifically to listed buildings and states that consent for development in the immediate vicinity of listed buildings, demolition, internal and external alteration, and changes of use will only be granted where there is no adverse effect on the character, appearance or setting of the building.

ASSESSMENT

4.4 The building was originally one of four timber-framed houses built in the early 15th century on the graveyard of St Peter in the Willow (demolished in the C16th). The surviving building is now a standalone structure exhibiting three main phases of building - a timber framed house on an L-shaped plan, with a long open hall open next to the two storey range to the south east; a C16th timber-framed addition to the south west and a late C17th extension to the rear (ref RCHME York vol. V).

Although the building was heavily "restored" in modern non-breathable materials in the 1960s the interior exhibits much of the original framing, especially in the roof structure. The building is of high evidential value, and has historic value in relation to the development of the area. In addition parts of the interior are of high aesthetic value.

4.5 The following assessment relates to each of the affected areas:

- a) Removal of non -original partitioning in existing reception area- The partitions are modern and it would be beneficial to open up the space within the lower part of the original two storey hall. The removed cross wall is also modern.
- b) Formation of separate rooms at ground level- The three bay timber structure is currently open plan and a separate reception area is required within this space. There appears to be no alternative arrangement which would avoid sub-dividing this space. A simple stoothing partition would be introduced in the centre of the cross beam, in a similar manner to the earlier partition dividing off the C17th wing; but without the intermediate struts so that the new partition could be dated as being more recent and reversible. Metal clamps or straps would be used to restrain the partition at the head in order to prevent fixing into the original beam. The base would be fixed into a concrete floor. The existing modern oak reception counter would be removed to allow the opening to be blocked in with a lightweight partition including two doors. The design of the doors would be simple. The door-width opening within the existing stoothing partition would be blocked to allow the rear room to be used separately. The timber reveals of the opening show evidence of previous light fixings. No additional fixings would be required.
- c) First Floor Serving Hatch- The proposal for a new opening to form a serving hatch between the proposed kitchen and dining area would be formed within a modern partition. The partition is a late C20th insertion into the C17th wing and no original fabric would be disturbed.

4.6 The alterations have been justified and they have been designed to reduce or eliminate long term damage to the timber frame. Although the larger compartment would be sub-divided, the new partition would be designed as a reversible introduction. The character of the entrance area would be better revealed by the proposals which would open the space up. The scheme would not adversely affect the special historic or architectural significance of the building.

5.0 CONCLUSION

5.1 The proposed works which involve minor changes to modern partitions and the insertion of a new partition under an existing medieval cross beam would be visually, historically and architecturally acceptable in the Grade II* Listed building. They would enable the building to be adapted for a new user, benefitting the long term interest of the building. There would be no conflict with Policy HE4 of the Local Plan and national planning guidance contained in the National Planning Policy Framework. This listed building consent application has to be determined on its own merits and the use of the building is not material to this determination. It is recommended that listed building consent is granted.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

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

Drawing No. 3334/20/02, received 29 November 2012

Drawing No. 3334/30/02, received 29 November 2012

Drawing No. 3334/50/01, received 29 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.

7.0 INFORMATIVES:- Notes to Applicant

1. REASON FOR APPROVAL

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

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:

-Advice given at the pre-application meeting on 30 October 2012 and written advice dated 30 October 2012, to identify and resolve issues prior to submission of listed building application.

-Consideration of revised plans and additional information received on 3 December 2012

Contact details:

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

Tel No: 01904 552407

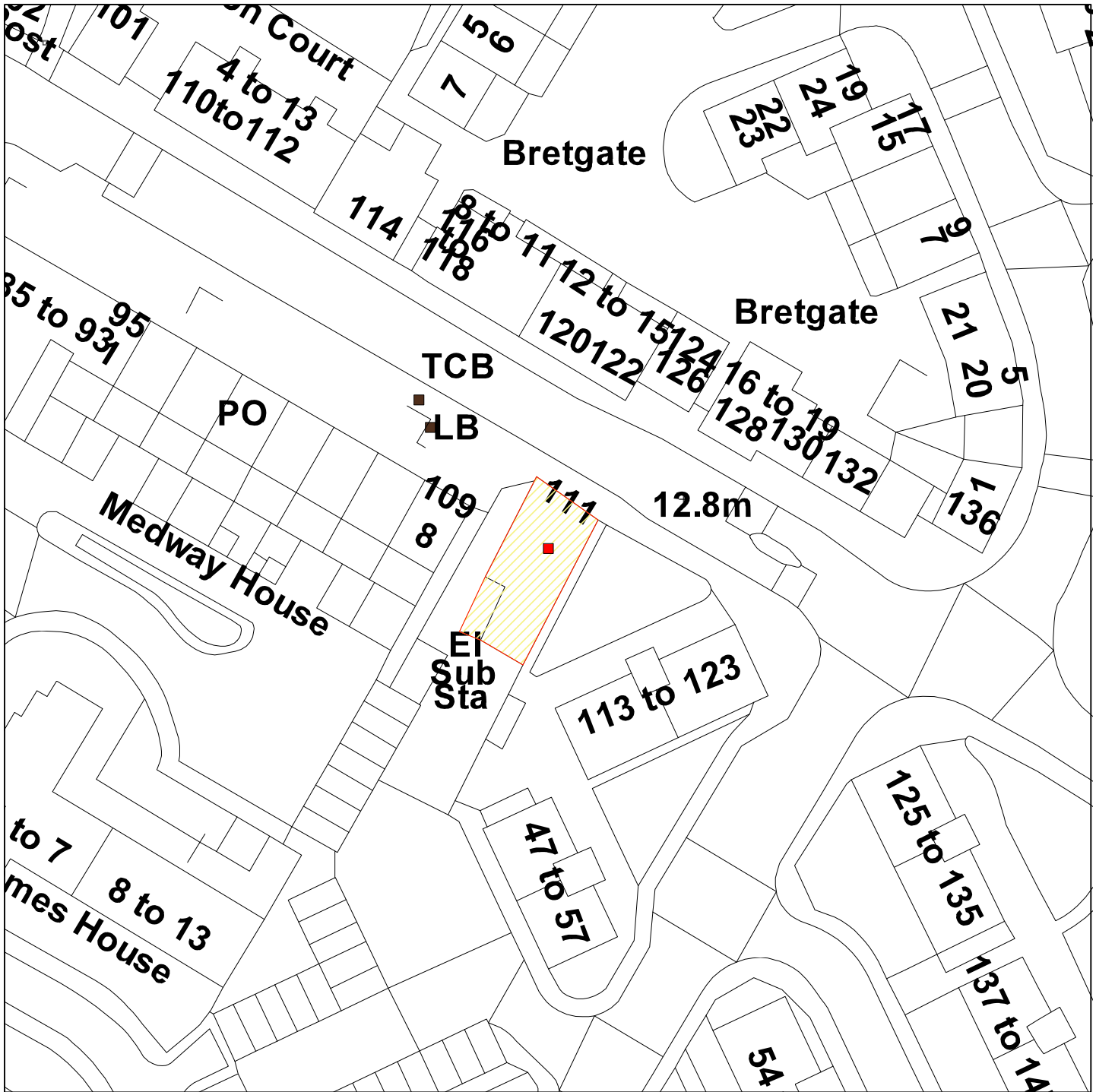
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Bowes Morrell House, 111 Walmgate

12/03635/LBC



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Organisation	City of York Council
Department	City and Environmental Services
Comments	
Date	20 December 2012
SLA Number	Not Set

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COMMITTEE REPORT

Date: 10 January 2013 **Ward:** Micklegate
Team: Householder and **Parish:** Micklegate Planning
Small Scale Team Panel

Reference: 12/03313/FUL
Application at: 15 Dewsbury Terrace York YO1 6HA
For: Single storey side extension following demolition of existing car port
By: Mr Robert Wyke
Application Type: Full Application
Target Date: 18 December 2012
Recommendation: Householder Approval

1.0 PROPOSAL

1.1 This application seeks permission for a single storey pitched roof side extension following demolition of the existing car port. A Listed Building application also accompanies this application - ref. 12/03314/LBC.

1.2 The property is a later addition forming a return to a mid-nineteenth century terrace by GT Andrews. The property is grade II listed as a building of special architectural or historic interest, and is situated within the Central Historic Core conservation area. The site is adjacent to and prominent in views from the city walls, and is prominent in views from lower priory street.

1.3 Revisions have been submitted at the request of the conservation officer replacing the glazed canopy to front with slate and amending the proportions of the new side window at ground floor level.

1.4 The scheme has been called to committee by Cllr Brian Watson due to the amount of structural work proposed.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006
Conservation Area GMS Constraints: Central Historic Core CONF
City Boundary GMS Constraints: York City Boundary 0001
DC Area Teams GMS Constraints: Central Area 0002
Listed Buildings GMS Constraints: Grade 2; 14 Dewsbury Terrace York
Listed Buildings GMS Constraints: Grade 2; 15 Dewsbury Terrace York

2.2 Policies:

CYGP1 Design
CYH7 Residential extensions
CYHE3 Conservation Areas
CYHE4 Listed Buildings

3.0 CONSULTATIONS

INTERNAL

3.1 DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT - The scale of the proposed replacement structure and its basic pitched roof form sit comfortably with the host building and the street scene. The glazed canopy at the front and extensive glazing will be intrusive and at odds with the historic appearance of the building. Covering the whole of the front roof slope in slate has addressed concerns regarding the proposed extension as a whole.

EXTERNAL

3.2 CONSERVATION AREA ADVISORY PANEL - The Panel felt that the proposal was an improvement on the current structure, but were concerned that the window in the side elevation was unnecessary and could be a security issue.

3.3 MICKLEGATE PLANNING PANEL – (original submission) The Panel have no objection to the principle of the development in replacing the carport, but would like to see materials and possibly design more sympathetic to the Conservation Area.

3.4 PUBLICITY - The application has been advertised by site notice, press advert and neighbour notification letter. No responses have been received.

4.0 APPRAISAL

KEY ISSUES:-

- Visual impact on the dwelling and conservation area
- Impact on neighbouring property

RELEVANT PLANNING POLICY

4.1 The National Planning Policy Framework 2012 (NPPF) sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development. The framework 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. A principle set out in paragraph 17 is 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 132 states that considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed by or lost through alteration or destruction of the heritage asset or development within its setting.

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

4.3 Local Plan Policy GP1 states that development proposals will be expected to respect or enhance the local environment, 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; and ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.4 Local Plan Policy H7 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 (iv) proposals respect the spaces between dwellings; and (v) the proposed extension does not result in an unacceptable reduction in private amenity space within the curtilage of the dwelling.

4.5 Local Plan Policy HE3 states that within conservation areas, proposals will only be permitted where there is no adverse effect on the character and appearance of the area.

4.6 Local Plan Policy HE4 states with regard to listed buildings that consent will only be granted for development where there is no adverse effect on the character, appearance or setting of the building.

4.7 The City of York Council Supplementary Planning Guidance - Guide to extensions and alterations to private dwelling houses (2001) states that the basic shape and size of the extension should be sympathetic to the design of the original dwelling. The scale of the new extension should not dominate the original building. Proposed extensions should have pitched roofs and the materials should match those of the main property. For single storey extensions, obscured glazing should be fitted to any essential windows facing the neighbouring boundary where there may be a loss of privacy for neighbours.

