



Notice of meeting of

West & City Centre Area Planning Sub-Committee

- To:** Councillors B Watson (Chair), Sue Galloway (Vice-Chair), Horton, Galvin, Reid, Gillies, Gunnell, Jamieson-Ball and Sunderland
- Date:** Thursday, 21 June 2007
- Time:** 3.00 pm
- Venue:** The Guildhall, York

AGENDA

Sub Committee site visits

Site visits for this meeting will commence at 11.00 am on Wednesday 20 June 2007 at Memorial Gardens.

1. Declarations of Interest

At this point Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

2. Public Participation

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

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

3. Plans List

Members will consider a schedule of reports of the Assistant Director (Planning and Sustainable Development), relating to planning applications with an outline the proposals and relevant policy considerations and the views and advice of consultees and officers.

- a) **212 Bishopthorpe Road, York (07/00588/FUL)** (Pages 3 - 8)
Alteration to roof at rear to provide new sheer second floor level (retrospective). *[Micklegate Ward]*
- b) **214 Bishopthorpe Road, York (07/00586/FUL)** (Pages 9 - 14)
Alteration to roof at rear to provide new sheer second floor level (retrospective). *[Micklegate Ward]*
- c) **Danesway, 59 Temple Lane, Copmanthorpe, York (07/00595/FUL)** (Pages 15 - 22)
Erection of pitched roof dormer bungalow with detached garage. *[Rural West York Ward]*
- d) **Askham Bryan College, College Service Roads, Askham Bryan, York (07/00753/FULM)** (Pages 23 - 48)
Proposed erection of veterinary hospital associated outbuildings, car parking and vehicular access. *[Rural West York Ward]*
- e) **14 Foxton, York (07/00271/OUT)** (Pages 49 - 58)
Outline application for erection of detached single storey dwelling. *[Dringhouses & Woodthorpe Ward]*
- f) **25 Aldersyde, York (07/01060)** (Pages 59 - 70)
Erection of 2 no. detached two storey dwellings after demolition of existing dwelling (resubmission). *[Dringhouses & Woodthorpe Ward]*
- g) **100 Tadcaster Road, Dringhouses, York (07/00959/FUL)** (Pages 71 - 78)
Two storey pitched roof rear extension, detached double garage and replacement windows to front and back. *[Dringhouses & Woodthorpe Ward]*

h) Former Waterworks Engine House, Museum Street, York (06/02425/FUL) (Pages 79 - 102)

Change of use of Engine House to form restaurant (Class A3) and 1 no. apartment; erection of extension to form restaurant dining room; new outdoor terrace; new railings, gates and steps.
[Guildhall Ward]

i) Former Waterworks Engine House, Museum Street, York (06/02428/LBC) (Pages 103 - 114)

Internal and external alterations including new extension in connection with proposed use as a restaurant and 1 no. apartment.
[Guildhall Ward]

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

Democracy Officer

Name: Tracy Wallis

Contact Details:

- Telephone (01904) 552062
- Email – tracy.wallis@york.gov.uk

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

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

Contact details are set out above.

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WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE**SITE VISITS****Wednesday 20 June 2007****The bus for Members of Sub Committee will depart Memorial Gardens at 11am**

TIME (Approx)	SITE	ITEM
11.10	212 Bishopthorpe Road, York	a
11.10	214 Bishopthorpe Road, York	b
11.40	59 Temple Lane, Copmanthorpe	c
12.10	Askham Bryan College, Askham Bryan	d
12.40	14 Foxton, York	e
13.30	25 Aldersyde, York	f
14.00	100 Tadcaster Road, York	g
14.30	Former Waterworks Engine House, Museum Street, York	h & i

COMMITTEE REPORT

Committee: West & City Centre Area **Ward:** Micklegate
Date: 21 June 2007 **Parish:** Micklegate Planning Panel

Reference: 07/00588/FUL
Application at: 212 Bishopthorpe Road York YO23 1LF
For: Alteration to roof at rear to provide new sheer second floor level (retrospective)
By: Mrs Grainne Timmis
Application Type: Full Application
Target Date: 8 May 2007

1.0 PROPOSAL

1.1 The application is for planning permission for a roof extension which has been added at the host and neighbour - 214 (application 07/00586/FUL). The extension follows up from the rear elevation and covers the entire rear roof plane. The face is in brick and has a French door with Juliet balcony outside and a smaller window. The sides have been finished in lead. The roof is flat, concealed by a parapet at the top of the structure.

1.2 The application relates to a terraced dwellinghouse with a two-storey outshot. The terrace is of similar house types.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

2.2 Policies:

CYH7
Residential extensions

CYGP1
Design

3.0 CONSULTATIONS

INTERNAL

3.1 Highway Network Management - No objection.

EXTERNAL

3.2 Planning Panel - Support the application.

3.3 Neighbour notification - One letter in support received from the occupant of 216 Bishopthorpe Road.

4.0 APPRAISAL

KEY ISSUES

4.1 The key issues are the effect on the character and appearance of the building and surrounding area and whether there is material harm to the amenity of the occupiers of the surrounding properties.

RELEVANT POLICY

4.2 PPS1 seeks to deliver high quality development through good and inclusive design and states that design which fails to take the opportunities available for improving the character and quality of the area should not be accepted.

4.3 Policy H7 of the draft Local Plan states that planning permission will be granted for house extensions where: the design and materials are sympathetic to the main dwelling and the locality of the development; the scale is appropriate; there is no adverse impact on residential amenity; proposals respect space between dwellings; and that the proposed development does not result in an unacceptable loss of private amenity space within the curtilage of the dwelling. The background text to policy H7 adds that large box style roof extensions shall generally be resisted. Policy GP1, reinforces H7, it sets out design guidance for all development proposals.

4.4 The Council also has supplementary planning guidance for house extensions. On the subject of dormer roof extensions it makes the following recommendations,

- Be well below the ridgeline of the roof
- Not extend the full width of the roof (2 smaller dormers preferable to 1 large one)
- Respect the proportions of the property and not extend across more than a third of the roof
- Relate to existing details including windows and doors in character, alignment and proportion
- Be clad in materials to match the existing roof

DESIGN

4.5 The roof extension has been built across two dwellings, taking up the entire roof slope of both. The scale of the extension makes it an overprominent structure, which dominates the roof. It is an uncommon disproportionate addition, which is out of keeping with the appearance of the host dwelling(s) and the terrace in which it is located. It is accepted that the materials used are sympathetic to the dwelling,

however this does not mitigate the overall design, which is considered to be harmful in terms of character and appearance, contrary to PPS1 and H7 and GP1 of the Local Plan.

4.6 Officers are also mindful of the need for consistent decisions. An approach is taken by the Local Planning Authority which seeks to only approve sympathetically designed subordinate roof extensions. Although each decision should be made on its own merits, were retrospective consent to be granted in this case, it would be particularly difficult to resist similar large roof extensions in the locality, it is unlikely that all of which would be built / finished to a similar standard as the extension under consideration here. As such significant harm to the character and appearance of the area would occur. Examples of other roof extensions in the City have been submitted, in defence of the development now before members. These demonstrate that if the shape, size and location of dormer windows are not sympathetic, they cause harm to the appearance of their host building. If such extensions were used as justification to grant planning permission for similar development, there would be significant harm to the character and appearance of the city.

RESIDENTIAL AMENITY

4.7 The extension increases overlooking into neighbouring rear yard areas and also nearby windows serving living and bedrooms. However in such a high density area of terrace housing, overlooking to some extent is common and thus it is considered that it would be difficult to refuse the application on such grounds. In relation to the effect on neighbours in terms of overbearing and overdominance, it is considered that there would be no significant harm caused.

5.0 CONCLUSION

5.1 It is considered that the development is unacceptable because of its unsympathetic design, the structure is overprominent and harmful to the appearance of the host dwelling, its neighbour, and the locality contrary to policies GP1 and H7 of the local plan and PPS1.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

- 1 The Local Planning Authority considers that the roof extension by virtue of its shape and overall size is an overprominent addition, which is unsympathetic and harmful to the appearance of 212 and 214 Bishopthorpe Road and the character and appearance of the surrounding area.

As such the proposal is contrary to PPS1: Delivering Sustainable Development which states that design which fails to take the opportunities available for improving the character and quality of the area should not be accepted and policies GP1 and H7 of the City of York Draft Local Plan. GP1

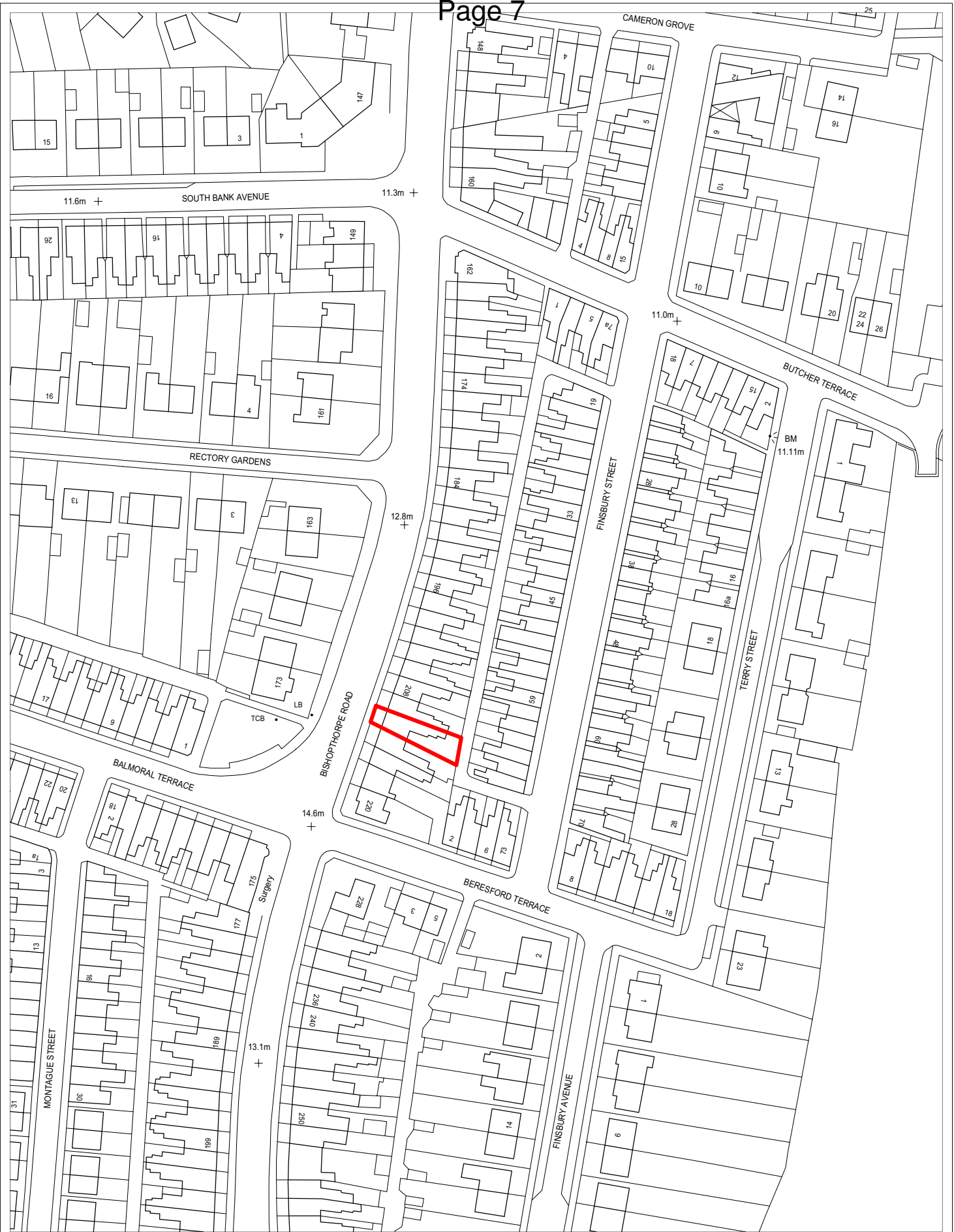
states that development proposals must, respect or enhance the local environment; be of a layout, scale, mass and design that is compatible with the surrounding area; provide and protect amenity space; ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or overdominance. H7 states that planning permission will be granted for house extensions where: the design and materials are sympathetic to the main dwelling and the locality of the development; the scale is appropriate; there is no adverse impact on residential amenity; and that the proposed development does not result in an unacceptable loss of private amenity space within the curtilage of the dwelling.

7.0 INFORMATIVES:

Contact details:

Author: Jonathan Kenyon Development Control Officer

Tel No: 01904 551323



212 BISHOPTHORPE ROAD - 07/00588/FUL

SCALE 1:1250
 Originating Group

DRAWN BY PSL
 Project

DATE 11/6/2007
 Drawing No.



9, St. Leonards Place, York, YO1 2ET
 Telephone: 01904 551550

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COMMITTEE REPORT

Committee: West & City Centre Area **Ward:** Micklegate
Date: 21 June 2007 **Parish:** Micklegate Planning Panel

Reference: 07/00586/FUL
Application at: 214 Bishopthorpe Road York YO23 1LF
For: Alteration to roof at rear to provide new sheer second floor level
(retrospective)
By: James Herbert
Application Type: Full Application
Target Date: 8 May 2007

1.0 PROPOSAL

1.1 The application is for planning permission for a roof extension which has been added at the host and neighbour - 212 (application 07/00588/FUL). The extension follows up from the rear elevation and covers the entire rear roof plane. The face is in brick and has a French door with Juliet balcony outside. The sides have been finished in lead. The roof is flat, concealed by a parapet at the top of the structure.

1.2 The application relates to a terraced dwellinghouse with a two-storey outshot. The terrace is of similar house types.

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2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

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CYH7 Residential extensions

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INTERNAL

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KEY ISSUES

4.1 The key issues are the effect on the character and appearance of the building and surrounding area and whether there is material harm to the amenity of the occupiers of the surrounding properties.

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4.6 Officers are also mindful of the need for consistent decisions. An approach is taken by the Local Planning Authority which seeks to only approve sympathetically designed subordinate roof extensions. Although each decision should be made on its own merits, were retrospective consent to be granted in this case, it would be particularly difficult to resist similar large roof extensions in the locality, it is unlikely that all of which would be built / finished to a similar standard as the extension under consideration here. As such significant harm to the character and appearance of the area would occur. Examples of other roof extensions in the City have been submitted, in defence of the development now before members. These demonstrate that if the shape, size and location of dormer windows are not sympathetic, they cause harm to the appearance of their host building. If such extensions were used as justification to grant planning permission for similar development, there would be significant harm to the character and appearance of the city.

AMENITY

4.7 The extension increases overlooking into neighbouring rear yard areas and also nearby windows serving living and bedrooms. However in such a high density area of terrace housing, overlooking to some extent is common and thus it is considered that it would be difficult to refuse the application on such grounds. In relation to the effect on neighbours in terms of overbearing and overdominance, it is considered that there would be no significant harm caused.

5.0 CONCLUSION

5.1 It is considered that the development is unacceptable because of its unsympathetic design. The structure is overprominent and harmful to the appearance of the host dwelling, its neighbour, and the locality, contrary to policies GP1 and H7 of the local plan and PPS1.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

- 1 The Local Planning Authority considers that the roof extension by virtue of its shape and overall size is an overprominent addition, which is unsympathetic and harmful to the appearance of 212 and 214 Bishopthorpe Road and the character and appearance of the surrounding area.

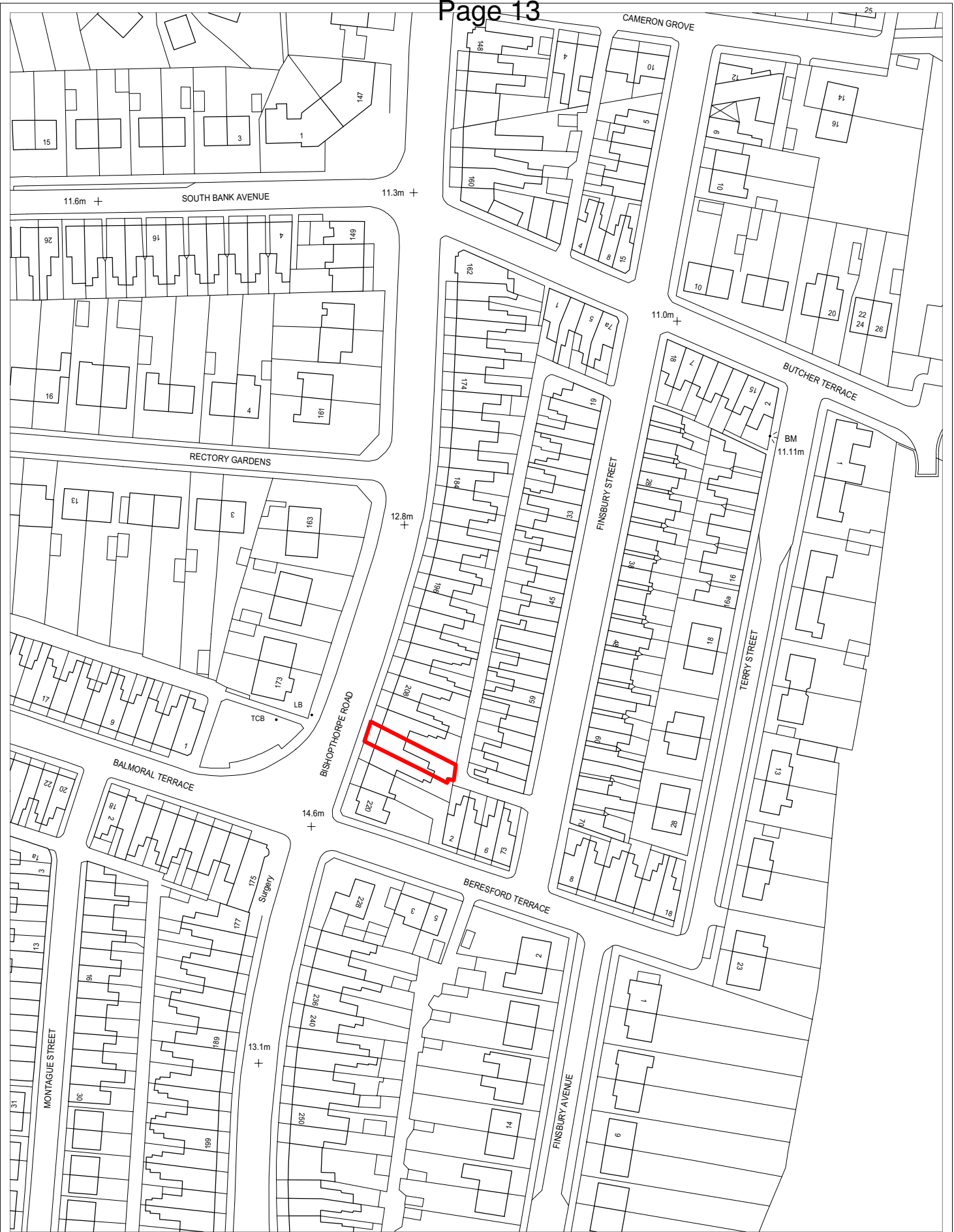
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COMMITTEE REPORT

Committee: West & City Centre Area **Ward:** Rural West York
Date: 21 June 2007 **Parish:** Copmanthorpe Parish
Council

Reference: 07/00595/FUL
Application at: Danesway 59 Temple Lane Copmanthorpe York YO23 3TD
For: Erection of pitched roof dormer bungalow with detached garage
By: Mr And Mrs Hudson
Application Type: Full Application
Target Date: 17 May 2007

1.0 PROPOSAL

1.1 The application is for the erection of a pitched roof dormer bungalow and a detached pitched roof garage. The application is a resubmission of a previously refused application for a pitched roof dormer dwelling - 06/02639/FUL

1.2 The site is just inside the settlement limit in washed over greenbelt, with open greenbelt adjacent to the site.

1.3 The character of the area is linear development along the road with mostly large bungalows set within large plots.

1.4 This application comes before committee at the request of Cllr. Hopton.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYGP1
Design

CYGP10
Subdivision of gardens and infill devt

CYGB1

Development within the Green Belt

CYGB2

Development in settlements "Washed Over" by the Green Belt

3.0 CONSULTATIONS

3.1 PUBLICITY DATES/PERIODS

Neighbour Notification - Expires 18/04/2007

Site Notice - Expires 15/05/2007

Press Advert - N/A

Internal/External Consultations - Expires 18/04/2007

8 WEEK TARGET DATE 17/05/2007

3.2 INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT - No objections

ENVIRONMENTAL PROTECTION UNIT - No objections

HOUSING DEVELOPMENT CO-ODINATOR - Object

- The application has the potential for the provision of affordable housing because of the site size threshold - 0.03ha. A pair of 2/3 bed semis or a 1 or 2 other family homes is a far better use of the site and as a backstop the condition relating to any future applications for housing will implement the affordable requirement should be used.

LIFELONG LEARNING AND CULTURE

- As there is no on-site open-space commuted sums should be paid to the council for amenity open space, play space, and sports pitches

DRAINAGE - No objections

- The development is in low risk Flood Zone 1 and should not suffer from river flooding

- The applicant should avoid building over the line of the culverted watercourse mentioned in the access statement, for which there will be riparian owner responsibilities

LANDSCAPE ARCHITECT - No objections

The proposed property, although higher than the neighbouring bungalow, is not too dissimilar to other properties along this length of Temple Lane. It is contained within the boundary hedge, which essentially marks the edge of the 'settlement' and start of the agricultural land. The front garden is south facing and therefore is large enough for the purposes of providing a suitable setting for the proposed building and functional garden space.

Nonetheless, due to the increased built development and extent of existing hard standing, I would encourage the front garden to be soft landscaped - to include the area to the west of the new drive (as indicated on the proposals plan) and to include replacement tree planting as part of consent (if given).

3.3 EXTERNAL CONSULTATIONS/REPRESENTATIONS

COPMANTHORPE PARISH COUNCIL - Object

- The property is too large and represents over development of the site

APPLETON ROEBUCK AND COPMANTHORPE DRAINAGE BOARD - No comments received

4.0 APPRAISAL

4.1 RELEVANT SITE HISTORY

8/87/47/PA - Garage - Refused

8/87/47A/PA - Garage and formation of turning space - Approved

8/87/47B/PA - Alterations and extensions to form utility room - Approved

8/87/47C/PA - Erection of bedroom extension - Approved

8/87/47D/PA - Proposed erection of an extension - Approved

8/87/47E/PA - Continued use of agricultural land as a garden and erection of double garage at land adjacent to Danesway, 59 Temple Lane - Approved

06/02639/FUL - Erection of a pitched roof dormer bungalow - Refused

The proposed dwelling by virtue of its location, scale, design, and mass would result in a cramped and overdeveloped appearance adjacent to the green belt and is not appropriate to the form and low density character of the settlement, it would not constitute limited infilling (defined as the filling of a small gap in an otherwise built up frontage) and would impact on the openness of the green belt and therefore is contrary to Policies GP1, GP10 and GB2 of the City of York Council Development Control Local Plan (2005).

4.2 ADDITIONAL PLANNING POLICY

Copmanthorpe Village Design Statement, 2003

4.3 KEY ISSUES

1. Visual impact of the dwelling and the Green Belt
2. Impact on neighbouring property

4.4 ASSESSMENT

PLANNING POLICY

4.4.1 Policy GP1 'Design' of the City of York 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.

4.4.2 Planning Policy Guidance note 2 'Green Belts' sets out the purposes of including land within Green Belts and establishes specific categories of development that are appropriate within Green Belts. All other development is deemed inappropriate and therefore harmful to the Green Belt. For such development to be acceptable in Green Belts very special circumstances must be demonstrated to show that the harm is outweighed by other considerations. Policy E8 of the North Yorkshire County Structure Plan establishes a Green Belt around the City of York. The boundaries of the Green Belt are detailed on the Proposals Map of the City of York Council Development Control Local Plan (CYCDCLP) and this site clearly falls within the Green Belt. Policy GB1 'Development in the Green Belt' of the CYCDCLP follows the advice contained in PPG2 in stating that permission for development will only be granted where: the scale, location and design 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 not prejudice the setting and special character of the City, and is for a type of development listed as appropriate development. All other forms of development are considered to be inappropriate and very special circumstances would be required to justify where the presumption against development should not apply.