VISUAL IMPACT ON THE DWELLING AND CONSERVATION AREA

4.8 The existing car port is of no special interest, being a lightweight, flat roofed structure with walls constructed from brick which is similar to that of the host building. The lower part of the north east wall appears to be a remnant of an earlier structure or boundary wall. The doors giving access to the carport from the house are modern and of no special interest.

4.9 It is proposed to replace the car port with a structure of similar size to provide an enlarged kitchen area and utility. The scale of the proposed replacement structure sits comfortably with the host building and the street scene. However, the glazed canopy at the front was considered to appear intrusive and at odds with the historic appearance of the building. It was therefore suggested that covering the whole of the front roof slope in slate would address this concern and would result in a more traditional addition, more in keeping with the existing building. This amendment has since been submitted by the agent.

4.10 It is proposed to install 2no. roof lights to the rear roof slope of the extension which will not be visible from wider views of the conservation area, nor the neighbouring terrace building. The small window proposed to the side elevation onto the alleyway was felt to be a security risk by CAAP members, however its design and location at the entrance to the alley way is not considered to be overly harmful. The new timber sash window has also been altered to a more appropriate scale, which is considered to be more in keeping with the proportions of the existing fenestration. It is also proposed to replace one of the basement windows, however during the site visit this window was boarded up so its condition could not be judged. As such, the applicant will need to submit details of this window prior to the LPA agreeing to its replacement.

IMPACT ON NEIGHBOURING PROPERTY

4.11 The eaves of the extension are situated just above the boundary wall and as such the impact on the neighbouring property will be minimal as the roof slopes away from the boundary. No loss of privacy or overshadowing will occur.

5.0 CONCLUSION

5.1 The proposed extension, as amended, is considered to be an appropriate addition to the host dwelling and will not harm residential amenity. Approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Householder Approval

1 TIME2 Development start within three years -

2 PLANS1 Approved plans - Drawing 1231.03 Rev. A received 17.12.12

3 VISQ8 Samples of exterior materials to be app -

4 Prior to development commencing on site, a drawing showing the south-east elevation of the boundary wall (scale 1:20) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: So that the LPA can be satisfied with these details.

5 Prior to works commencing on site, a sample for external surfacing details shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the appearance of the listed building.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

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

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) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

Amended drawings were requested in respect of the design and appearance of the proposed extension.

Contact details:

Author: Elizabeth Potter Development Management Assistant

Tel No: 01904 551477

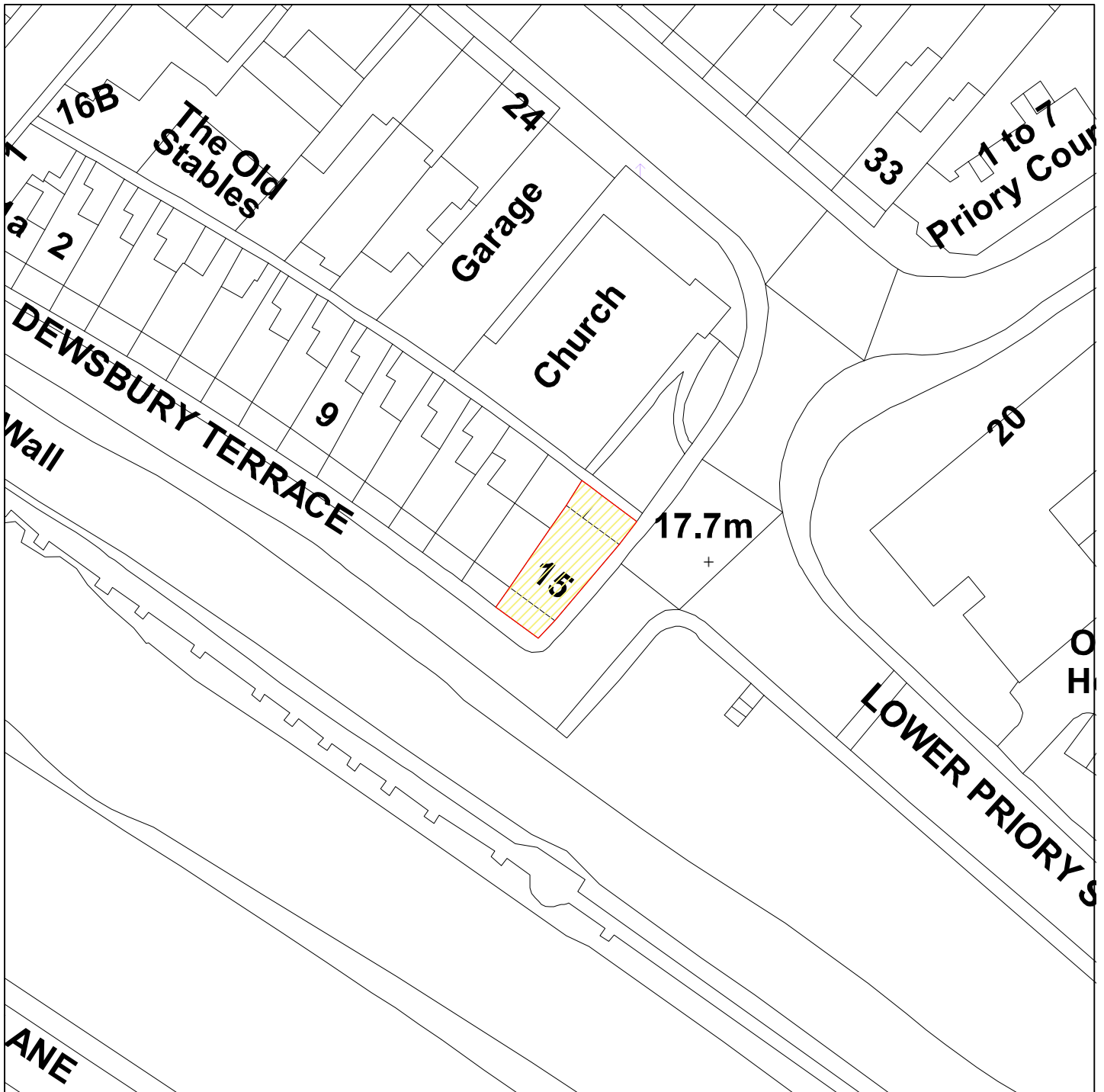
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15 Dewsbury Terrace, YO1 6HA

12/03313/FUL



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Organisation	City of York Council
Department	City and Environmental Services
Comments	
Date	20 December 2012
SLA Number	Not Set

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COMMITTEE REPORT

Date: 10 January 2013 **Ward:** Micklegate
Team: Householder and **Parish:** Micklegate Planning
Small Scale Team Panel

Reference: 12/03314/LBC
Application at: 15 Dewsbury Terrace York YO1 6HA
For: Internal and external alterations including single storey side extension
By: Mr Robert Wyke
Application Type: Listed Building Consent
Target Date: 18 December 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks listed building consent for internal and external alterations including a single storey pitched roof side extension, insulation to the basement ceiling, replacement basement windows and a new opening to the ground floor side elevation. A full planning application also accompanies this application - ref. 12/03313/FUL.

1.2 The property is a later addition forming a return to a mid-nineteenth century terrace by GT Andrews. The property is grade II listed as a building of special architectural or historic interest, and is situated within the Central Historic Core conservation area. The site is adjacent to and prominent in views from the city walls, and is prominent in views from Lower Priory Street.

1.3 Revisions have been submitted at the request of the conservation officer replacing the glazed canopy to front with slate and amending the proportions of the new side window at ground floor level.

1.4 The scheme has been called to committee by Cllr Brian Watson due to the amount of structural work proposed.

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; 14 Dewsbury Terrace York
Listed Buildings GMS Constraints: Grade 2; 15 Dewsbury Terrace York

2.2 Policies:

CYGP1 Design
CYHE4 Listed Buildings

3.0 CONSULTATIONS

INTERNAL

3.1 DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT - The scale of the proposed replacement structure sits comfortably with the host building and the street scene, amended drawings have addressed concerns re glazing and design of roof. The windows to the basement may at present be redundant, however they are of historic and aesthetic value: justification is required for their removal. In the absence of substantial justification, the windows should be repaired and retained in situ. Under-drawing the arched roof structure of the basement will preserve the historic structure of the floor.

EXTERNAL

3.2 CONSERVATION AREA ADVISORY PANEL - The Panel felt that the proposal was an improvement on the current structure, but were concerned that the window in the side elevation was unnecessary and could be a security issue.

3.3 MICKLEGATE PLANNING PANEL – (Original Submission)The Panel have no objection to the principle of the development in replacing the carport, but would like to see materials and possibly design more sympathetic to the Conservation Area.

3.4 PUBLICITY - The application as been advertised by site notice, press advert and neighbour notification letter. No responses have been received.

4.0 APPRAISAL

KEY ISSUES

- Impact on visual amenity and historic character of the listed building

RELEVANT PLANNING POLICY

4.1 Local Plan Policy HE4 states with regard to listed buildings that consent will only be granted for development where there is no adverse effect on the character, appearance or setting of the building.

4.2 National planning policy is now contained in the National Planning Policy Framework paragraph 132 states that considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed by or lost through alteration or destruction of the heritage asset or development within its setting.

IMPACT ON VISUAL AMENITY AND HISTORIC CHARACTER OF THE LISTED BUILDING

4.3 The existing car port is of no special interest, being a lightweight, flat roofed structure with walls constructed from brick which is similar to that of the host building. The lower part of the north east wall appears to be a remnant of an earlier structure or boundary wall. The doors giving access to the carport from the house are modern and of no special interest. It is proposed to replace the car port with a structure of similar size to provide an enlarged kitchen area and utility. The scale of the proposed replacement structure sits comfortably with the host building and the street scene. However, the glazed canopy at the front was considered to appear intrusive and at odds with the historic appearance of the building. It was therefore suggested that covering the whole of the front roof slope in slate would address this concern and would result in a more traditional addition, more in keeping with the existing building. This amendment has since been submitted by the agent. It is also proposed to erect a boundary wall and railings in front of the new extension to the side of the property. Providing the detailed design and materials for the proposed boundary walls and railings can be agreed by condition, the proposed boundary treatment will sit comfortably with the historic appearance of the building and the street scene.

4.4 The light well to the basement has been blocked at some point in the past, and certainly by the date of listing; the list description indicates incorrectly that there is no cellar. The windows to the basement appear at present to be redundant, however they are of historic and aesthetic value: justification is therefore required for their removal. In the absence of substantial justification, the windows should be repaired and retained in situ. It is also proposed to cover the basement ceiling with insulation. Under-drawing the arched roof structure of the basement will result in a change of appearance, but preserves the historic structure of the floor. Given that this will improve the thermal insulation of the basement and ground floor of the property, it is considered that this outweighs the change in appearance.

4.5 A new timber sash window is proposed to the side elevation and has been altered to a more appropriate scale, which is considered to be more in keeping with the proportions of the existing fenestration. A new opening in this location is not felt to harm the appearance of the listed building.