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

4.4.4 Policy GP10 'Subdivision of Gardens and Infill Development' states that permission will only be granted for the development or subdivision of garden areas where it would not be detrimental to the character and amenity of the local environment.

VISUAL IMPACT OF THE DWELLING AND THE GREEN BELT

4.4.5 The proposed site is irregular in size and smaller than average compared to other plots in the area. The proposed three bedroomed dormer bungalow would be no further forward than the neighbouring dwelling although the building line is rather

loose in this street. There would be two dormers to the front slope and a large dormer to the rear slope. The proposed dwelling measures 10.8 metres in width by 16.3 metres at maximum depth, and 6.25 metres in height to the roof ridge.

4.4.6 The proposal differs from the previously refused application in that the proposed site is larger than previous; and the siting of the dwelling has changed and is be nearer the eastern site boundary with the greenbelt. The design of the dwelling has also changed. The front elevation has a more modest appearance than the previous proposal. There is an existing detached garage on the site, which is incorporated into the dwelling to reduce the impact of the dwelling on the greenbelt.

4.4.7 The proposed garage is the same footprint as the existing flat roofed shed. The proposed garage would have a pitched roof and would be a height of 4.3 metres. The increase in height would cause this to be visible from the greenbelt, and when seen in conjunction with the proposed dwelling the increase in the mass and the bulk would increase the built-up nature of the proposal on the greenbelt

4.4.8 Policy GB2 states that the proposed development should constitute limited infilling and would not prejudice the openness or the purposes of the Green Belt. It is considered that this proposal could not be considered as infilling by virtue of the site protruding into the green belt, with open countryside surrounding most of the site.

4.4.9 With regards to Policy GB2 "Development in settlements 'washed over' by the Green Belt" it states that the proposed development should be located within the built up area of the settlement. It is considered that by the site's position adjacent to the settlement boundary and the open green belt the site could not be considered to be in a built up area of the settlement. Policy GB2 states that the location, scale and design of the proposed development should be appropriate to the form and character of the settlement and the neighbouring property. Whilst a dormer bungalow may be appropriate in this area the over large scale and design on a small site would result in a cramped and over developed appearance when seen in context with 59 Temple Lane and the existing large out-buildings. This would create a densely built-up appearance to the boundary with the green belt (which is of a particularly flat and open nature in this area) resulting in the proposal being rather prominent and not in keeping with the spacious low density character of the area.

4.4.10 The character of the area is a linear development of large bungalows set in large plots. The space around the dwellings and the gardens contribute significantly to the low-density character of the area. This proposal would consolidate this ribbon development stretching into the green belt, to the detriment of the open character of the green belt and contrary to Policy GP10 and GB2.

IMPACT ON NEIGHBOURING PROPERTY

4.4.11 Despite its close proximity to 59 Temple Lane the proposed dwelling would not cause any significant loss of residential amenity to warrant refusal.

5.0 CONCLUSION

5.1 The proposed dwelling by virtue of its location, scale, design, and mass would result in a cramped and overdeveloped appearance adjacent to the green belt and is not appropriate to the form and low density character of the settlement, it would not constitute limited infilling (defined as the filling of a small gap in an otherwise built up frontage) and would impact on the openness of the green belt and therefore is contrary to Policies GP1, GP10 and GB2 of the City of York Council Development Control Local Plan (2005). Refusal is recommended.

COMMITTEE TO VISIT

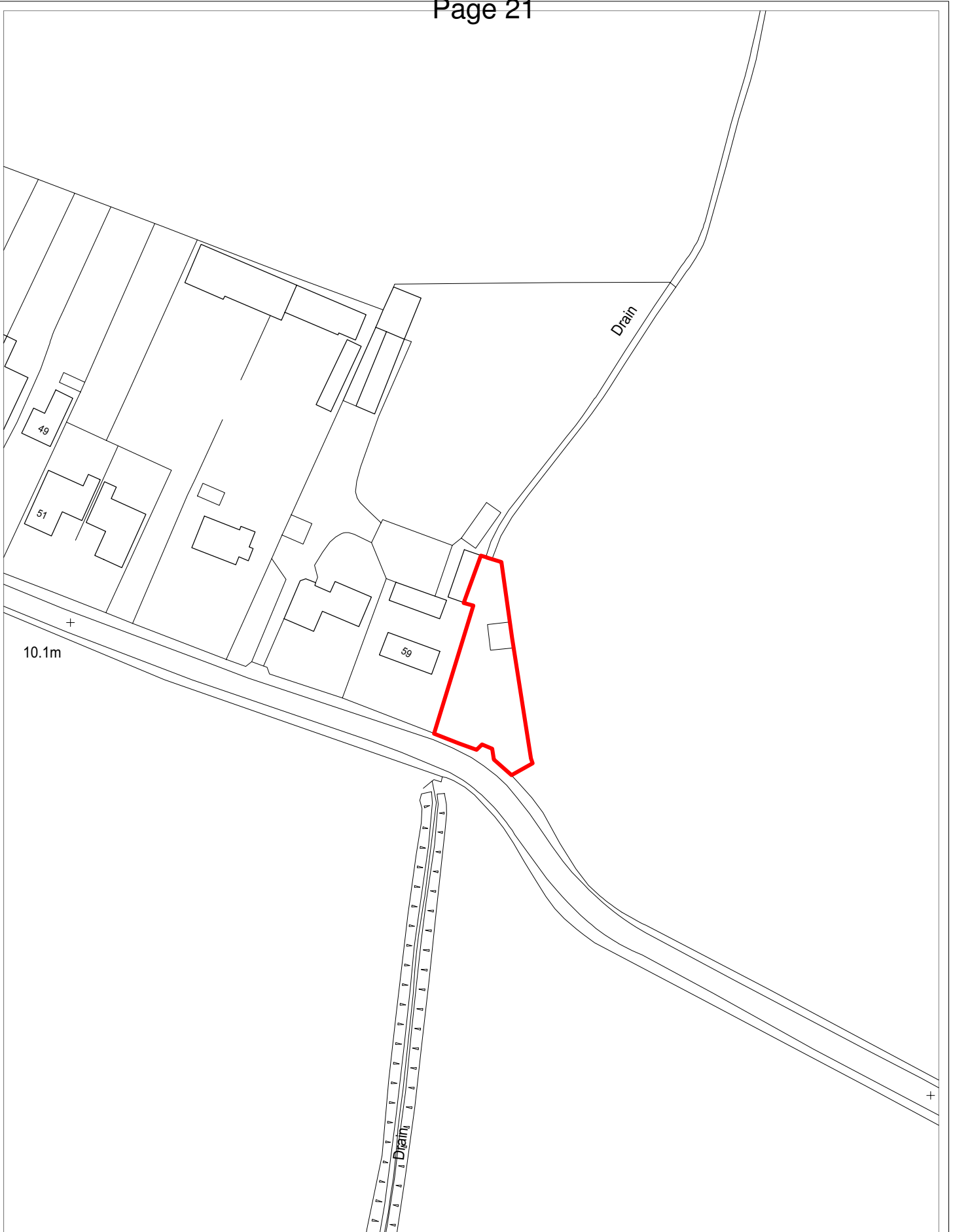
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7.0 INFORMATIVES:

Contact details:

Author: Victoria Bell Development Control Officer
Tel No: 01904 551347



CITY OF
YORK
COUNCIL

DANESWAY, 59 TEMPLE LANE, COPMANTHORPE - 07/00395/FUL



SCALE 1:1250

DRAWN BY PSL

DATE 11/6/2007

Originating Group

Project

Drawing No.

9, St. Leonards Place, York, YO1 2ET
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COMMITTEE REPORT

Committee: West & City Centre Area **Ward:** Rural West York
Date: 21 June 2007 **Parish:** Askham Bryan Parish Council

Reference: 07/00753/FULM
Application at: Askham Bryan College College Service Roads Askham Bryan
York YO23 3PR
For: Proposed erection of veterinary hospital with associated
outbuildings, car parking and vehicular access
By: Minster Veterinary Practise
Application Type: Major Full Application (13 weeks)
Target Date: 29 June 2007

1.0 PROPOSAL

1.1 This full application relates to the erection of a veterinary hospital with associated nurse training facilities within the grounds of Askham Bryan College. The application site has a frontage of approximately 150 metres to York Road, which forms the northern boundary of the college campus, and is presently used for educational planting and tractor training. A weather station in the form of a tall pole with guy rope attachments is located towards the eastern end of the site. The eastern boundary of the site is defined by a row of tall conifer trees, with a mature hawthorn hedge forming the northern boundary along the York Road frontage. A row of poplar trees defines the western boundary, whilst to the south of the site is the remainder of the college campus and its associated buildings.

1.2 The development would consist of a two storey building comprising six main components, namely equine services, farm animals and poultry, small animal veterinary services, joint services, administration, and teaching facilities for Askham Bryan College students. Approximately 50% of the new building would be taken up by the equine services function, which would be housed in a portal framed building, equivalent to two stories in height. A total of 25 stables would be provided, 21 of which would be housed within a separate block, together with ancillary structures including a hay barn, isolation stables and scanning/diagnostic facilities. Open areas at the rear of the site would be retained as paddocks and exercise areas for horses.

1.3 The first floor of the building would accommodate the office and administration function, along with a student lecture room and overhead viewing areas above the ground floor operating theatres. The building would also house three self contained flats and four bedsits, for use by residential students and overnight staff associated with the veterinary function. The site would be served by a new, independent access, located centrally along the York Road frontage. A total of 82 car parking spaces would be provided for staff and customers, together with parking for three horse boxes with an associated turning area.

1.4 The applicant, Minster Veterinary Practice, operates from five locations in and around York at Salisbury Terrace, Haxby, Earswick, Copmanthorpe and Poppleton,

and already provides training to veterinary surgeons and nurses under RCVS training schemes and through affiliations with Askham Bryan College. However, the practice is aware that it needs to adapt and update in order to continue to provide services through "cutting edge" technologies and pioneering developments, and that their existing accommodation cannot be adapted to service this need. The applicant contends that the provision of such a service can only be provided by the provision of a new facility, which in turn would generate other opportunities. Thus a new facility could provide:

- state of the art facilities to host first class veterinary training for surgeons and nurses;
- the establishment of an RCVS accredited veterinary hospital in the region. The nearest RCVS accredited hospitals are located in Nottingham and Edinburgh;
- capacity to accommodate complimentary animal therapies;
- create 11 new jobs in the practice.

It is intended to transfer 50 staff from the existing surgeries to the new site. However, it is intended that the existing surgeries will remain open (with the exception of equine services at Poppleton) and will continue to provide a local service for the day-to-day needs of existing clients. It is intended that the new veterinary hospital would provide a more specialised facility, including operating theatres and overnight accommodation.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYGB1
Development within the Green Belt

CYGB10
Major development sites in GB

CYGB11
Employment devt outside settlement limits

CYED5
Further and Higher Education Institutions

CYGP1
Design

CYGP4
Environmental sustainability

CYGP9
Landscaping

CYGP11
Accessibility

3.0 CONSULTATIONS

3.1 INTERNAL

HIGHWAYS - Further information has been requested in relation to the following:

- how many additional college students will this development involve? Full details of the travel/traffic implications of this are requested.
- are the existing surgeries to remain open or must all existing clients travel to the new hospital? Due to the isolated location the majority of the trips will be by private car, and the number of staff, 61 (being over 50) requires a Travel Plan to be submitted.
- is the residential accommodation for permanent staff or short term student accommodation?
- having regard to the large area of surface water run-off, drainage details should also be included.
- the educational elements of the proposal are generally considered to be acceptable, however, more information is sought in relation to the commercial aspects with regard to traffic generation of both staff and customers.

ENVIRONMENT, DESIGN AND CONSERVATION

Landscape Architect

No objections.

Public visibility of the site is limited due to the angles of approach and the presence of existing vegetation, both immediately around the site and along field and roadside boundaries.

The hedge and the proposed new planting to the front of the site will help sit the building in the landscape.

The site will be remodelled by terracing, such that the building will sit relatively low in the landscape and be more readily screened by the proposed planting along the road frontage.