5.0 CONCLUSION

5.1 The internal and external alterations proposed (except the replacement basement windows) will preserve the appearance of the listed building. Approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 TIMEL2 Development start within 3 yrs (LBC/CAC) -
- 2 PLANS1 Approved plans - Drawing 1231.03 Rev. A received 17.12.12
- 3 Notwithstanding the hereby approved plans, the basement windows shall not be replaced without a further listed building consent being granted by Local Planning Authority.

Reason: The existing windows are of historic and aesthetic value and no justification for their removal has been provided to the local planning authority as required by paragraph 132 of the National Planning Policy Framework.

- 4 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used (including external surfacing materials) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

- 5 Prior to work commencing on site, full details shall be submitted to and approved by the Local Planning Authority for the hereby approved roof lights. These shall be flush with the roof covering.

Reason: To protect the appearance of the listed building.

- 6 Notwithstanding the hereby approved plans, the following details are required to be submitted and approved in writing by the Local Planning Authority:

- Elevation drawing of boundary wall to south-east elevation at 1:20
- Vertical cross section through railings at 1:2
- Vertical cross section through window opening, window frames and sills for all new windows at 1: 5

- Cross section through frames and glazing bars for new windows at 1:2

Reason: So that the LPA can be satisfied with these details.

7 The north-east and south-east elevation of the building shall be made good following the removal of the car port.

Reason: To protect the appearance of the listed building.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

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

Contact details:

Author: Elizabeth Potter Development Management Assistant

Tel No: 01904 551477

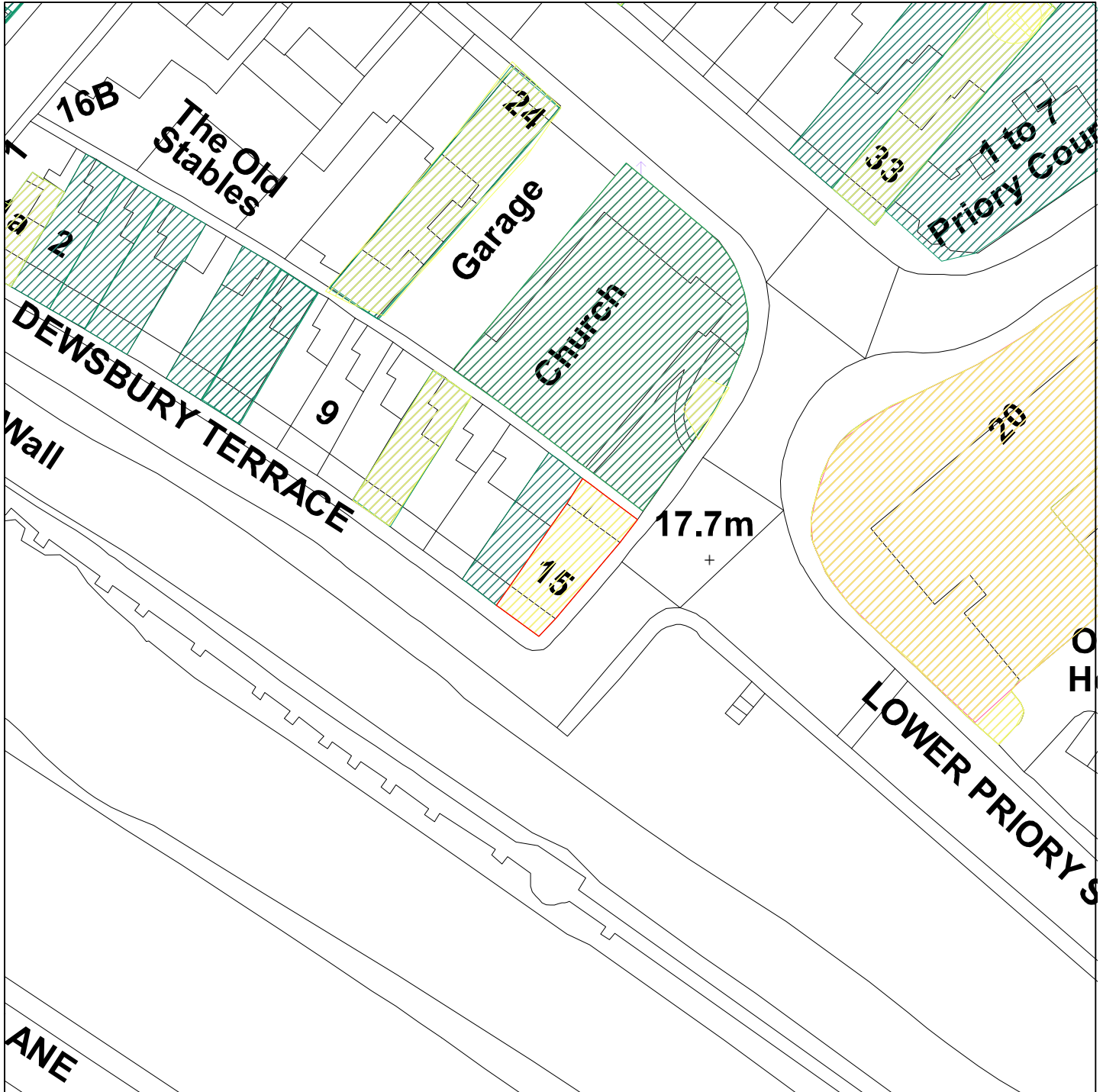
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15 Dewsbury Terrace, YO1 6HA

12/03314/LBC



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Organisation	City of York Council
Department	City and Environmental Services
Comments	
Date	20 December 2012
SLA Number	Not Set

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COMMITTEE REPORT

Date: 10 January 2013 **Ward:** Guildhall
Team: City Centre **Parish:** Guildhall Planning Panel
Management

Reference: 12/02802/FUL
Application at: Lendal Cafe 2A Lendal York YO1 8AA
For: Change of use of York Antique Centre (Class A1) to restaurant (Use Class A3) with installation 3 no. condenser units at rear.
By: Mr Kaya And Mr Broome
Application Type: Full Application
Target Date: 12 October 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks planning permission for a change of use of a currently vacant retail unit (Use Class A1) to a restaurant use (Use Class A3) at 2A Lendal.

CONTEXT

1.2 The proposals relate to a change of use of part of the ground floor and basement of the former Congregational Chapel building from the former York Antique Centre to a restaurant use. The property is a Grade II Listed Building, originally forming part of a Congregational Chapel designed by J P Pritchett in 1816, and converted and altered in 1929. It is situated in Central Historic Core Conservation Area No. 1. The neighbouring buildings are listed, and the rear of the building contributes to the historic building aspect of the River Ouse between Lendal Bridge and the Guildhall complex. The remainder of the building is in restaurant use, and the building forms part of a mixed leisure/ retail/commercial area on an approach to the heart of the City Centre. The alleyway between the Graduate and ZiZi's gives vehicular and pedestrian access to the rear of the building, and to two residential properties within the Graduate building.

APPLICATION DETAILS

1.3 The main restaurant area would be provided in the basement and a seating and bar area would be formed on the ground floor. The business would create 10 full-time and 5 part-time jobs, and result in 183 square metres of vacant retail space being used as a restaurant. It would open from 12:00-24:00 hours, with no new diners admitted after 22:00 hours.

1.4 The detailed internal alterations associated with the change of use are considered in the companion application for listed building consent.

1.5 Revised plans have been received proposing an internal mechanical ventilation/ extraction system. This would replace the originally proposed system that would have required an additional kitchen flue adjacent to an existing flue on the side elevation of the building. It requires two windows in the side elevation of the building to be altered to accommodate louvres and 3 No. air condenser units are proposed on the rear elevation in an enclosed yard. It is intended that commercial waste would consist of plastic bags put out immediately prior to collection in a side passageway.

RELEVANT PLANNING HISTORY

1.6 Planning permission was granted for the change of use of existing ground floor shop and basement stores into restaurant, internal alterations, and new ground floor front elevation in 1979 (7/00/2267PA) . In 1983, planning permission was granted for the change of use of part of the ground floor coffee house cafe to retail shop (7/00/2267EPA).

1.7 The first floor of the building was changed from retail to a pool and games room in 1989 (7/05/2667T/PA) and then to a restaurant in 2001 (01/02274/FUL). A further planning permission was granted for the erection of a covered escape stairwell to the rear with internal and external alterations (02/00912/FUL) that included the existing flue on the side elevation of the building.

1.8 The related application for listed building consent is also presented to Members at this meeting (Ref. 12/ 02803/LBC).

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

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: Central Area 0002

Listed Buildings GMS Constraints: Grade 2; 8 Lendal York YO1 2AA 0618

Listed Buildings GMS Constraints: Grade 2; 2 Lendal York YO1 2AA 0619

2.2 Policies:

CYHE4-Listed Buildings

CYHE3-Conservation Areas

CYS6-Control of food and drink (A3) uses

CYGP1-Design

CYGP4A-Sustainability

3.0 CONSULTATIONS

INTERNAL

3.1 Design, Conservation and Sustainable Development- No objection to the revised proposals subject to conditions. Please refer to the associated listed building application (12/02803/LBC) for more detailed comments.

3.2 Environmental Protection Unit- Comments awaited on revised system.

EXTERNAL

3.3 Guildhall Planning Panel - Objects to the further loss of retail floor space and consider York cannot afford to lose anymore retail space, and further restaurants and coffee houses should be discouraged.

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 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.

ASSESSMENT

Land Use

4.8 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 steer commercial and leisure developments to previously developed land/buildings within defined City Centres.

4.9 It is appreciated that the premises have a number of physical constraints that limit their potential use. The part ground floor and basement which form the unit, has a narrow street frontage with limited retail presence. The interior is on two levels which limits access for all. Although previously in retail use, it is located at the edge of the shopping centre and does not form part of the main shopping centre as a designated shopping street. The building has a history as a restaurant use when planning permission was granted for a restaurant use in 1979 (7/00/2667PA).

4.10 Evidence has been provided by the agent that indicates that since the closure of the premises in early 2011, retail interest in the unit has been poor, and most of the enquiries have been for food/ drink/ leisure uses. Apparently the previous use was maintained due to low rental levels and support from individual traders to finance the rent. The traders gradually moved elsewhere as business was poor in this location. The building would appear to have little attraction and potential as an A1 use and the proposed use would not detract from the main retail function of the City Centre or existing retail uses on Lendal.

4.11 The proposed restaurant use would be compatible with and compliment the existing restaurant within the building. The conversion of vacant premises to an A3 use would add to the vitality and viability of the City Centre in land use terms with a vibrant City Centre use in a sustainable location. The principle of the proposed A3 use would therefore be compatible with Policy S6 that seeks to support the introduction of new A3 food and drink uses provided there would be no harm to other material considerations.

The amenity of surrounding occupants

4.12 The proposed restaurant use would be situated in a part of the City Centre where there higher ambient noise levels. The original extraction from the kitchen proposed a large external flue on the side of the building adjacent to the existing flue for Zizi's. This plan has been superseded by a proposal to use an internal attenuation system with air intake and output via louvred openings in existing windows in the side elevation.

4.13 The building is surrounded by largely in office/ commercial uses, however there is a doorway to a flat above The Graduate (4 Lendal) adjacent which could be affected by the proposed mechanical extraction/ventilation equipment. The door to No. 4a would be opposite the proposed intake and extraction louvres in the side elevation. Comments from the Environmental Protection Unit with respect to this system are awaited and Members will be updated at the meeting.

4.14 It is noted that the alleyway is wide enough to give vehicular access, the building mass at No 2 and 2A reduces to single storey just beyond the doorway, and there are a number of similar uses in the area resulting in a degree of ambient odours not atypical of the City Centre.

It is unlikely that the working/living conditions of the occupiers of the nearby properties would be adversely affected by noise from the additional restaurant use if a modern, efficient, effective system is installed.

4.15 The proposed ventilation equipment at the rear of the building is located in a landlocked courtyard distant from the nearby residential property. Any noise breakout from the restaurant use would be limited to the entrance area as the restaurant appears to have sealed windows. The proposed restaurant operating hours would be limited to 12:00-24:00 hours, with no additional diners admitted after 22:00. It is unlikely that noise and disturbance levels from the use would be excessive given the existing uses in the area and the limited levels of residential accommodation. The intended waste arrangements using sacks put out prior to collection in the private side passageway would not affect other users or the public. It is therefore concluded that there would be no conflict with the amenity requirements of Policy GP1 and S6 of the Local Plan.

Impact on Heritage Assets

4.16 Lendal forms part of the historic core of the City Centre and is a popular cut-through route for pedestrians in the City Centre. The area provides for largely leisure uses, with some retail use. There are a number of restaurants and public houses that are open in the evening to similar opening hours and it is considered that an additional restaurant use would not result in an over-concentration of such uses within the area that would detrimentally affect its mixed City Centre character. The appearance of the conservation area would not be affected by the use the use would be physically contained within the building with the exception of air handling units visually enclosed at the rear. There would be no conflict with Policy HE3 of the Local Plan.

4.17 The full assessment of internal alterations is considered in the accompanying application for listed building consent. In principle, the re-glazing of the windows, insertion of suspended ceilings and window louvres, would be acceptable subject to suitable details.

5.0 CONCLUSION

5.1 It is considered that the re-use of part of the ground floor and basement as a restaurant would secure a viable economic use for this part of the Listed Building which is currently vacant. It is an improvement to the urban fabric of the city that would enhance the historic environment; would provide additional employment opportunities, would benefit the range of leisure facilities for residents and tourists in a sustainable location, and could be provided without harmful environmental problems. 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, 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. 0614/03 , Revision B, Received 18.12.2012

Drawing No. 0614/03 , Revision A, Received 16.08.2012

Drawing No. 0614/05 , Revision C, Received 3.12.2012

Wards Drawing Nos. 041609, Revision A, Received 3.12.2012

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

3 All waste and recycling shall be stored inside the building except for immediately prior to collection as confirmed in Raymond Barnes letter dated 29 November 2012.

Reason: In the interests of the appearance of the conservation area and the environmental qualities of the street in accordance with policy 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, 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).

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:

- Site meeting with agent, applicant and Council officials on 10 October 2012 following receipt of application
- Agreed revisions to the internal mechanical extraction system and omitting the proposed external flue and the effectiveness of the system to prevent harm to amenity levels
- Agreed additional details of the proposed internal arrangement and treatment of windows
- Consideration of the marketing evidence that demonstrates to lack of interest other than by A3/A4 users in assessing the loss of A1 retail use

2. CONTROL OF POLLUTION ACT INFORMATIVE:

3. COUNCIL'S EMERGING LOW EMISSION STRATEGY INFORMATIVE

Contact details:

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

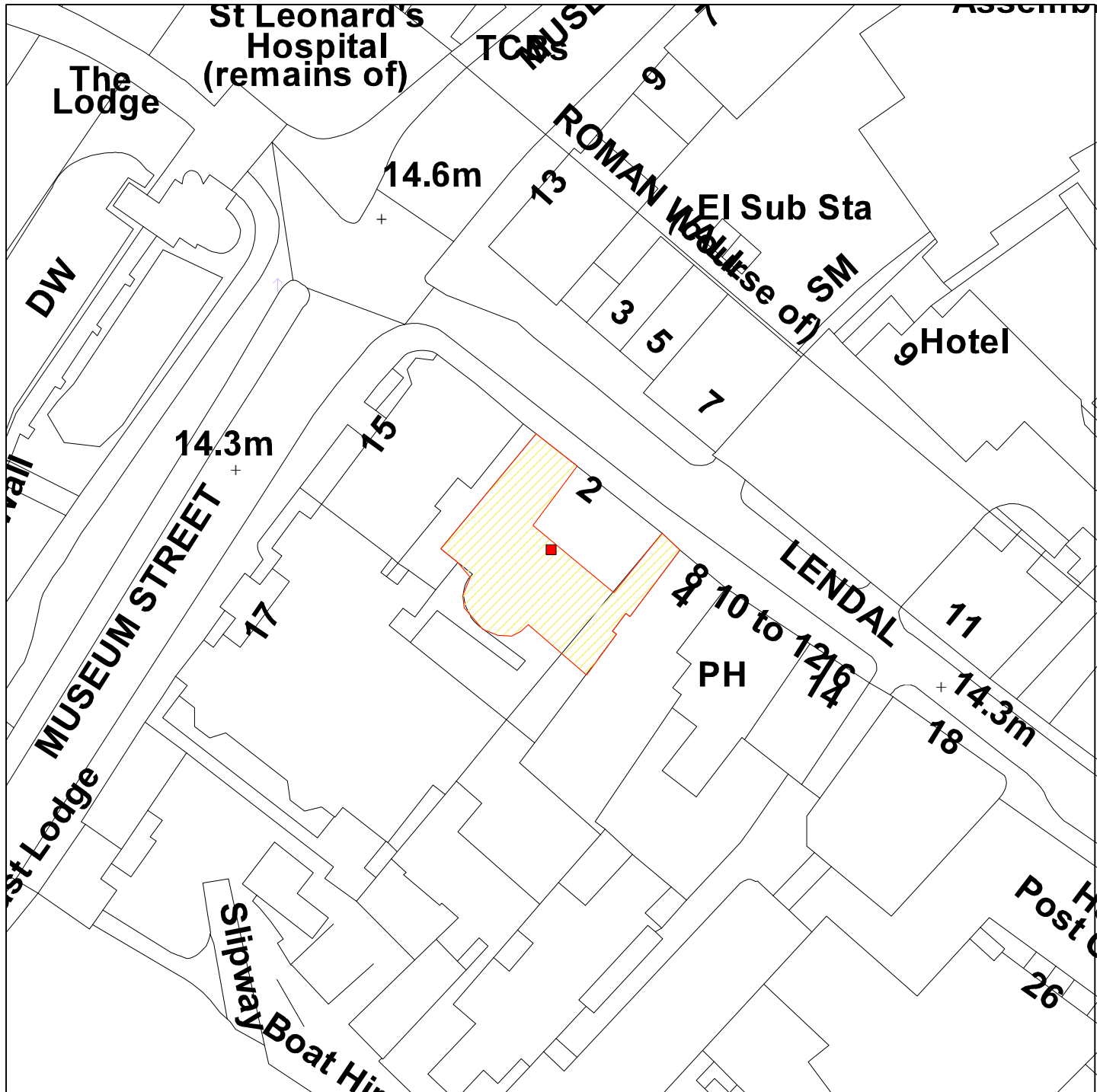
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2A Lendal, YO1 8AA

12/02802/FUL



GIS by ESRI (UK)



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Organisation	City of York Council
Department	City and Environmental Services
Comments	
Date	20 December 2012
SLA Number	Not Set

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COMMITTEE REPORT

Date: 10 January 2013 **Ward:** Guildhall
Team: City Centre **Parish:** Guildhall Planning Panel
Management

Reference: 12/02803/LBC
Application at: Lendal Cafe 2A Lendal York YO1 8AA
For: Internal alterations including part removal of an internal wall, insertion of new partition wall and new ceiling over dining area. External alteration including internally illuminated sign over door on front elevation, 2 no. internally illuminated menu boxes; alterations to 2 no. side windows to include louvres; and 3 no. condenser units at the rear.
By: Mr Kaya And Mr Broome
Application Type: Listed Building Consent
Target Date: 12 October 2012
Recommendation: Delegated Authority to Approve

1.0 PROPOSAL

1.1 This application seeks listed building consent for works associated with a change of use of a currently vacant retail unit (Use Class A1) to a restaurant use (Use Class A3) at 2A Lendal.

CONTEXT

1.2 The proposals relate to the ground floor and basement of the former Congregational Chapel building from the former York Antique Centre. The property is a Grade II Listed Building, originally forming part of a Congregational Chapel designed by J P Pritchett in 1816, and converted and altered in 1929. It is situated in Central Historic Core Conservation Area. The neighbouring buildings are listed, and the rear of the building contributes to the historic building aspect of the River Ouse between Lendal Bridge and the Guildhall complex .

APPLICATION DETAILS

1.3 Internal alterations include part removal of an internal wall, insertion of a new partition wall, installation of timber wainscoting, repair and retention of the first floor windows, re-glazing of the basement windows, and a new ceiling over the proposed dining area. External alterations include an internally illuminated sign over the entrance door on the front elevation, 2 no. internally illuminated menu boxes, externally illuminated hanging sign; 3 no. condenser units; louvres in existing windows.

1.4 Revised and additional plans have been received proposing an internal mechanical ventilation/ extraction system, and signage details. The mechanical extraction/ ventilation details replace the originally proposed system that would have required a large external kitchen flue adjacent to an existing flue on the side elevation of the listed building. The revised scheme also requires two windows in the side elevation of the building to be altered to accommodate louvres, and 3 no. air condenser units are proposed on the rear elevation in an enclosed yard.

1.5 The applicant is proposing a further redesign of the proposed sign above the door, the hanging sign and its method of illumination. The applicant will also be confirming the details of window glazing and frames. Members will be informed of any updated and additional information at the Meeting.

1.6 The related application for planning permission is also presented to Members at this meeting (Ref. 12/002802/FUL).

1.7 The application has been brought to Committee at the request of Cllr Watson as it is related to the planning application where there are concerns about the loss of retail businesses in this part of the City Centre.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: Central Area 0002

Listed Buildings GMS Constraints: Grade 2; 8 Lendal York YO1 2AA 0618

Listed Buildings GMS Constraints: Grade 2; 2 Lendal York YO1 2AA 0619

2.2 Policies:

CYHE4-Listed Buildings

CYHE8- Advertisements in Historic Locations

3.0 CONSULTATIONS

INTERNAL

3.1 Design, Conservation and Sustainable Development - Further details are required related to the works to the windows in the basement , signs.

EXTERNAL

3.2 Guildhall Planning Panel - No comments received on the application for listed building consent.

4.0 APPRAISAL

4.1 KEY ISSUES

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

POLICY CONTEXT

4.2 National planning policy is now contained in the National Planning Policy Framework (2005). It advises that local planning authorities should support a strong town centre economy and conserve and enhance the historic environment.