The line of Poplars along the west boundary provide reasonable, seasonal screening, but their condition is poor; therefore to replace one section with a denser more varied belt of trees is acceptable.

The groups of young trees within the site are of relatively low visual impact due to their small size and are easily replaceable; they are therefore not of such high value as to limit acceptable, development proposals.

Please add a condition to secure the retention of the existing hedge (other than the removal of a section for access and site lines).

Also please add condition LAND 1 to secure a suitable, detailed, planting scheme.

It is suggested that the planting consists of a range of tree sizes from 1.5-1.8m feathered to heavy standards. Due to the space afforded by the car park, I would expect to see large trees species where the planting bed broadens out to the west of the main entrance, e.g. Oak, Ash, Hornbeam. The remainder should also be native species such as Birch, Rowan, Crab apple, Field Maple; some Pines and Holly would also be welcome.

Sustainability Officer

The sustainability statement addresses all of the issues raised by policy GP4a and it states that there is an intention to achieve an overall Building Research Establishment Environmental Assessment Method (BREEAM) (Bespoke) rating of at least 'very good'. In addition the proposal addresses some of the developments likely biggest resource use by the intention to fit a rainwater harvesting system to supply wash down areas and flush toilets, the consideration of under floor heating and the use of natural ventilation.

A condition is recommended requiring the developer to aim to achieve at least a BREEAM "very good" assessment standard for the development and to submit a statement demonstrating the progress of the BREEAM assessment prior to the commencement of the development. Should this not meet at least a 'very good' standard then the developer must demonstrate what changes will be made to the development to achieve at least 'very good'.

In addition, prior to the commencement of the development, the developer shall submit in writing for the approval of the Local Planning Authority details of the rainwater harvesting system to be installed, and details of the under floor heating and natural ventilation system.

Archaeology

The site lies in an area where there has been little recent archaeological work. The approximate find spot of a Neolithic polished stone axe was indicated at SE

55804705 by the finder Mr M Atkinson. The axe was found circa 1928 and was subsequently kept at Easingwold Grammar School.

Cropmarks recorded on aerial photographs have indicated that there are features relating to an extensive late prehistoric/Romano-British landscape preserved in this area.

Therefore I would like an archaeological watching brief on all groundworks for this development. Please place ARCH2 on any consent which is granted

CITY DEVELOPMENT - The proposal is considered to be a Class D1 use (non-residential institutions). The site is within a Major Developed Site in the Green Belt allocation shown on the City of York Draft Local Plan Proposals Map. The purpose of the residential accommodation (3 x flats, 4 x bedsits) needs to be clarified.

The proposed development does not comply with Policy GB10 (Major Developed Sites in the Green Belt) or Policy GB1 (Development in the Green Belt) as the proposal would result in a major increase in the developed portion of the site. These policies align themselves with advice in Planning Policy Guidance Note 2: "Green Belts".

The following key considerations must be taken into account, to determine whether there are very special circumstances to justify the development:

- the applicant must demonstrate an overall need for the facility. The proposed training facility must be of primary use to Askham Bryan College.
- the applicant must demonstrate the need to co-locate the veterinary hospital with the college and why it should be located within the Green Belt and open countryside and not within a defined settlement limit.
- the site is not recognised within the Historic Character Assessment for York, but is adjacent to Category 3 (Village Setting) land to the north.

The design of the facility must not have a greater impact on the purposes of including land in the Green Belt. The heights of the buildings must be no higher, or have a greater impact, than those existing on the site. The buildings must be of the highest quality design and be sympathetic to the other existing buildings and the Green Belt setting.

In conclusion, no policy objection is raised so long as it is considered that the above considerations have been satisfied.

ENVIRONMENTAL PROTECTION - No objections are raised to the proposal, however, there are concerns that lighting of car parking areas could affect local residents. A condition is recommended, therefore, requiring a lighting scheme to be submitted and approved by the local planning authority. The standard "Demolition and Construction" informative (including a condition relating to working hours), is also recommended.

STRUCTURES AND DRAINAGE - The site exceeds 1 hectare in area and therefore requires a Flood Risk Assessment (FRA).

N.B. An FRA has been submitted and further comments are awaited.

3.2 EXTERNAL

ASKHAM BRYAN PARISH COUNCIL - All the Councillors object in the strongest possible terms. This is a commercial business just asking to be treated as teaching. It is definitely commercial as they are closing five practices. Is a commercial operation against the planning conditions here?

Traffic will be very high and this is the green belt and should not be allowed to be built. There are already two entrances on the Askham Richard road plus one used only for open days - and this is a narrow road where traffic speeds along to and from the junction with Askham Fields Lane.

We feel the new Parish Councillors elected on May 3rd should see this application and comment.

It also seems strange to place the development at the opposite side of the campus to the equestrian and small animal facilities that already exist.

ENVIRONMENT AGENCY - Comments awaited

MARSTON MOOR INTERNAL DRAINAGE BOARD - The applicant states that surface water will be discharged to public sewer.

If the relevant Water Company or its Agents cannot confirm that there is adequate spare capacity in the existing system, the applicant should be requested to re-submit amended proposals showing how it is proposed to drain the site.

The applicant should provide information as to the point of discharge of the sewer in order that the Board may comment on the suitability of the receiving watercourse and the applicant should also provide details on the potential effect that the proposed discharge may have on the receiving watercourse.

In addition the Board wishes to highlight the premise within PPS 25 where developers, where possible, reduce flood risk overall (paragraph 22) and that, as far as is practicable, surface water arising from a developed site should be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development (paragraph F6). This should be considered whether the surface water discharge arrangements from the site are to connect to a public or private sewer before outfalling into a watercourse or to outfall directly into a watercourse.

LOCAL RESIDENTS - No replies received

4.0 APPRAISAL

4.1 Key Issues

- policy background
- educational links with Askham Bryan College
- consideration of very special circumstances
- design and landscape considerations
- traffic, highway and access issues
- sustainability
- drainage

POLICY BACKGROUND

4.2 The application relates to the erection of a major veterinary hospital and veterinary nurse training facility within the curtilage of Askham Bryan College. It is intended that the development would be of regional significance. The site is within an area of Green Belt, but is identified as a "major developed site in the Green Belt" on the City of York Draft Local Plan Proposals Map. The North Yorkshire Structure Plan is the statutory development plan for the area. Policy E9 states that planning permission within Green Belt areas will normally be granted only for the erection of new buildings, or the change of use or redevelopment of existing buildings, which are necessary in connection with the following land uses: (i) agriculture and forestry, (ii) outdoor sport and recreation, (iii) cemeteries or institutions standing in extensive grounds, and (iv) other uses appropriate in a rural area.

4.3 Central Government advice in Planning Policy Guidance Note 2 "Green Belts" (PPG2) is relevant to the proposal. This states that there are five purposes of including land in Green Belts: to check the unrestricted sprawl of large built up areas; to prevent neighbouring towns from merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. It also states that there is a general presumption against inappropriate development within the Green Belt. Such development should not be approved, except in very special circumstances. PPG2 states that inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. PPG2 states that the construction of new buildings inside a Green Belt is inappropriate unless it is for certain specific purposes, one of which relates to "limited infilling or redevelopment of major developed sites identified in adopted local plans", subject to the development meeting the criteria referred to in Annex C of PPG2.

4.4 The advice in PPG2 is reflected in Policy GB1 of the City of York Draft Local Plan, which states that within the Green Belt, planning permission for development

will only be granted where: a) the scale, location and design of such development would not detract from the open character of the Green Belt; and b) it would not conflict with the purposes of including land within the Green Belt; and c) it would not prejudice the setting and special character of the City of York; AND it is for one of a number of specific purposes, which includes "limited infilling or redevelopment of existing major developed sites". All other forms of development within the Green belt are considered inappropriate, and very special circumstances will be required to justify instances where this presumption against development should not apply.

4.5 Annex C of PPG2 sets out Central Government advice in relation to the future of major developed sites in the Green Belt. This states that these sites should remain subject to development control policies for Green Belts, and the Green Belt notation should be carried across them. If a major developed site is specifically identified in an adopted local plan, limited infilling or redevelopment (which meet the criteria in paragraph C3 or C4) is not inappropriate development. Such infilling should have no greater impact on the purposes of including land in the Green Belt than the existing development, should not exceed the height of the existing buildings, and should not lead to a major increase in the developed proportion of the site. These criteria are repeated in Policy GB10 of the Draft Local Plan, relating to major developed sites in the Green Belt. In addition, Policy GB10 states that redevelopment of major developed sites (or part of the sites) for the "preferred" use (in this case education) will be permitted subject to the above criteria being satisfied and where the redevelopment would not occupy a larger area of the site than the existing buildings, unless this would achieve a reduction in height, which would provide a net benefit to visual amenity.

4.6 In the case of Askham Bryan College, the "major developed site" boundary, within which the site is located, has been generously drawn around the campus, and includes approximately 4 hectares of open and undeveloped land to the north and west of the existing built-up area of the site. However, it is considered that the proposed development would not comply with Policy GB10, as it could not be regarded as limited infilling. In addition, with a site area of approximately 1.34 ha, it is considered that the proposal would result in a significant increase in the developed proportion of the whole site. It is accepted that the new buildings would not exceed the height of the existing buildings on the site. Nevertheless, the proposal is considered to constitute inappropriate development in the Green Belt, and very special circumstances would be required in order to justify the development.

4.7 Whilst the development would have clear educational links to the college, the proposal would also contain a commercial element in the form of the veterinary practice. Policy GB11 states that planning permission will only be granted for new industrial and business development outside defined settlement limits in the Green Belt and open countryside where it involves the re-use or adaptation of an existing building or it is for a small scale extension to an existing building, and it provides benefit to the rural economy and the local residential workforce. Policy ED5 states that existing further and higher educational institutions (including Askham Bryan College) will be retained within their current use. Their development will be encouraged in accordance with Local Plan policies and subject to adequate measures for providing the necessary levels of student housing. Where the

development is capable of a joint or dual use for community benefit this will be encouraged.

4.8 Other relevant Local Plan policies include GP1 (Design), which states that development proposals will be expected (inter alia) 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 avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment. Policy GP4a requires new development to have regard to the principles of sustainable development as set out in the policy.

4.9 Policy GP9 states that where appropriate, development proposals will be required to incorporate a suitable landscaping scheme, which must be planned as an integral part of the proposals, include an appropriate range of indigenous species, reflect the character of the locality and surrounding development, and form a long term edge to developments adjoining or in open countryside. Policy GP11 requires planning applications to demonstrate that suitable provision will be made for access and facilities for people with disabilities, including parking facilities and pedestrian routes to and from those parking facilities.

EDUCATIONAL LINKS WITH ASKHAM BRYAN COLLEGE

4.10 Askham Bryan College proposes to collaborate with the Minster Veterinary Practice in providing a veterinary nurse training facility for the sub-region and beyond. The proposal comprises the blending of training facilities within a "state of the art" commercial veterinary practice co-located on the college campus. Specific teaching facilities within the building would consist of glazed viewing points above the Theatres and Recovery Room in the equine section, glazed viewing screens to two operating theatres in the small animals section, together with a first floor lecture room. The College has had a longstanding association with Minster Veterinary Practice since the early 1950`s, and the proposed development would enable this to be extended through the provision of enhanced training opportunities in veterinary nursing, animal management, equine studies and farm animals, in particular in the poultry sector. Full details of the nature of the proposed collaboration between the College and the Minster Veterinary Practice are explained in the attached document (Appendix "A"), prepared by Professor Gareth Rees, Askham Bryan College Principal.

4.11 The document concludes that the proposal would result in major benefits to both parties. So far as the veterinary practice is concerned, the links with a major agricultural college would help to strengthen the agricultural base that has been developed by the practice over a considerable period of time. Similarly, the presence of a modern veterinary practice "on-site" will assist the college in establishing courses relevant to the veterinary profession both regionally and beyond. The attached document indicates that the proposal would facilitate direct training and demonstration activities for in excess of 150 learners on Animal Management courses and in excess of 60 learners on Equine programmes up to honours degree level. Extensive practical experience, demonstration and direct training opportunities would be available for in excess of 60 students on Veterinary Nursing programmes.