4.3 The relevant development plan is the City of York Council Development Control Local Plan (2005). POLICY HE4 of the Local Plan relates specifically to listed buildings and states that consent for development in the immediate vicinity of listed buildings, demolition, internal and external alteration, and changes of use will only be granted where there is no adverse effect on the character, appearance or setting of the building. POLICY HE8: Advertisements in Historic Locations expects that adverts will consist of a design and scale that respects the character and appearance of the area and good quality materials that are sympathetic to the surface to which they are attached.

SIGNS

4.4 Menu cases- The 2 No. internally illuminated menu cases have been reduced in size, and would be slim additions at either side of the entrance to the restaurant. It would not be unreasonable to have two cases since the restaurant has a narrow frontage and limited street presence and the use is a night time use.

4.5 Above door sign- The proposed internally illuminated, edge lit box sign above the door with 40 mm deep lettering finished in coloured acrylic fails to respect the special architectural interest of the principal elevation of the listed building. The applicant has been asked to reconsider this sign and Members will be updated of the revised sign at the Meeting.

4.6 Hanging sign- The hanging sign incorporates a printed image that appears to have with an elaborate frame, with no relief. The proposed materials are not acceptable and the trough lights are too distant from the sign, resulting in a larger, more visually dominant bracket than is required. The applicant has been asked to consider a timber hanging sign with a lipped edge, externally illuminated with narrower trough lights or pin spotlights attached to the bracket would be preferable

to reduce the visual impact of the lighting units. Members will be updated at the meeting.

GROUND FLOOR CHANGES

4.7 The proposed alterations on the ground include a new bar, timber wainscoting, suspended ceiling, replacement handrails to the staircase, and the repair and retention of existing windows. The proposed alterations are acceptable subject to the further details that have been received in the first set of revised plans.

BASEMENT CHANGES

4.8 The initial proposals in the basement have also been revised to include details of the suspended ceiling to seating area, timber wainscoting, skirting, lighting, in addition to proposed partitioning and removal of part of a wall. Further details are required of the proposed re-glazing of the basement windows and this detail could be effectively conditioned if listed building consent is granted.

VENTILATION/ MECHANICAL EXTRACTION

4.9 The revised internal system removes the need for the visually prominent high level flue attached to the side of the building adjacent to the ZiZi's flue. The proposed louvres in the side windows in the alleyway and the 3 No air conditioning units at the rear of the building would not detract from the visual or architectural quality of the listed building.

5.0 CONCLUSION

5.1 Members are requested to grant delegated authority to officers to determine the listed building application following receipt of acceptable revisions to the externally illuminated hanging sign and the halo illuminated sign above the entrance door; and further details of the re-glazing and repairs to windows.

5.2 It is considered that the revised proposals, would upgrade a vacant unit and would be an improvement to the historic fabric of the city. It is therefore concluded that there is no conflict with policies HE4, and HE8 of the Local Plan and national planning guidance contained in the National Planning Policy Framework.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Delegated Authority to Approve subject to the following conditions and any other appropriate conditions required following the submission of further revised details

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

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

Drawing No. 0614/03 , Revision B, Received 18.12.2012

Drawing No. 0614/03 , Revision A, Received 16.08.2012

Drawing No. 0614/05 , Revision C, Received 3.12.2012

Wards Drawing Nos. 041609, Revision A, Received 3.12.2012

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 infill brickwork shall match the existing brickwork in all respects ie, bonding, size, colour and texture of bricks and the colour and finished treatment of mortar joints, to the satisfaction of the Local Planning Authority.

Reason: To ensure that the finished appearance is to the satisfaction of the Local Planning Authority.

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

a) The colour and matt finish of the proposed metal louvred grilles and adjacent ply wood panels to the existing window openings on the side elevation

b) Details of the glazing proposed to replace the existing opaque glass to the basement windows including samples of the glass

Reason: To ensure that the details would be acceptable in the interests of the visual amenity and historical and architectural interest of the Listed Building.

7.0 INFORMATIVES:- Notes to Applicant

1. REASON FOR APPROVAL

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

Contact details:

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

Tel No: 01904 552407

Application Reference Number: 12/02803/LBC

Item No: 5h

Page 5 of 5

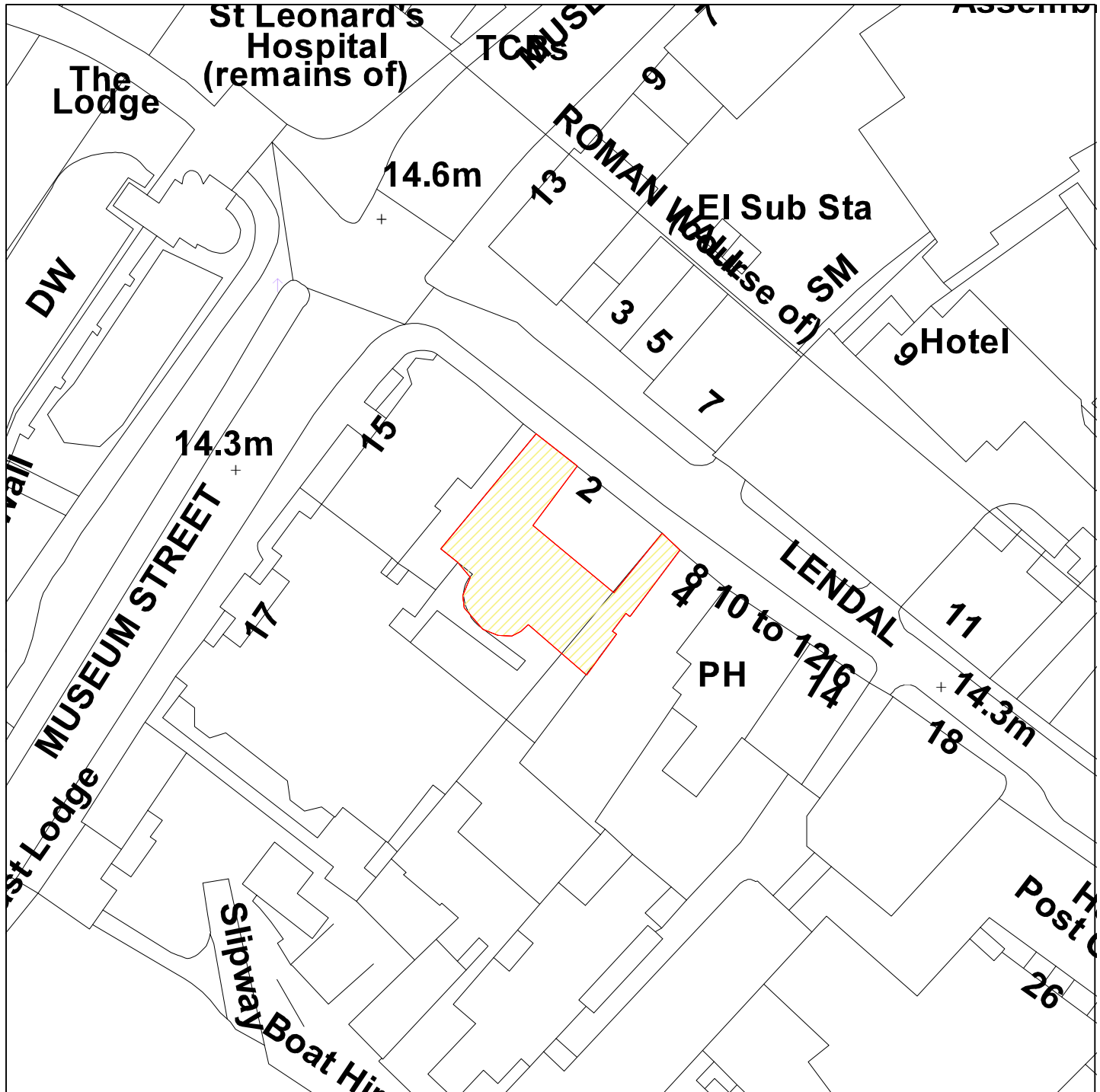
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2A Lendal, YO1 8AA

12/02803/LBC



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Organisation	City of York Council
Department	City and Environmental Services
Comments	
Date	20 December 2012
SLA Number	Not Set

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COMMITTEE REPORT

Date: 10 January 2013 **Ward:** Micklegate
Team: Major and **Parish:** Micklegate Planning
Commercial Team Panel

Reference: 12/03131/FUL
Application at: 296 Bishopthorpe Road York YO23 1LG
For: Erection of 2no. four storey dwellings with garages following
demolition of existing workshop
By: Yorbuild@JRK Properties Ltd
Application Type: Full Application
Target Date: 14 December 2012
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 296 Bishopthorpe Road comprises a single storey brick and render former industrial building associated with the nearby Terry's Chocolate Works lying to the south west of the City Centre and directly adjacent to the Terry's/Racecourse Conservation Area. It furthermore lies within the setting of the Terry's Factory Office, a Grade II Listed Building and a substantial beech tree of townscape importance and subject to a Tree Preservation Order lies directly to the south east. The derelict car park of the former Terry's factory lies directly to the north west.

1.2 Full planning permission is sought for erection of two substantial 3 1/2 storey semi-detached houses using a Neo-Classical architectural form on the cleared site of the building. The development has been amended since submission to create a set-back to differentiate between the two properties and to create a key block detail to differentiate the proposed garages to both properties.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001
DC Area Teams GMS Constraints: Central Area 0002

2.2 Policies:

CYGP1 Design
CYHE2 Development in historic locations

CYH4A Housing Windfalls
CYL1C Provision of New Open Space in Development

Application Reference Number: 12/03131/FUL

Item No: 5i

Page 1 of 11

CYNE1 Trees, woodlands ,hedgerows

3.0 CONSULTATIONS

INTERNAL:-

3.1 Environmental Protection Unit raise no objection in principle to the proposal subject to no-unexpected contamination being demonstrated during the construction process.

3.2 Lifelong Learning and Leisure raise no objection to the proposal subject to a commuted payment being made in lieu of the provision of on-site open space.

3.3 Strategic Flood Risk Management raise no objection in principle to the proposal subject to any permission being conditioned to require further approval of details of foul and surface water treatment.

3.4 Highway Network Management raise no objection to the proposal subject to details of the access to the property and cycle parking being conditioned as part of any permission.

3.5 Design, Conservation and Sustainable Development raise no objection in principle on archaeological grounds subject to any permission being subject to a condition requiring a watching brief be undertaken. No objection in principle is raised on arboricultural grounds though some concern is raised in respect of the impact of the proposed scale of building on the amenity value of the tree and potential future conflict between occupiers of the new properties and the needs of the tree. Concern on Conservation grounds is expressed in terms of the scale and massing of the proposed building and its relationship to the setting of the Conservation Area.

EXTERNAL:-

3.6 Micklegate Planning Panel raise no objection in principle to the proposal but express a preference for a smaller scale of development.

3.7 The York Conservation Areas Advisory Panel raise concerns in respect of the scale of the proposal, the level of external amenity space and the relationship with the adjacent Ashcroft House development.

3.8 Ten letters of objection and 11 letters of support have been received in respect of the proposal. The following is a summary of the letters of objection:-

- Concern in respect of potential land contamination associated with the former printing works at the site;
- Concern in respect of the impact of the proposal upon the local surface water drainage network;

Application Reference Number: 12/03131/FUL

Item No: 5i

- Concern in respect of the impact of the proposal upon the residential amenity of occupiers of Ash House to the east;
- Concern in respect of the volume of additional traffic likely to be generated by the proposal;
- Concern in respect of the impact of the proposal upon the TPO d Beech Tree to the south east;
- Concern in respect of the impact of the proposal upon the visual amenity of the wider street scene.

3.9 The following is a summary of the letters of support:-

- The existing derelict site be re-developed;
- The development of appropriate sites be welcomed in order that the local economy can be strengthened.

4.0 APPRAISAL

4.1 KEY CONSIDERATIONS INCLUDE:-

- 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;
- Potential Site Contamination.

THE 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 respect of 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 VISUAL AMENITY OF THE WIDER STREET SCENE

4.3 Policy HE2 of the York Development Control Local Plan sets down a firm policy presumption that within or adjoining Conservation Areas and in locations which affect the setting of Listed Buildings development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials. Central Government planning policy outlined in the National Planning Policy Framework paragraph 17 Core Planning Principles at the same time requires that Local Planning Authorities encourage the effective use of land by re-using land that has been previously developed providing it is not of high amenity value. The application site comprises a small derelict printing works ancillary to the Terry's Chocolate Works to the north of Bishopthorpe Road. It forms one element of the principal south western approach to the City which includes elements of the wider Terry's complex such as the parking area which now appear visually degraded and two developments of apartments of differing architectural

treatment but set well back from the main road. To the north west of the site lies the Terry's Chocolate Works itself with the main factory office and the Time Office both Grade II Listed Buildings in a Neo Georgian style.

4.4 Concern has been expressed in respect of the scale and massing of the proposed development relative to its surroundings. The proposal envisages the use of a Neo-Classical format that reflects that used in the principal Chocolate Works office and the adjacent Time Office. In order to avoid harm to the protected tree to the rear it sits forward of the building line of the adjacent apartment development to the south east creating an appearance of having a greater scale. However the proposed building would have the same ridge height at 11.7 metres as the adjacent building and its relatively narrow form would respect the relationship of other properties to the street frontage further to the north east along Bishopthorpe Road . It would have the effect of creating a firm visual boundary to the built up area of the City along the eastern edge of Bishopthorpe Road, however it would not extend beyond the line of the existing factory development along the north western side of Bishopthorpe Road and it sits within the developed area created by the now derelict car park to the Chocolate Works along the south east side of Bishopthorpe Road. In terms of its visual relationship with Ash House the two buildings are well related in townscape terms when viewed from the west and the approach into the urban area along Bishopthorpe Road.

4.5 In terms of its impact upon the setting of the Listed Buildings at the frontage of the Chocolate Works the proposal adopts a similar architectural metaphor and is respectful in terms of its scale and massing. The Conservation Area is defined by the tight relationship of the substantial Edwardian and Late Victorian brick built factory and ancillary buildings of the Chocolate Works with the open spaces surrounding the race course. The proposal would not compromise the setting either of the Listed factory buildings or the wider Conservation Area.

IMPACT UPON THE RESIDENTIAL AMENITY OF THE NEIGHBOURING PROPERTY

4.6 Policy GP1 of the York Development Control Local Plan sets a firm policy presumption in favour of new development proposals which respect or enhance the local environment, are of a density, layout, scale, mass and design that is compatible with neighbouring buildings , spaces and the character of the area whilst ensuring that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures. Concern has been expressed in respect of the impact of the current proposal upon the level of sunlight and daylight falling on the apartments particularly at ground and first floor level within the western elevation of the neighbouring property Ash House. The applicant has however submitted a detailed sunlight and daylight analysis adopting the methodology prescribed in the Building Research Establishment publication "Site Layout Planning for Daylight and Sunlight:- A Guide to Good Practice".

The analysis has been undertaken in respect of both the levels of sunlight and daylight entering principal living room windows on the affected elevation of Ash House in addition to the level of overshadowing of the gardens associated with Ash House. The study demonstrates that whilst the development would have an impact upon the levels of light entering the adjacent property its impact would be well within the acceptable levels identified within the BRE document.

4.7 In terms of overlooking and loss of privacy the proposed development lies substantially to the front of the neighbouring property Ash House which partially occupies a sloping site. As a consequence of the relationship of the two properties there would be no windows within the new development directly overlooking Ash House or its garden. Ash House would be some 4 metres from the proposed development at its closest point and would be some 2.5 metres from the garden of the new development at its closest point. Subject to an appropriate boundary treatment being conditioned as part of any permission, then no issue of loss of privacy for Ash House should arise. Any impact upon the residential amenity of the adjacent property is thus felt to be acceptable and the terms of Policy GP1 of the Draft Local Plan would be complied with.

IMPACT UPON A NEIGHBOURING PROTECTED TREE

4.8 Policy NE1 of the York Development Control Local Plan sets a firm policy presumption that trees which are of landscape, amenity, nature conservation or historical value will be protected by refusing development proposals which will result in their loss or damage as well as requiring trees which are to be retained on development sites to be adequately protected during site works. Directly to the south east of the site lies a substantial mature beech tree which forms one of a number that define the eastern side of Bishopthorpe Road in a south westerly direction from its junction with Racecourse Road. Concern has been expressed in terms of the impact of the proposal upon the amenity value of the tree and the need to adequately secure its health during the construction process. The applicant has submitted a detailed method statement to secure the root protection zone of the tree during building work which may be the subject of a condition on any permission. In terms of safeguarding amenity value of the tree the key views of it from outside of the site are from the south west approaching the built up area of the City from Bishopthorpe and directly from the west in the vicinity of the Chocolate Works office. In neither case would the views of the tree and its consequent amenity value be compromised. The terms of Policy NE1 of the Draft Local Plan can therefore be complied with.

POTENTIAL SITE CONTAMINATION

4.9 Concern has been raised in respect of potential site contamination arising from the previous usage of the site as a printing works and alleged earlier tipping at the site.

The works was used to print wrappers and publicity material for the chocolate works on a small scale and a Contamination Scoping Report has been submitted with the proposal. The process used at the site did not result in the discarding of hazardous chemicals in the vicinity. No evidence of previous tipping activity at the site has been forthcoming and the mature beech tree directly adjacent to the site has not shown any evidence of harm arising from previous contamination of the site. It is however recommended that a condition covering the eventuality of unexpected contamination of the site be included within any permission.

OTHER ISSUES:-

4.10 Concern has been expressed in respect of the potential harm that the development may cause to the local surface water drainage network. The application site lies within Flood Zone 1 and is therefore deemed to be at the lowest risk of flooding. The site is elevated relative to the land to the south and east and the ground slopes away sharply below the site towards the River Ouse. An outline drainage scheme has been submitted in respect of the site which illustrates a scheme of attenuation which would connect with the existing combined sewer in Bishopthorpe Road which is felt to appropriate in the current circumstances. Due to the topography of the site and the relationship with the more southerly section of Ash House it would not be appropriate for the site to be raised above the level of the adjacent land as there may be an issue of surface run-off in circumstances of heavy rain. Subject to any permission being conditioned to require precise details of the proposed drainage scheme including details of the proposed attenuation measures and the relationship of finished floor levels to the surrounding land, any impact upon the local surface water drainage network is felt to be acceptable.

4.11 Concern has also been expressed in respect of traffic generation and potential on street parking arising from the proposal. It is felt that any increase in traffic arising from the proposal would be modest and could easily be accommodated.

OPEN SPACE ISSUES:-

4.12 The proposal falls within the requirements of Policy L1c) of the York Development Control Local Plan for the payment of a commuted sum in lieu of on-site open space provision. This may be secured by the means of a Section 106 Agreement and generates a total requirement for a payment of £6,504 to contribute towards the layout of 9x9 metre football pitches on the Knavesmire, the improvement of access to the Ouse riverbank and the improvement of play space facilities at Rowntree Park.

5.0 CONCLUSION

5.1 296 Bishopthorpe Road comprises a derelict single storey brick and render built print works associated with the former Terry's Chocolate Works to the north west.

Planning permission is sought for erection of two substantial 3 1/2 storey semi detached properties on the cleared site. The proposal sits close to the street frontage of Bishopthorpe Road which increases the perception of its scale relative to surrounding properties. It is however executed in the same Neo Classical architectural metaphor as the former factory offices to the north west and in terms of its ridge height it parallels that of Ash House to the north east. Its impact upon the setting of the Terry's/Racecourse Conservation Area is felt to be minimal as is its impact upon the setting of the Listed former Chocolate factory offices. Any impact upon the visual amenity of the wider street scene is therefore considered to be acceptable. Concern has also been expressed in respect of the impact of the proposal upon the residential amenity of the adjacent property Ash House. The applicant has submitted a detailed sunlight and daylight assessment which confirms that any impact arising from the proposal would be at an acceptable level. The applicant has furthermore demonstrated that the development can be undertaken successfully without harm to the integrity of the adjacent protected tree or its amenity value. The proposal is therefore felt to be acceptable in planning terms and approval is therefore recommended.

5.2 The development is subject to a requirement for a commuted payment of £6,504 under Policy L1c) of the Draft Local Plan. This may be secured by means of a Section 106 Agreement.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve subject to Section 106 Agreement

1 TIME2 Development start within three years -

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

Drawing Refs:- 8437.20.02 Rev A; 8437.20.04 Rev A; 8437.20.03 Rev A and 8437.20.05 Rev A. Date Stamped 17th 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.

3 VISQ8 Samples of exterior materials to be app -

4 VISQ4 Boundary details to be supplied -

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

External windows and doors including sections at 1:20 scale.

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

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

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

7 The root protection area of the TPO tree to the south east of the site shall be secured in strict accordance with the details contained within the Arboricultural Method Statement submitted and dated 17th December 2012.

Reason:- To secure the health and integrity of a protected tree of townscape importance and to secure compliance with Policy NE1 of the York Development Control Local Plan.

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

Such Details shall include:

- i) Proposed ground and finished floor levels to Ordnance Datum. The development shall not be raised above the level of adjacent land to prevent, runoff from the site affecting nearby properties;
- ii) Full details of the proposed system of surface water attenuation including locations and dimensions of pipes and holding tanks;
- iii) Full details of proposed external surfacing materials; and
- iv) Full details of the proposed means of connection into the local sewer network.

Reason:- In the interests of the proper drainage of the site in order to ensure that the development of the site does not increase the risk of flooding elsewhere.

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

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

10 In the event that contamination is found at any time when carrying out the approved development that has not previously been identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and approved in writing by the Local Planning Authority and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority.

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

Reason:- To ensure that risks from land contamination to the future users of the land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and offsite receptors.

11 HWAY18 Cycle parking details to be agreed -

12 HWAY19 Car and cycle parking laid out -

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

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

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

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

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the 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 GP1 of the City of York Development Control Local Plan.