In addition, the development will allow new full time and part time courses to run that would otherwise not be possible, specifically equine veterinary nursing courses for up to 30 students each year. The potential for continuous professional development courses, attracting large numbers of delegates, is also significant.

CONSIDERATION OF "VERY SPECIAL CIRCUMSTANCES"

4.12 A number of benefits could arise from the granting of planning permission both to the veterinary practice in terms of its enhanced reputation and additional employment opportunities, and to the college in terms of the provision of additional learning opportunities. It is accepted that the provision of an on-site facility within the college campus would enable these benefits to be maximised. The proposal would enable a resource of regional importance to be established on the site with strong links to the college, enhancing the reputation of York as a provider of high class education facilities. Although only limited weight can be attached to the City of York Local Plan due to its draft status, the inclusion of the site within the boundary of a "major developed site within the Green Belt" implies a more relaxed approach to development than would otherwise be the case.

4.13 The proposed development would be contained within clearly defined boundaries formed by the rows of tall conifer and poplar trees along the eastern and western boundaries respectively, and the screening effect of the trees would limit views of the new buildings from these directions. The development would also be well related to existing built development on the campus, located to the south and east of the application site. The two storey nature of the proposed buildings, together with the gently rising nature of the site, would result in the development being seen predominantly against the backcloth of existing buildings to the south. The existing established hawthorn hedge along the frontage of the site would be retained, which along with proposals for additional tree planting along this boundary, would provide screening from the north. It is considered, therefore, that the overall visual impact of the proposal would be limited by the particular characteristics of the site and by the existing and proposed screening arrangements.

4.14 PPG2 states that inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. On balance, it is considered that the above considerations are capable of amounting to very special circumstances sufficient to outweigh the limited harm that would be caused to the Green Belt. The establishment of a facility of regional importance, with clear links to Askham Bryan College, and the additional educational opportunities this would provide (as set out in the attached document at Appendix "A") are considered to be of particular significance. Furthermore, the inclusion of the site within the boundary of the "major developed site in the green belt" in the Draft Local Plan, and the limited visual impact of the proposal (see para 4.13 above) also weigh in favour of the proposal.

DESIGN AND LANDSCAPE CONSIDERATIONS

4.15 The main hospital building would be two stories in height (5.6 m to eaves x 7.8 metres to the ridge at its highest point) and would be set back approximately 22/23 metres back from the frontage of the site. The building would be 78 metres wide, and would occupy just over half of the total width of the site. The area to the front and sides of the building would be occupied by staff/client car parking, together with a horse box parking and manoeuvring area. The building would be finished in through coloured rendered walls with powder coated metal sheeting to the roof. The equine section of the building would be contained within a portal framed structure to provide height and flexibility, and would incorporate an element of metal sheeting to the walls. The objective is to create a building with a rural, agricultural appearance appropriate to the landscape in which it would be located. The remaining buildings on the site would consist of a block of 21 stables (38 metres x 13.6 metres) of traditional design and appearance, constructed in a combination of blockwork and powder coated metal cladding, a hay barn (13.6 metres x 5.0 metres), a small block of "scintigraphy" stables (12.9 metres x 4.6 metres), isolation stables (8.8 metres x 4.6 metres) and a farriers shop (7.4 metres x 3.7 metres). Open areas at the rear of the site would be retained as paddocks and exercise areas for horses.

4.16 The existing row of tall conifers that delineates the eastern boundary of the site would be retained. The existing frontage hedge would also be retained and supplemented by additional tree planting in order to soften the visual appearance of the development from York Road. The line of poplars along the western boundary provide a reasonable degree of seasonal screening, but their condition is poor and the proposal to replace one section with a denser more varied belt of trees is considered to be acceptable (see comments of Landscape Architect above). The building would take advantage of the gently sloping nature of the ground towards the rear of the site, and would be set down within the site, further reducing its visual impact. Due to a combination of these factors, it is considered that the new development would have an acceptable appearance in the landscape and would not be unduly harmful to the rural appearance of the area.

TRAFFIC, HIGHWAY AND ACCESS ISSUES

4.17 The site would be served by a single point of access from York Road, located centrally along the frontage of the site. A total of 82 parking spaces would be provided for staff and visitors, including two disabled parking bays immediately adjacent to the main entrance. The Highways (Network Management) Team have requested further information in relation to the proposal, and have requested the submission of both a Transport Assessment and a Travel Plan. These are unavailable at the time of drafting this report but are likely to be submitted prior to the meeting, when a further update will be given. Should the information prove acceptable, it is likely that further conditions will be recommended.

4.18 In terms of the effect on the local road network, it is likely that the majority of traffic will join the A64 and will be readily absorbed into existing traffic flows without causing additional congestion. It is considered that adequate sight lines can be provided at the new access to the site without the need to disturb the existing hedgerow along the site frontage. In relation to some of the specific questions raised by Highways officers, the applicant has confirmed that the existing surgery sites will remain open (with the exception of the equine centre at Poppleton) and will continue

to provide a local service to clients. In addition, it has been confirmed that the on-site accommodation (three self contained flats and four bedsits) would be occupied by residential students and by overnight staff. The occupation of this accommodation in this way could be controlled by condition.

SUSTAINABILITY

4.19 The Sustainability Officer has confirmed that the proposal addresses the criteria contained within Policy GP4a of the Draft Local Plan, and the application contains a commitment to achieve an overall BREEAM (bespoke) rating of at least "very good". In addition, the proposal addresses some of the most significant resource issues through the intention to fit a rainwater harvesting system to supply wash down areas and flush toilets, the consideration of under floor heating and the use of natural ventilation. It is considered that the further development of these measures can be addressed through the imposition of appropriate conditions, requiring the submission of further details when the proposals have been fully developed. By virtue of the nature of the proposal, it is unlikely that clients would use public transport to travel to the veterinary hospital by public transport and the majority of journeys are likely to be by private car. However, there are likely to be some benefits arising from co-locating the facility within the Askham Bryan College campus, in that students would be able to make use of training and observation facilities on-site rather than having to travel to other locations in order to gain practical experience.

DRAINAGE

4.19 The site is within Flood Zone 1 (Low Risk) and as such is not at risk of river flooding. However, as the total area of the site exceeds 1 ha (1.38 ha), a Flood Risk Assessment (FRA) is required. The FRA focuses on the management of surface water run-off in order to ensure that the risk of flooding either on-site or elsewhere within the catchment is not increased, and proposes to use on-site storage of surface water to regulate surface water flows, along with a rainwater harvesting system to supply washdown areas and flush toilets (see also "Sustainability" section above). However, the FRA has only recently been received and the comments of the Environment Agency and City of York Council Engineers are awaited.

5.0 CONCLUSION

5.1 The application relates to the erection of a major veterinary hospital and veterinary nurse training facility. It is intended that the development would be of regional significance. The site is within the boundary of a "major developed site in the Green Belt" as defined by the City of York Draft Local Plan. However, due to the scale of the proposed development, it is not considered that the proposal meets the criteria set out in Policy GB10 relating to such areas. Thus the proposal is considered to constitute inappropriate development within the Green Belt. Central Government advice in Planning Policy Guidance Note 2 makes it clear that such development should not be approved, except in very special circumstances. On balance, it is considered that the establishment of a veterinary facility of regional importance, together with the additional educational opportunities that would result

from the collaboration with the college are positive factors that weigh in favour of the proposal. In addition, the limited visual impact of the proposal due to the existing and proposed screening arrangements and the particular site characteristics would minimise the harm to the Green Belt. As such, it is considered that there are very special circumstances that would justify the granting of planning permission in this case.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 TIME2 (Development to commence within 3 years)
- 2 VISQ8 (Sample of external materials to be approved)
- 3 LAND1 (New landscape details)
- 4 VISQ4 (Boundary details to be supplied)
- 5 The existing hedge along the northern boundary of the site shall not, except with the prior approval of the Local Planning Authority, be removed nor reduced in minimum height below 2 metres above ground level other than to construct the approved access to the site, and shall be adequately protected from harm throughout the construction phase of the development.

Reason: In the interests of amenity and the maintenance of landscaping measures on the site.
- 6 ARCH2 (Watching Brief required)
- 7 The developer shall aim to achieve a Building Research Establishment Environmental Assessment Method (BREEAM) assessment standard of at least "very good" for the development. Unless otherwise agreed in writing prior to the commencement of the development, the developer shall submit in writing for the approval of the Local Planning Authority a BREEAM design assessment demonstrating the progress of the BREEAM assessment, the percentage score expected to be achieved and the standard to which this relates. Where this does not meet at least a 'very good' standard then the developer shall demonstrate the changes that will be made to the development in order to achieve this standard.

Reason: In the interests of sustainable development.
- 8 Prior to the commencement of the development, full details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority, and the development shall fully incorporate and be carried out in complete accordance with the approved details.
 - the rainwater harvesting system to be installed

- the under floor heating and natural ventilation system to be installed

Reason: In the interests of sustainable development.

- 9 Prior to the development hereby approved coming into use details of the illumination of the car parking area on the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, which once implemented shall be thus maintained.

Reason: To protect the amenity and living conditions of the nearby residential properties and to prevent light pollution.

INFORMATIVE:

The details required will be as follows:

- a contour map with illumination levels of the area to be lit and the spill beyond the lit area given in lux in the horizontal plane;
- the angle of the lights and details of the beam - whether asymmetric or otherwise;
- the height of the lighting stanchions; and
- the luminance level in lux in the vertical plane at the windows of the nearest residential properties.

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

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

Reason: To protect the amenity and living conditions of nearby residents

- 11 The living accommodation forming part of the development hereby approved shall be occupied solely on a temporary basis as overnight accommodation by employees of the veterinary hospital, or by students enrolled on educational courses at Askham Bryan College.

Reason: In order to prevent the permanent and unrestricted occupation of the accommodation in an area where it would normally be strictly controlled.

**7.0 INFORMATIVES:
Notes to Applicant**

1. Demolition and Construction - Informative

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

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

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

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

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

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

(v) There shall be no bonfires on the site

2. 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:

- design and landscape considerations
- traffic, highway and access issues
- sustainability
- drainage

As such the proposal complies with Policies GB11, ED5, GP1, GP4a, GP9 and GP11 of the City of York Local Plan Deposit Draft.

In addition, the Local Planning Authority is satisfied that there are very special circumstances in this case sufficient to clearly outweigh the limited harm that would be caused to the Green Belt. In particular, it is considered that the establishment of a veterinary facility of regional importance, together with the additional educational opportunities that would result from the collaboration with the college are positive factors that weigh in favour of the proposal. Furthermore, the limited visual impact of the proposal due to the existing and proposed screening arrangements and the particular site characteristics would minimise the harm to the Green Belt.

Contact details:

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APPENDIX 'A'

07/00753/FULM

G:\Architectural\2007\01 AP 07 - Minster Vets, Askham Bryan\Reports\reports original proposal\Submission Information.doc



MVP & Askham Bryan College - The Collaboration

Following the initial discussions and feasibility assessments with MVP discussions were held with Professor Gareth Rees, Askham Bryan College Principal, and the proposal is seen as beneficial not only for the College, MVP and for Veterinary development, but also York and the North of England.

The business case for the college has been set out by Professor Rees as follows:-

Regional Veterinary Nurse Training Centre – a partnership between Askham Bryan College and the Minster Veterinary Practice

Preamble

Askham Bryan College proposes to collaborate with the Minster Veterinary Practice in providing a veterinary nurse training facility for the sub-region and beyond. The proposal comprises the blending of training activities within a state of the art commercial veterinary practice co-located on the College campus.

There is only one other such facility nationally that we are aware of – most agricultural colleges do have commercial veterinary practices on their campuses (which we currently do not), but none will rival the proposed facility which will comprise a small animal referral unit, a farm and poultry practice and an equine hospital.

The College has had a longstanding and very successful relationship with Minster Veterinary Practice since the early 1950's. The practice has serviced the farm work at the College, including routine dairy visits in addition to emergency treatments of cattle, sheep and pigs. Teaching by practice vets has helped to strengthen the clinical element of various courses in both the agriculture and animal management curriculum areas.

In 2003 the College established Veterinary Nurse training programmes accredited by the Royal College of Veterinary Surgeons. These programmes have been progressing extremely well, so well that the College now offers a Foundation Degree in Veterinary Nursing. This poses some resource implications and requires us to work very closely with a number of veterinary practices, to ensure that learners have sufficient work experience within clinical situations.