2. CONSENT FOR HIGHWAY WORKS

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

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

3. INFORMATIVE - CONTROL OF POLLUTION ACT 1974

4. PUBLIC RIGHT OF WAY:-

The adjacent Public Right of Way bounding the site to the south at no point shall be affected/blocked by the proposed works/scheme without the prior written notification of the Authority's Public Rights of Way Team

5. 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) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

The submission of a detailed tree protection method statement and amended elevational drawings separating the two properties and distinguishing the two garages.

6. SECTION 106 AGREEMENT:-

The proposal is subject to requirement for a Section 106 Agreement to secure the payment of a commuted sum of £6,504 in respect of the provision of off site open space comprising improvements in access to the Ouse river bank, improvements to play facilities in Rowntree Park and the provision of 9x9 metre football pitches on the Knavesmire.

Contact details:

Author: Erik Matthews Development Management Officer

Tel No: 01904 551416

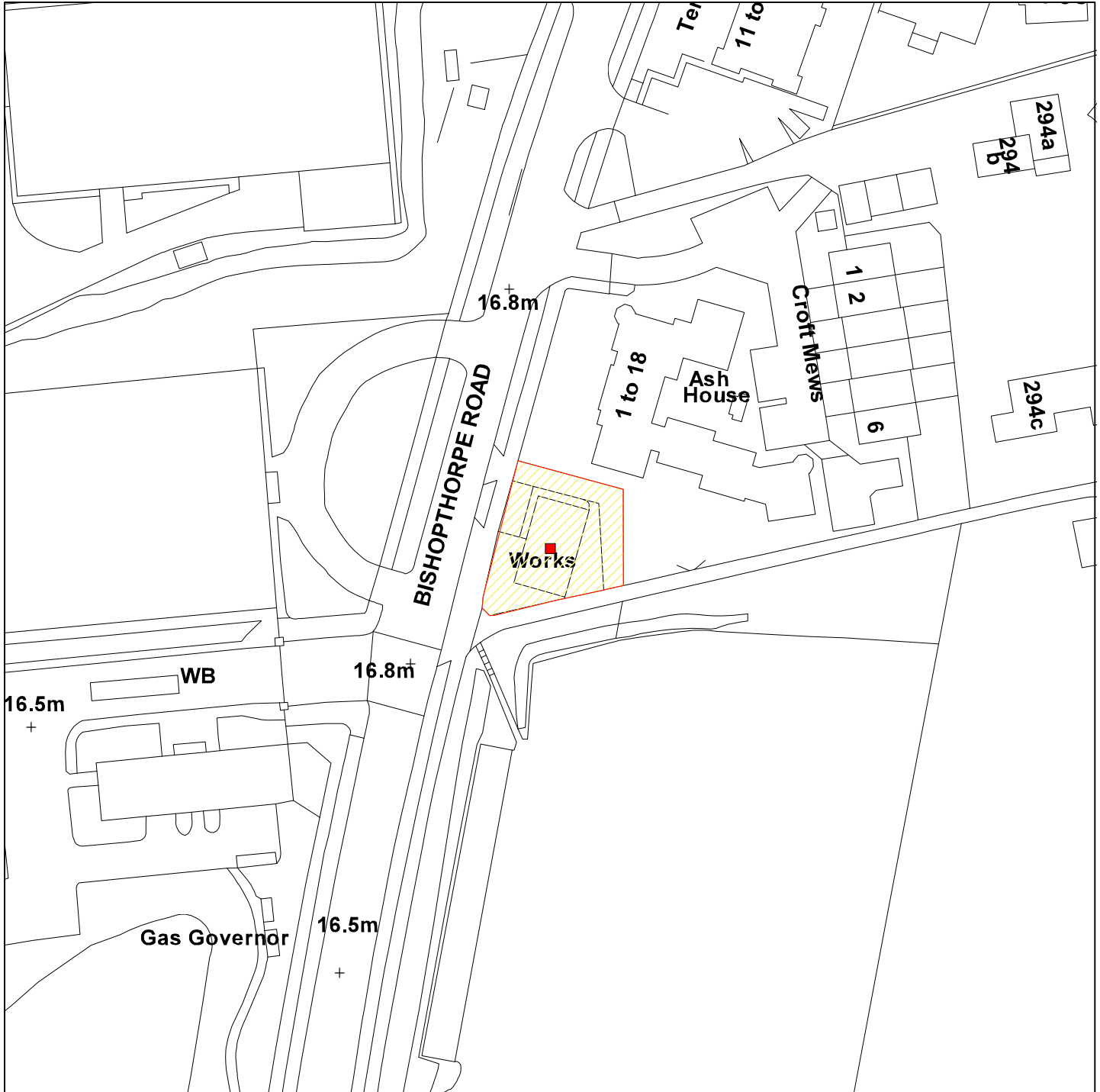
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296 Bishopthorpe Road, YO23 1LG

12/03131/FUL



GIS by ESRI (UK)



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Organisation	City of York Council
Department	City and Environmental Services
Comments	
Date	20 December 2012
SLA Number	Not Set

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COMMITTEE REPORT

Date: 10 January 2013 **Ward:** Bishopthorpe
Team: Major and **Parish:** Acaster Malbis Parish
Commercial Team Council

Reference: 12/03436/FUL
Application at: Manor Farm Intake Lane Acaster Malbis York YO23 2PL
For: 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.
By: Mr & Mrs Roger Raimes
Application Type: Full Application
Target Date: 2 January 2013
Recommendation: Approve

1.0 PROPOSAL

1.1 Manor Farm Acaster Malbis comprises a substantial farmstead of timber and powder coated steel clad buildings set within a well landscaped and physically compact setting within the York Green Belt to the south west of Acaster Malbis village. Some of the buildings remain in agricultural use whilst others deemed to be surplus to agricultural requirements are used in connection with a tent and marquee assembly and hire business.

1.2 Planning permission is sought for the retention of the existing portable site office and the principal range of former agricultural buildings in light industrial use for the tent company. In addition change of use to light industrial use of a further agricultural building is sought together with the provision of an additional modular office building.

1.3 The proposal represents a revised re-submission of an earlier scheme which was withdrawn following on from concerns expressed in respect of impacts upon the residential amenity of neighbouring properties.

1.4 Planning permission ref:-08/00410/FUL has previously been given for use of one of the surplus agricultural buildings for use as an archive store having previously been used for the storage and distribution of vacuum cleaner bags(02/03332/FUL).

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

Flood zone 2 GMS Constraints: Flood zone 2

2.2 Policies:

CYGB1 Development within the Green Belt

CYGB3 Reuse of buildings

CYGP1 Design

3.0 CONSULTATIONS

INTERNAL:-

Environmental Protection Unit

3.1 Have undertaken noise monitoring at the site in respect of external operations and indicate that providing the operating hours of the premises are restricted by condition then there is no material impact upon the residential amenity of neighbouring properties.

Highway Network Management

3.2 Raise no objection in principle to the proposal but raise some concern in respect of the on-site parking implications of the proposed increase in office space.

EXTERNAL:-

Acaster Malbis Parish Council

3.3 Raise no objection to retention of the existing activities at the site subject to a temporary permission for one year with a strict restriction upon operating hours. Strong objection is expressed in respect of the additional office and change of use of an agricultural building which is felt to be premature prior to the activities at the site being brought fully within the remit of planning control.

Julian Sturdy MP

3.4 Julian Sturdy MP raises concern in respect of the retrospective nature of the proposal, the intensity of the use proposed within a rural area and the volumes of traffic entering and leaving the site.

Local Publicity

3.5 16 Letters of objection and three letters of support have been submitted in respect of the proposal. The following is a summary of the letters of objection:-

- Concern in respect of impact upon the open character and purposes of designation of the York Green Belt;
- Concern in respect of loss of residential amenity to neighbouring properties through noise at anti-social hours;
- Concern that the proposed location is unsustainable for the business;
- Concern that the proposal represents an over-development of the existing site;
- Concern at the impact of traffic going to and from the site on the local highway network.

3.6 The following is a summary of the letters of support:-

- Endorsement of the need to support a locally grown business and to safeguard local jobs;
- Indication of a lack of impact arising from the business upon residential amenity and the safety and convenience of highway users on the local network.

4.0 APPRAISAL

KEY CONSIDERATIONS INCLUDE

- Impact upon the open character and purposes of designation of the Green Belt;
- Impact upon the residential amenity of neighbouring properties;
- Sustainability of the operation from the application site;
- Impact upon the safe and free flow of traffic on the local highway network.

STATUS OF THE DRAFT LOCAL PLAN

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

GREEN BELT IMPACT

4.2 Policy GB1 of the York Development Control Local Plan sets down a firm policy presumption that within the Green Belt planning permission for development will only be granted where the scale, location and design of such development would not detract from the open character of the Green Belt, it would not conflict with the purposes of including land within the Green Belt and it would be for one of a number of purposes deemed to be appropriate within the Green Belt including agriculture and forestry. Following on from that Policy GB3 of the Draft Local Plan sets a firm policy requirement that outside of settlement limits planning permission within the Green Belt will be forthcoming for reuse of existing buildings providing that reuse does not have a materially greater impact than the present use on the openness of the Green Belt, the buildings are of substantial and permanent construction, the proposed use would generally take place within the fabric of the existing building and there is a clearly defined curtilage. Central Government Planning Policy in respect of Green Belt areas outlined in paragraph 89 of the National Planning Policy Framework identifies the construction of new buildings as by definition inappropriate in the Green Belt with reuse of existing buildings only appropriate in the eventuality that it would not give rise to a greater impact upon the openness of the Green Belt than the existing use.

4.3 The application site forms a physically compact former farmstead associated with Manor Farm which lies directly to the north of the main road. A number of the existing timber clad buildings have been converted into light industrial and storage use as they have become surplus to the requirements of the farming operation and a number of more recent profile steel clad buildings directly to the south remain in agricultural use. A mengine and stable has been set up in the field directly to the west. The tent hire and distribution company have, through their operations kept largely to the footprint of the existing farmstead with the addition of a modest prefabricated office building directly to the west with a further rather smaller building anticipated as part of the current proposal. The only activities taking place outside of the direct environs of the building complex relate to staff parking which takes place directly to the north and north east and tent cleaning which takes place within the yard area directly to the south. The buildings have been converted as a consequence of becoming surplus to the requirements of the farming operation and it is not felt that the new activity, even including the office space has given rise to a materially greater impact upon the open character of the Green Belt than the existing operation.

The terms of Policies GB1 and GB3 of the Draft Local Plan together with Central Government Policy in respect of Green Belt areas outlined in paragraph 89 of the NPPF have therefore been complied with.

IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES

4.4 Policy GP1 of the York Development Control Local Plan sets a firm policy presumption in favour of development which respects or enhances the local environment, is of a layout and scale that is compatible with neighbouring buildings, spaces and the character of the area and ensure that residents living nearby are not unduly affected by noise or disturbance. Concern has been expressed in respect of the noise impact of vehicles entering and leaving the site carrying tents at unsocial hours together with the external pressure washing of equipment after it has been returned to the site. The application site forms part of a farm holding which still attracts an appreciable quantity of agriculture related traffic specifically at harvest time; it also lies in close proximity to residential property directly to the north west. Indeed the closest residential property lies some 30 metres to the north west. The site boundaries are heavily landscaped along the north and north eastern edges. The main road passing the site is heavily utilised by a variety of traffic including vehicles to industrial area at Acaster Airfield during the majority of daylight hours so it would be very difficult to distinguish a specific nuisance generated by the application site. However, during the evening as traffic levels abate there is anecdotal evidence of some nuisance being caused to local residents fronting the main road. The application details include a detailed noise survey undertaken by the applicant which indicates minimal harm as a result of standard operations at the site. In order to deal with the concern arising from activity outside of normal working hours it is however recommended that any permission be conditioned so that activity ceases at the site in the early evening and does not take place on a Sunday or Bank Holidays.

4.5 The pressure washing of tents and other items of equipment is undertaken during the day time within the existing yard area towards the southern edge of the site, sheltered by the existing building complex from the closest residential properties some 85 metres to the north west. The closest residential property to the west is some 160 metres away. In terms of the distances involved it would be difficult to distinguish from other sources involved. It would therefore be difficult to demonstrate any material degree of harm originating from the operation. Environmental Protection Unit has furthermore found it difficult to demonstrate a material degree of harm originating from noisy activities taking place within the site during the standard working day. The Parish Council wish to see a temporary permission for one year in respect of the current level of operation at the site ,in view of the level of harm that could be demonstrated during the standard working day it is felt that this would not be reasonable.

Subject to the hours and days of operation of the business being suitably restricted it is felt that any harm to the residential amenity of neighbouring properties can be properly regulated and the terms of Policy GP1 of the Draft Local Plan will be complied with.

SUSTAINABILITY OF THE OPERATION

4.6 Concern has been expressed in respect of the sustainability of the operation and its size being run from a rural location. Central Government Planning Policy in respect of Planning and the Rural Economy outlined in paragraph 28 of the National Planning Policy Framework supports the growth and expansion of all types and business and enterprise in rural areas through the conversion of existing buildings and by the erection of well designed new ones. The current proposal seeks the retention of a series of conversions of surplus agricultural buildings together with the conversion of a further surplus agricultural building to facilitate the needs of the business. The business consists of a tent assembly, and hire business for corporate events and weddings. The business has not materially expanded beyond the area of the pre-existing farmyard and has not given rise to a materially greater level of activity to the previous agricultural use. The scheme as proposed would make use of all bar one of the timber clad buildings of the complex at the centre of the site with the steel clad buildings to the south remaining in on-going agricultural use.

IMPACT UPON THE SAFE AND FREE FLOW OF TRAFFIC

4.7 Concern has been expressed in relation to the volumes and speed of traffic entering and leaving the application site together with vehicular conflicts caused by traffic waiting to access the site prior to the start of business in the morning. The numbers of vehicle movements in terms of tents and equipment is generally modest with 5 vans, 5 land rovers and 6 trailers operating from the site. Significant areas of hard standing exist around the outside of the complex to allow for staff vehicles and company transport to park in comfort. The vans and trailers are loaded within the former agricultural buildings to avoid conflict other with traffic and to keep noise to a minimum. It is not felt that the proposals have materially increased the usage of the access to the site over and above the previously permitted agricultural and permitted light industrial activity and it is felt that the proposed limited further extension of activity would not materially harm the safe and free flow of traffic providing the hours of operation are reasonably restricted.

5.0 CONCLUSION

5.1 Manor Farm Acaster Malbis comprises a farmstead of timber clad and profile steel sheet clad buildings set within a physically compact , well landscaped site within the York Green Belt to the south west of Acaster Malbis village. Planning permission has previously been given for a series of low intensity light industrial and storage uses within a number of farm buildings at the site which have become surplus to normal operational requirements. Planning permission is currently sought for the retention of a prefabricated office building along with the change of use of a number of timber clad surplus agricultural buildings within the central section of the complex to serve as a depot for a tent hire and corporate events company.

Planning permission is also sought for the change of use of a further agricultural building and the erection of a further office directly to the west of the existing building complex. The buildings currently used and proposed for use are deemed surplus to the requirements of the agricultural operation and the use would not have a materially greater impact than the pre-existing agricultural operation. Central Government Guidance in respect of Planning and the Rural Economy would therefore be complied with. Concern has been expressed both in terms of the level of intensity of the use of the site and the occurrence of activities at the site at anti-social hours in the late evening and early morning, it is therefore recommended that subject to conditions being applied the operation for a temporary period of three years and strict controls being imposed upon operating hours then the development is acceptable in planning terms.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 The development shall be begun not later than the expiration of three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by Section 51 of the Compulsory Purchase Act 2004.

2 No materials associated with the use hereby authorised shall be delivered to or dispatched from the application site and no maintenance work shall be undertaken that is audible from outside of the application site between the hours of 20.00 and 08.00 Monday to Saturday and no such operation shall be undertaken at all 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.

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

Drawing Refs:- 1214_SP2; 1214.2; and 1214.1 Date Stamped 6th 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.

4. The development hereby authorised shall be used solely for the storage, distribution and maintenance of tents and other items of corporate hospitality apparatus and for no other use within Classes B1 and B8 of the 1987 Town and Country Planning(Use Classes) Order (as amended).

Reason:- To safeguard the open character of the Green Belt, to safeguard the residential amenity of neighbouring properties and to secure compliance with Policies GP1 and GB3 of the York Development Control Local Plan.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

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

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. The use of appropriate conditions, would it is felt make the proposal acceptable.

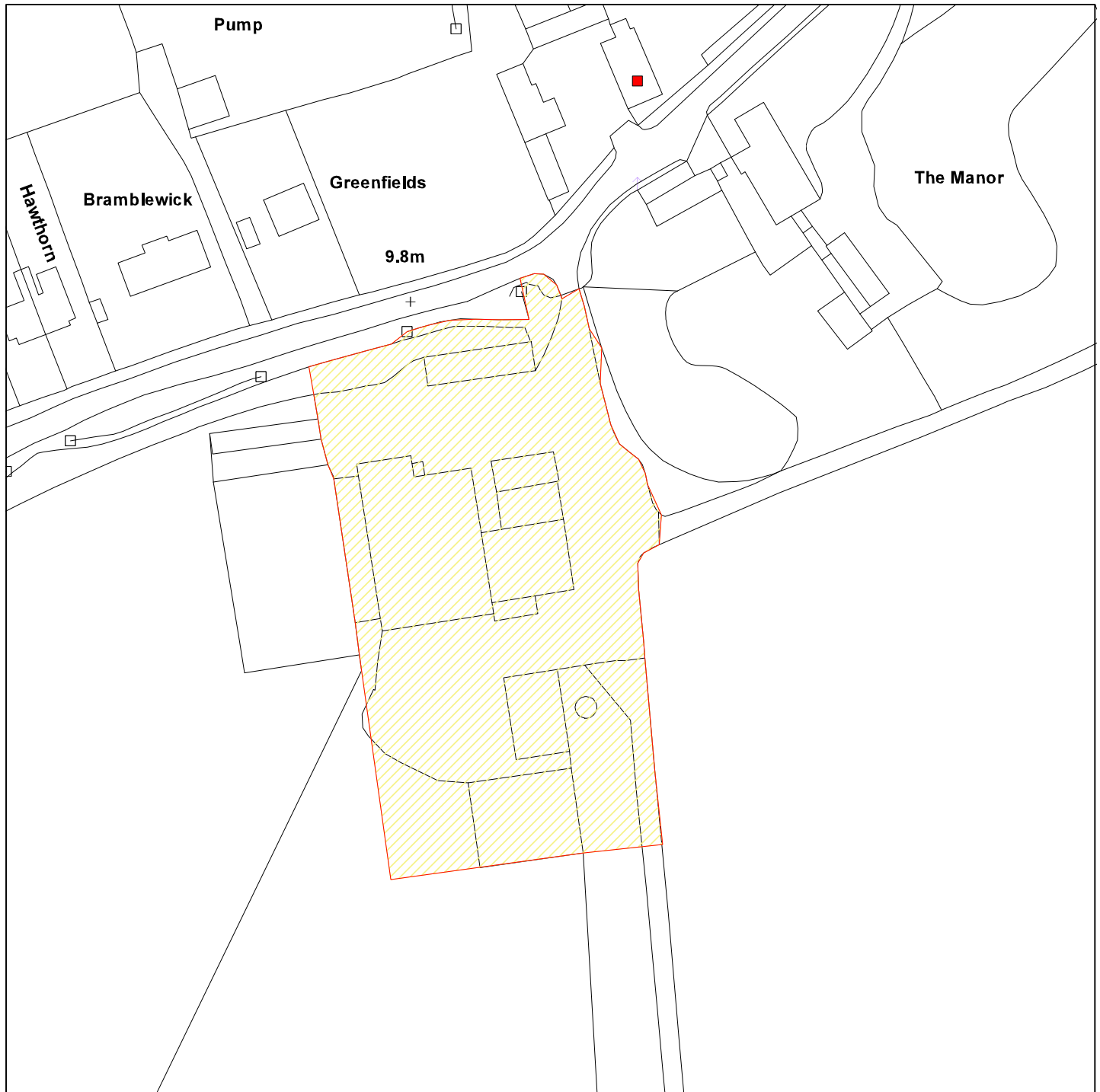
Contact details:

Author: Erik Matthews Development Management Officer

Tel No: 01904 551416

Intake Lane, Acaster Malbis

12/03436/FUL



Scale : 1:1250

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Organisation	City of York Council
Department	City and Environmental Services
Comments	
Date	20 December 2012
SLA Number	Not Set

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West & City Centre Area Planning Sub-Committee

10th January 2013

Report of the Director of City and Environmental Services

Enforcement Cases - Update

Summary

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

Background

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

Current Position

6. 40 new cases were received for this area within the last 3 months. 52 cases were closed and 188 remain outstanding.

There are 88 Section 106 Agreement cases outstanding for this area after the closure of 11 in the last 3 months. These closed cases brought in a total of £34768 of outstanding financial contributions required as part of approved developments in the West and Centre area.

7. 1 Breach of Condition Notice has been served in this quarter in the West area and there is currently one further case for which we have received authorisation to serve a notice and this is currently with legal services for the notice to be drafted.

Consultation.

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

Options.

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

9. The Council Plan 2011-2015.

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

10. Implications.

- **Financial** - *None*
- **Human Resources (HR)** - *None*
- **Equalities** - *None*
- **Legal** - *None*
- **Crime and Disorder** - *None*
- **Information Technology (IT)** - *None*
- **Property** - *None*
- **Other** - *None*

11. Risk Management

There are no known risks.

12. Recommendations

That members note the content of the report. Officers do try to update the individual reports and cases when necessary but it is not always possible to keep up with these straight away. Therefore if members have any additional queries or questions about cases on this enforcement report then please e-mail or telephone Andy Blain or Matthew Parkinson by 5pm on Wednesday 9th January. Please note that the cases are now presented in Parish order so hopefully this will make it easier for members to reference cases in their respective areas.

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

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

Contact Details

Author:

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

Chief Officer Responsible for the report:

Michael Slater

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

**Report
Approved**

✓

Date 24/12/2012

Specialist Implications Officer(s)

None

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

For further information please contact the authors of this report

Annexes

Annex A - Enforcement Cases – Update (Confidential)

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of the Local Government Act 1972.

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