Discussions about our planned extension of veterinary nursing training up to degree level coincided with Minster Veterinary Practice's strategy to develop its own infrastructure, by consolidating the bulk of its activities at a single location. This led to the proposal that the Minster Veterinary Practice establishes an integrated clinical and surgical practice on the College site, in conjunction with the College's extended veterinary nurse training provision.

The location of choice amounts to approximately 8,750 m² of the College's holdings adjoining the Bilbrough Road. For a variety of reasons, predominantly clinical, the veterinary centre would require independent access from Bilbrough Road. The College would have access, under appropriate bio-security and similar conventions, to the range of activities offered at the new site, choreographed through a joint College/Minster Veterinary Practice responsibility post based in an identified location within the practice complex – in effect a fixed College presence within the practice.

A further synergy between the two partners is readily obvious in the College's capacity to provide support for landscaping and landscape maintenance. Landscape work needed by the new Practice development would be undertaken by the College, and future maintenance of landscaping would be carried out by the College via its horticulture and landscape industries section.

Training in a new and relevant context

The advantages of having the Minster Veterinary Practice premises on the College site are both numerous and exciting. The College and the Minster Veterinary Practice believe that this proposal allows us to jointly create a strategy which takes both the practice and the College forward to meet their individual and collective aims.

Veterinary Nursing provision

An important cornerstone to the proposal is the almost exponential enhancement in the training offer that is facilitated by this development. Minster Veterinary Practice will become a Training Practice supported by the College's provision and training its own nurses through the arrangement, thereby enhancing the College's Veterinary Nursing Assessment Centre.

The new DEFRA Code of Practice sets out the requirements for the registration of retail premises and suitably qualified persons (SQPs) who may therefore supply veterinary medicinal products classified as prescription only medicines (POMs), non-food animal (NFA) or authorised veterinary medicines (AVM). As a result, the College proposes to offer the Animal Medicines Training Regulatory Authority (AMTRA) qualifications to merchants, saddlers and Veterinary Nurses who will be required to dispense veterinary medicines in the categories mentioned above. In addition to acting as a nurse training centre on-site (including nurses studying



for nursing diplomas), the new veterinary practice will provide extensive work experience opportunities for veterinary nurse and animal management trainees at all levels. The Practice would also rota regular visits to the clinical units as part of classes. This would be facilitated by specialised equipment including viewing galleries and display windows, and live video links from clinical and theatre locations to teaching areas. The establishment of specialist laboratory facilities at the new Practice would additionally offer training opportunities for nurses in haematology, biochemistry, parasitology and microbiology – a much needed resource.

Students on NVQ Level 2 and 3 Veterinary Nursing currently number 8 and 5 respectively. It is expected that these numbers will increase year on year in direct response to the Minster Veterinary development. These students are likely to use the facility on a regular basis, which may be weekly at some times of the year when the more practical modules are running.

Full cost revision sessions for NVQ veterinary nurses are planned to take place before their external exams in July and December. Students attending these courses could benefit greatly from use of the facility. These courses have not been offered previously but student numbers are anticipated to be 10 - 15.

The Foundation Degree in Veterinary Nursing starting in September 2007 is expected to recruit 10-12 students, which is anticipated to be a regular minimum annual cohort number, growing to 20 annually in subsequent years. In addition to using the facility to enhance the majority of their modules, these students have to undertake a significant amount of vocational placement and it is expected that the practice will provide the bulk of those learning opportunities.

If current levels of enquiry continue then the Animal Nursing Assistant Course (Level 1 provision) will be planned to start in September 2007. This would be offered 1 day a week. The aim would be for an initial cohort of 10-12 students. Once again the establishment of the Minster Practice at Askham Bryan would be key to this opportunity being offered.

Animal Management

In terms of Further Education provision, all First Diploma Animal Care students do a module called Animal Nursing. Also, in the second year of the National Diploma Animal Management there is a module which is also called Animal Nursing, obviously at a higher academic level.

Students at York (including the Wakefield students, as Animal Nursing is taught here) would be the primary users of the facility, but it is expected that groups from our Middlesbrough and Scarborough partnerships would also make visits to enhance these Animal Nursing modules. Numbers on these courses in 2006/07 are indicated below.



Course	Centre	Student numbers	Potential growth of group	Potential visits per year (based on average group size of 8-10)
First Diploma	York	21	Stable numbers	8
	NECAM (Middlesbrough)	29	Stable numbers	2
	YCC (Scarborough)	12	Annual growth +5 students per year until approx 25 total	2
National Diploma	York	32	Stable numbers	12
	Wakefield	18	Stable numbers	6
	NECAM (Middlesbrough)	21	Stable numbers	2
	YCC (Scarborough)	12	Year 2 to start 2007/08 with potential of 12 students	2

The BSc (Hons) Animal Management and Science contain at least two modules that have the potential to link into the Minster practice. Student numbers range from 6-8.

Approximately 12-16 students per year from the Foundation Degrees in Animal Management, Veterinary Nursing and Equine Management and a total of around 6 students annually from BSc (Hons) Animal Management and Science and BSc Equine Management would be expected to use the facility to carry out research work linked to their final year Projects.



Equine

The development of a specialised clinical veterinary hospital for equine near the College's own equine facility will enable a range of options for teaching on both further and higher education programmes for our equine, animal management and veterinary nursing students. The equine vets at Minster are very experienced in teaching of this type and are keen to increase their involvement.

There will also be components of the equine management course which can be supplemented with a more clinically-based modules, such as lameness assessment, basic equine first-aid, containment of contagious diseases, which the College and the Practice would jointly develop and incorporate in to curriculum.

The new partnership would also see the establishment of equine veterinary nursing courses at the College, driven by the clinical input on a daily basis both by lectures and tutorials by vets from the Minster Veterinary Practice, and also by involving students at the clinic on a rotational basis in the practical nursing aspects of the course. Viewing facilities in the equine facility similar to those for small animals detailed above will provide real time experience of clinical practice for larger student groups. The College would be one of a handful nationally to be able to offer such specialised training, and indeed the nature of the proposed facility would enable the College to establish Foundation Degree provision in Equine Veterinary Nursing – one of a very select group nationally.

Equine reproductive services at the Practice will enable the College to explore co-delivery of the NPTC Certificate of Competence in Equine Artificial Insemination. This highly sought after qualification was developed by the NPTC and approval must be obtained from DEFRA under the Veterinary Surgery (Artificial Insemination of Mares) Order 2004. In addition to this qualification DEFRA is proposing to introduce an exemption order, under the Veterinary Surgeons Act 1966, to allow properly trained and competent non-veterinarians to undertake a range of advanced equine dental procedures. It is anticipated that the proposed partnership between the College and Minster Veterinary Practice would provide a valid training facility for this emerging vocational skill.

All equine students following both further and higher education courses must undertake compulsory work experience. It is anticipated that for the 06/07 academic year there will be somewhere of the region of 100 students seeking equine work placements. Having the Minster Practice on site will be major advantage for those learners wishing to gain experience in this area. Whilst each year several students do carry out their work experience at the existing veterinary practice, this has been limited to those with their own transport. Once on site this placement opportunity will be much more accessible and thus we would anticipate larger numbers taking up this opportunity – limited only by Minster's capacity.



Several elements of both the FE and HE curriculum would benefit significantly from input from practicing veterinarians. Examples of specific modules include:-

National Diploma Equine Management - Animal Health – around **45** learners annually would benefit from input on control of diseases, barrier nursing, and lameness diagnosis.

Foundation Degree Equine Management - Equine Health and Disease and Equine Injury and Repair – around **12** learners on each module requiring input on all aspect of health checks and vetting procedure, treatment techniques and disease prevention, the ability to see diagnostic equipment and images and to have the ability to monitor recovery and rehabilitation

BSc Equine Management – Advances in Equine Veterinary Research – **8-10** learners annually. Currently consists of several external visits whereas having this facility on site allow students frequent access to experts in this area.

In addition to the direct training opportunities for the existing programmes, we would expect some of the National Diploma Horse Management students to progress via the veterinary nursing route through to the RCVS Certificate in Equine Nursing (6-8 students) and on to the Foundation Degree in Equine Veterinary nursing (8-10 students every cohort). These would be new, specialist courses that could only occur if the Minster development took place

Farm

Minster Veterinary Practice is actively involved on the committee of the British Veterinary Poultry Association. Its present complement of poultry vets are experienced in clinical teaching, currently involved in poultry training for a variety of commercial poultry companies at their York and Hereford sites. Similar teaching will also be carried out at the new Veterinary School at the University of Nottingham, providing an important additional collaboration with the planned Askham Bryan development.

Teaching at the clinical unit would involve post-mortem examinations, specialised laboratory teaching, site visits to commercial broiler, layer, turkey and duck units around the North of England and an overall appreciation of the commercial industry in the UK. As the industry faces up to the challenges of a potential avian influenza outbreak, such a unit will be of enormous significance, simply by including a nationally important clinical poultry diagnostic unit as part of the new Practice facility.

Similar benefits would emanate from a closer involvement with the farm vets, generating the potential for more on-farm training and lecture work to students on the agriculture, animal management and veterinary nursing courses.



As the new joint initiative develops, there are a significant number of further enhancements to the partnership mode of working that will provide more training opportunities for the region. These would include joint investments in high cost resources for both clinical and therapeutic treatment - such as an aqua treadmill for animal therapy. We would expect to develop further courses in canine therapy, canine counselling, dog grooming and alternative therapies such as aromatherapy and homeopathy entirely in partnership with the Practice.

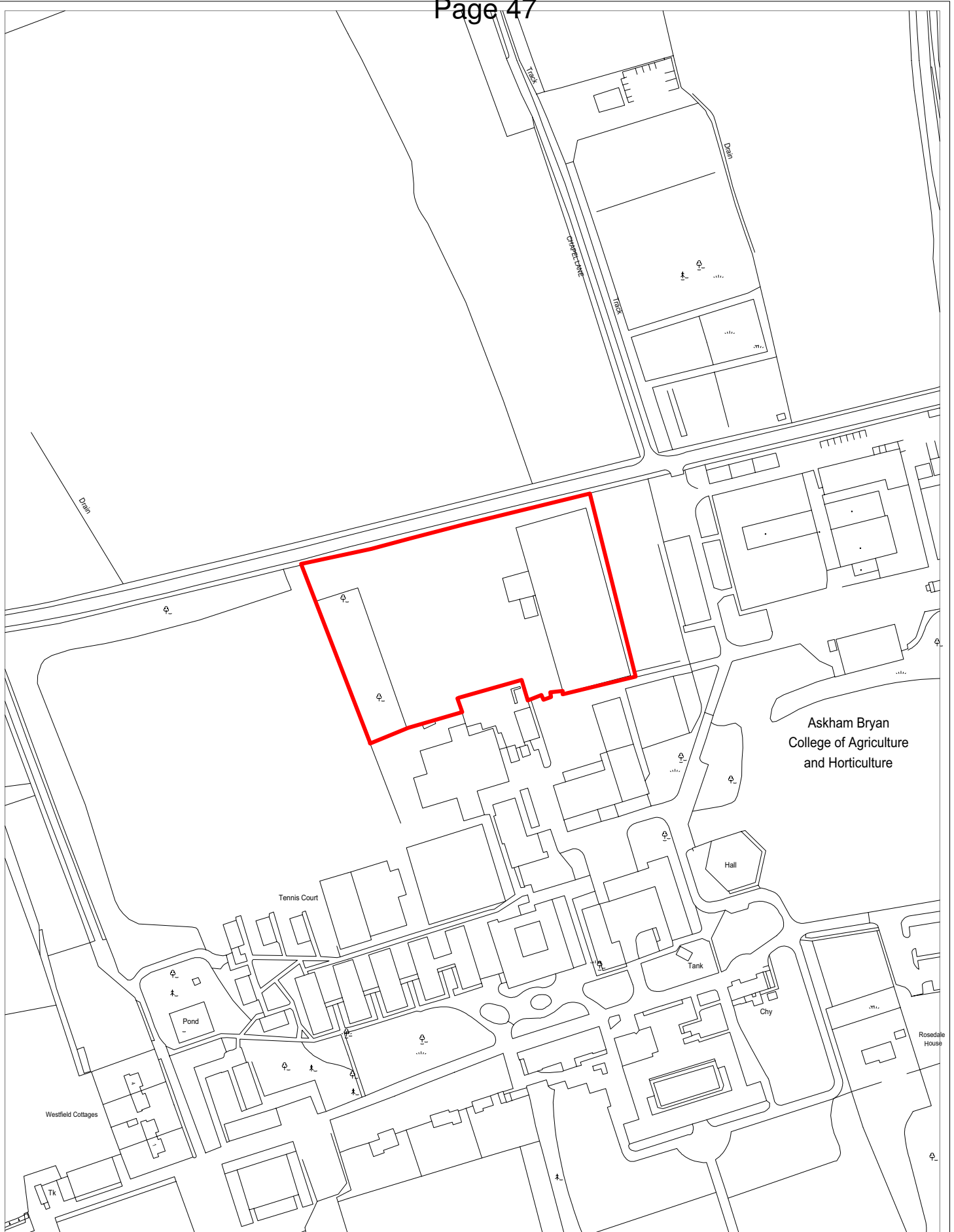
We would expect to further exploit a behaviour counselling suite with associated observation area as an important curriculum resource for innovative approaches to treatment.

In addition, we feel that the partnership will be able to offer a range of qualifications in veterinary practice management, up to and including honours degree programmes in this area. The College also has advanced plans to develop postgraduate programmes in animal science in conjunction with the University of Leeds - this development would ensure a high quality provision at that level and also a resource for academic research activities.

Summary

There would be major benefits to both parties based on mutual reputations. The benefit to the practice by being linked to the major agricultural college in the region are tangible, and help to strengthen the agricultural base that has been developed by the practice over the last 100 years (Minster is the longest established practice in Yorkshire). Similarly the modern clinical reputation of the Practice, both nationally as well as locally, will help the College in many ways, but primarily in establishing courses relevant to the veterinary profession regionally and beyond. The fusion of commercial and academic expertise in the way envisaged will provide a powerful driver for veterinary training in the wider context. This document indicates that direct training and demonstration activities will be facilitated for in excess of 150 learners on Animal Management courses and in excess of 60 learners on Equine programmes up to honours degree level to varying extent. Importantly, extensive practical experience, demonstration and direct training opportunities will be available for in excess of 60 students on Veterinary Nursing programmes. Further, the development will allow new full-time and part-time courses to run that otherwise not be possible, specifically equine veterinary nursing courses for up to 30 students each year. The potential for continuous professional development courses and the likely numbers of candidates is enormous. The scale of the training and education activities would make this partnership a supra-regional resource.

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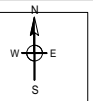
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ASKHAM BRYAN COLLEGE

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Originating Group

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DATE 11/6/2007
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COMMITTEE REPORT

Committee: West & City Centre Area **Ward:** Dringhouses And Woodthorpe
Date: 21 June 2007 **Parish:** Dringhouses/Woodthorpe Planning Panel

Reference: 07/00271/OUT
Application at: 14 Foxton York YO24 2SP
For: Outline application for erection of detached single storey dwelling
By: Mr D Seavers
Application Type: Outline Application
Target Date: 11 April 2007

1.0 PROPOSAL

1.1 The applicant seeks outline approval to erect a detached single storey dwelling, within the side garden of No.14, Foxton. All materials used will match the existing dwelling where appropriate.

1.2 The application relates to a semi detached bungalow with enclosed gardens to the side and rear. The property has a detached flat roofed garage to the side, which can be accessed using the existing driveway. The aforementioned garage will be demolished as part of the application and replaced with a detached "single" garaging for each property. The existing boundary treatment is dominated by wooden fencing which varies considerably in height. The properties overlooking the site from Chantry Close are both bungalows and dormer bungalows.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYH4A
Housing Windfalls

CYGP1
Design

CYGP10

Subdivision of gardens and infill devt

CYL1C

Provision of New Open Space in Development

3.0 CONSULTATIONS

INTERNAL

3.1 Environmental Protection Unit - No Objections.

3.2 Highway Network Management - No Objections.

3.3 York Consultancy (Drainage) - No Objections.

EXTERNAL

3.4 Dringhouses/Woodthorpe Planning Panel - Objections.

- * Concerns about the clarity of plans.
- * Parking/Highway Issues.
- * Loss of Neighbouring Amenity.

3.5 Four letters of objection and one of comment have been received regarding the applicants' proposals. The letters of objection raise the following concerns.

- * Loss of Light.
- * Devaluation of Property.
- * Overlooking.
- * Increase in surface water run-off.

3.6 The letter of comment states "that any damage to the front of our property, caused by any heavy plant will be rectified"

4.0 APPRAISAL

KEY ISSUES

- * Policy Context
- * Principle of Development
- * Visual and Residential Amenity
- * Highway Issues

POLICY CONTEXT

4.1 H4a - Housing Windfalls: which suggests that a proposals for residential development on land within the urban area would be a acceptable, where "the site is within the urban area and is vacant, derelict or underused or it involves infilling,

redevelopment or conversion of existing buildings." However, any development must be of an appropriate design and must be sustainable e.g. good links to jobs, shops and services.

4.2 GP1 - Design: bolsters the aforementioned 'design' issues and requires the design, layout, scale, mass and design of any new building to respect and enhance the character and appearance of the local environment/street scene.

4.3 GP10 -Subdivision of Gardens and Infill Development: planning permission will only be granted for the sub-division of existing garden areas (or plots) or infilling, to provide new development, where this would not be detrimental to the character.

4.4 L1C - Provision of New Open Spaces in Development: the council considers that all residents should have access to safe, attractive and useable public open space and the Local Plan Strategy aims to promote accessible open space in new residential and leisure developments. Therefore for sites of less than 10 dwellings a commuted sum payment will be required towards off site provision.

PRINCIPLE OF THE DEVELOPMENT

4.5 The applicant has applied for outline approval to ascertain whether the principle of developing this particular site with a detached dwelling would be acceptable. The applicant proposes to sub divide an existing garden area, which can be easily accessed from the existing driveway. Issues relating to siting, design, external appearance, access and landscaping will be dealt with in an subsequent reserved matters application. The Local Authority will recommend conditions at this stage to ensure that any material issues are appropriately addressed at the reserved matters stage.

VISUAL AND RESIDENTIAL AMENITY

4.6 The southern elevation of the proposed dwelling will, although located within 1 metres of the shared boundary with properties on Chantry Close, represent little threat to the existing amenity provisions currently enjoyed by these properties. A provision of approx. 11 metres has been made to the rear elevations of the aforementioned properties, with direct views being impeded by existing outbuildings and dense shrub/tree planting. The rear gardens of these properties face north and therefore there will be no material overshadowing by the applicants' proposals.

4.7 The close proximity of the dwelling to the boundary is not considered to be overbearing. Heights to eaves and ridgelines have not been specified at the outline stage, however to mitigate any amenity impact conditions have been recommended to secure the roof type (hipped) and height of the proposed bungalow. The proposed bungalow will not be higher than No.14, Foxton and the hipped roof will result in the ridgeline being set as far away from the southern boundary as possible.

4.8 8.4 and 13 metres have been provided to the shared boundaries with No.12, Foxton and No.33, Carrfield respectively. These provisions along with the height of existing boundaries will mitigate any impact from any ground floor windows within the western and eastern elevations.

4.9 Conditions have also been recommended to ensure that any openings in the bungalows southern elevation are obscurely glazed, mitigating any overlooking or the perception of being overlooked.

HIGHWAY ISSUES

4.10 Garaging and parking/access details have been shown on the submitted drawings, however outline consent for such details has not been requested at this stage. The plans shows the inclusion of two detached garages, one for the existing and one for the proposed property. Provision for approx. 5 vehicles appears to exist. Conditions have been included to ensure that details of all future parking/cycle arrangements are submitted for consideration and written approval by the Local Planning Authority.

5.0 CONCLUSION

The applicants proposals are considered to be acceptable in this instance and are therefore recommended for approval.

6.0 RECOMMENDATION: Approve

- 1 OUT1 Submission of reserved matters within 3 yrs
- 2 Fully detailed drawings illustrating all of the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works, and the development shall be carried out in accordance with such details:

Details to be submitted: access, appearance, landscaping, layout and scale of the proposed development to be carried out, including a schedule of all external materials to be used.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006.
- 3 The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:-

DS-02 - Revised Drawing - Received 10.04.2007

or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans.

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

- 4 Prior to the development commencing full details of car parking, turning and cycle storage (including means of enclosure) shall be submitted to and approved in writing by the LPA and such areas shall thereafter be retained solely for such purposes.

Reason: In the interests of highway safety.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no doors, windows or other openings shall at any time (unless obscurely glazed) shall be inserted in the southern elevation of the dwelling hereby approved.

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

- 6 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 to H of Schedule 2 Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

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

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

Reason: To comply with Policy L1C of the City of York Draft Local Plan

Informative

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring financial contribution towards the off site provision of open space. The obligation should provide for a financial contribution calculated at £128 (1 x bedroom dwelling), £815 (2 x bedroom dwelling), £1227 (3 x bedroom dwelling), £1632 (4 x bedroom dwelling) and £2139 (5 x bedroom dwelling)

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

8 HWAY9

9 HT1 -

10 The single storey dwelling hereby approved shall have a hipped roof, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of visual and residential amenity

**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 land use, visual and residential amenity and highway safety. As such the proposal complies with Policies GP1, H4a, GP10 and L1c of the City of York Development Control Draft Local Plan.

2. Demolition and Construction - Informative

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

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

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

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

3. All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal

combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

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

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

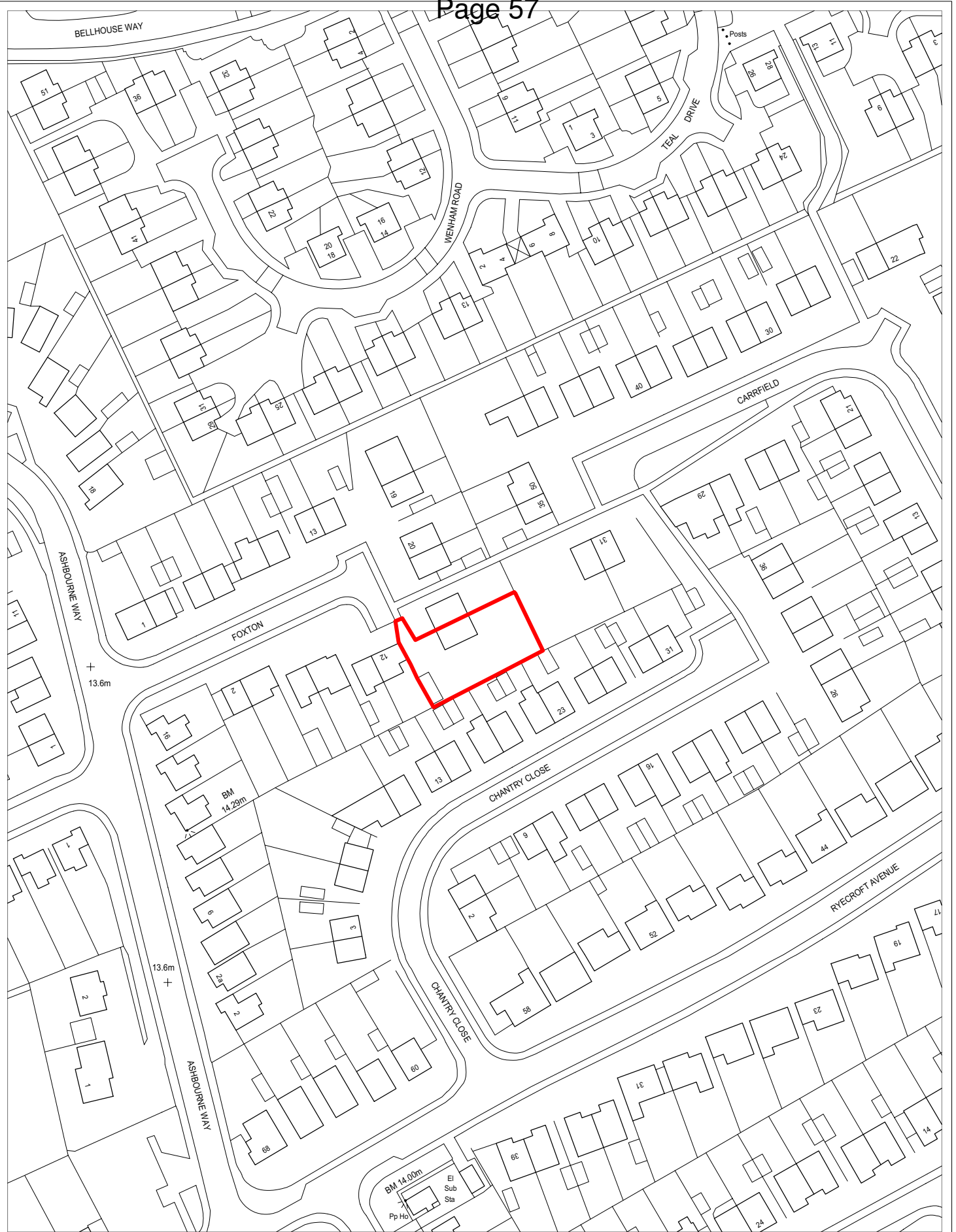
6. There shall be no bonfires on the site

Contact details:

Author: Richard Mowat Development Control Officer

Tel No: 01904 551416

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14 FOXTON - 07/00271/OUT

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COMMITTEE REPORT

Committee: West & City Centre Area **Ward:** Dringhouses And Woodthorpe
Date: 21 June 2007 **Parish:** Dringhouses/Woodthorpe Planning Panel

Reference: 07/01060/FUL
Application at: 25 Aldersyde York YO24 1QP
For: Erection of 2no. detached two storey dwellings after demolition of existing dwelling (resubmission)
By: Aldersyde Estates Ltd
Application Type: Full Application
Target Date: 29 June 2007

1.0 PROPOSAL

1.1 This item is referred to the West and Centre Planning Sub- Committee following an earlier request by Councillor Ann Reid that a previously withdrawn application be referred to the area planning sub- committee given the high level of local concern in relation to the proposed residential development on the site. The proposal (Ref No. 06/02799/FUL) for the erection of 2 no. five bedroom detached dwellings with integral garages was withdrawn on 9 February 2007. This revised proposal has been the subject of discussions with the local planning authority before its submission following concern that the adverse impact that the development would have in the area, and on the adjacent listed building in particular. The applicant has also indicated that a number of neighbours have been consulted with a view to demonstrating to them how the application has tried to resolve some of the issues relating to the first planning application.

1.2 This application relates to the demolition of an existing detached bungalow in a mature garden to the east of Aldersyde, a Grade II listed building. The bungalow is angled within the site and is in a poor state of repair. It is intended to demolish this property to allow for the construction of 2 No. four bedroomed properties with hardstandings. The plot occupies a prominent site fronting the mainly circular green at Aldersyde, and is adjacent to a side road that leads to 7 blocks of two and three storey flats at the rear of the site. The access road, Aldersyde, is a narrow single-track access with a wide grassed verge and pavement to the property side of the road. It is intended that a dropped kerb to Plot 2 would be formed from Aldersyde allowing both pedestrian and vehicular access from the Green. The existing vehicular access at the rear of the property that leads to the existing detached garage would be retained and would be the vehicular access to Plot 1. A pedestrian access to Plot 1 would be formed by breaking into the low wall that fronts the green and the dwelling. Both vehicular accesses would lead to one off-street car parking space for each property.

1.3 The proposed properties would be approximately 6.3 metres high, approximately 3.7m apart and separated by a 2m high close-boarded fence. The existing footprint that includes the bungalow, outbuilding and garage measures 155 squ. metres and would be replaced with two detached houses with a total footprint of 190 squ. metres. The dwellings have been reduced in height, and the proposed materials would be brick and rosemary tiles in order to complement the existing external finished in the area. The applicant has indicated that the remaining mature shrubbery on the northern boundary would be reduced to 2 metres in height. The units would be orientated towards the green and the applicant is of the view that the proposed reduced in height dwellings incorporating a gable facade would be more sympathetic to the adjacent listed building and the style of many of the buildings that face the green.

1.4 Aldersyde House is a Grade II listed building that dates from 1895-96, and is a three storey imposing building distinguished by its timber framed upper floors and tall ornate chimney stacks. It has been in flatted use for many years, providing 14 flats, and has recently been upgraded with inclusion of the basement into the living accommodation and minor external alterations. Recent alterations have also taken place at No. 1 Aldersyde with the erection of a dwelling in its garden area (LPA Ref. 03/000018/FUL) and extensions to the original dwelling (LPA Ref. 04/00159/FUL) The properties that surround the green are mainly bungalows and dormer bungalows. The eastern and southern boundaries of the site are bound by flat roofed garage blocks.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYH4
Housing devp in existing settlements

CYHE4
Listed Buildings

CYGP1
Design

CYGP10
Subdivision of gardens and infill devt

CYGP9

Landscaping

CYH5

Residential densities over 25 per ha

CYL1C

Provision of New Open Space in Development

3.0 CONSULTATIONS

INTERNAL

3.1 Highway Network Management- No objections subject to conditions.

3.2 Drainage- No objections

3.3 Environmental Protection Unit- No objections subject to conditions related to contaminated land. The historic mapping information indicates that prior to the development of the street, the area which is now the green was a large pond or pool in the grounds of the Aldersyde house. This area has subsequently been filled in but there is no information in the records on what material was used to fill the area. As such, should permission be granted for the development, conditions should be attached to the permission requiring a desk study and further conditions if necessary.

3.4 Lifelong Leisure and Culture- A commuted payment would be required for off-site provision of open space for amenity open space, play space, and improvement to sports pitches.

3.5 Design, Conservation and Sustainable Development- No reply at the time of writing. Members will be updated.

EXTERNAL

3.6 Dringhouses and Woodthorpe Planning Panel- No comments received and Members will be advised if comments are received.

3.7 The application was advertised by the following methods-

Neighbour Notification Letters- consultation period expires 6.6.2007

Site Notice- consultation period expires 7.6.2007

8 representations have been received that raise the following planning issues-

- overlooking from new houses
- access road is too narrow to accommodate additional traffic and parking
- overdevelopment of the site
- pedestrian safety
- character of area would be adversely affected

- revised scheme that amends the design has not overcome
- sufficient housing in the area
- overshadowing on Nos. 15,16, 17, and 18
- loss of attractive and mature vegetation on the site
- impact on bedroom window

4.0 APPRAISAL

4.1 ADDITIONAL PLANNING POLICY

Policy E4, North Yorkshire County Structure Plan

Planning Policy Statement 1 " Delivering Sustainable Development "

Planning Policy Statement 3 " Housing "

Planning Policy Guidance Note No. 15 " Planning and the Historic Environment "

4.2 Key Issues-

- Principle of development
- Open space
- Impact on the special interest of the Listed Building
- Impact on the visual amenity and character of the area/ Design
- Highway safety/ car parking and cycle parking standards
- Impact on the living conditions of the neighbours

PRINCIPLE

4.3 The proposals involve the redevelopment of an existing residential plot within the built up area of York with good accessibility to services, as such policy H4a of the City of York Local Plan offers support in principle to the proposals subject to details of the proposals meeting other policy aims.

OPEN SPACE

4.4 In accordance with the aims of policy L1c, a contribution towards provision of open space in the area could be secured by condition if planning permission is granted.

LISTED BUILDING

4.5 One of the concerns raised in the many representations and petition that were received in relation to the previous proposal and the current proposal, is the adverse impact that two large properties would have on the character of the area and, in particular, on the adjacent listed building, Aldersyde. Aldersyde dominates this side of the green, and the low profile of the existing bungalow on the application site with its extensive mature garden, contributes to and maintains an attractive setting for this

listed building. Although its setting has been encroached on by development, most of the development is low lying i.e. bungalows, and the scale of the existing development helps to preserve a sense of openness around the property. The surrounding trees are important in maintaining the garden setting of this substantial house and the single storey garage blocks to the side and rear boundaries are not prominent and add to the low lying character of the setting of the listed building. It is considered that the revised proposal that reduces the height of the dwellings to reflect the height of surrounding developments, increases the separation distance between the dwellings, amends the design to pick up features/ materials of the buildings in the area and maintain most of the vegetation on the site would result in housing that would be compatible with others in the vicinity. In terms of their impact on the setting of the Listed Building it is considered that the houses would be far enough away not to be detrimental. The separation distance from the Listed Building would be greater than on the east side to Aldersyde Court, and there would also a garage court/ garage block in between the housing and the Listed Building. This proposal would result in less vegetation being removed as only one access from the green is now proposed. It is therefore considered that there would be no detrimental impact on the setting of the Listed Building. The proposal would therefore accord with Policy E4 of the North Yorkshire County Structure Plan; Policies HE4 and GP1 of the Local Plan; and related national guidance.

CHARACTER OF THE AREA

4.6 Policies GP1 'Design' and H5 'Residential Density' of the City of York Development Control Local Plan (Incorporating the Proposed 4th set of Changes) state that new residential developments should be compatible with the character of the area. On balance, it is now considered that the revised development respects the prevailing character of the surrounding development. The housing that fronts the green comprises bungalows and dormer bungalows, and these are characterised by the generous spaces that separate the properties, especially to the rear of the properties. This spacing is formed by the circular layout of the housing where the spacing between the buildings increases from narrower spaces at the front of the properties to wider rear gardens. The separation distance between the proposed two properties has been increased to 3.7 m and would now be similar to the majority of the housing on Aldersyde. The dominance of the properties has been greatly reduced by the lowering of the height of the dwelling from 8.4m to 6.8 metres. This would be similar to the height of the dormer bungalows that face the green. The site can accommodate the size of the properties without overdeveloping the site within this local context. The site is sylvan and the revised proposals would result in less vegetation being removed and the remaining trees and bushes would retain the green setting of Aldersyde which is a distinctive feature in the area. The revised proposals now comply with the aims of policies GP1, H5 and H4 of the Local Plan and the aims of PPS3.

HIGHWAY SAFETY/ CAR PARKING/ CYCLE STORAGE

4.7 Many of the previous concerns expressed in the letters of objection relate to the impact of additional traffic and parking on the existing narrow access road as a result from the development itself and during any construction phase. The development would result in a small increase in traffic with the resulting traffic and parking

requirements of an additional dwelling. This would be unlikely to harm driver and pedestrian safety over and above the existing situation. It is a narrow, almost single-track access road that reduces car speed and would not easily allow on-street parking. The proposal would meet the Council's car parking and cycle storage standards and the highway authority has no objections to the proposed dropped kerb to Plot 2.

RESIDENTIAL AMENITY

4.8 The proposed new dwellings would be over 40 metres away from the flats at the rear and would not impact on the reasonable level of residential amenity of the occupiers of flats. The adjacent Listed Building, Aldersyde, would be over 30 metres away from the proposed dwellings. There would be no harmful overlooking, overshadowing or adverse massing impact and the proposals would not affect the living conditions of the occupiers of these premises. The nearest affect properties would be 16, 17 and 18 Aldersyde that would be 19-23 metres from the proposed dwellings. The occupiers of No. 17 Aldersyde have raised the issue that the blank side elevation that would front their property contains a secondary bedroom window that would overlook their front bedroom window. These two windows would be separated by approximately 20 metres, just under the separation distance of 21 metres guideline that the Council considers to be reasonable in most instances. If Members are minded to approve the application but have concerns about the overlooking from the side window, it could be reasonably be deleted by a planning condition as the bedroom would retain a front window that would allow sufficient light to the room. It is therefore concluded that the impact on the nearest housing on Aldersyde would not be detrimental to the occupiers of these properties.

5.0 CONCLUSION

5.1 It is concluded that the proposed development would have an impact on the character of the area. However it is considered, on balance, that the revised proposal is more sympathetic to the character of the area and the features of the site, would not be harmful to traffic and pedestrian safety, and not have a harmful effect on the setting of the Listed Building. Subject to appropriate conditions, it is considered that planning permission should be granted.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2

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

Drawing No. ARK-207r-01, received 4.5.2007

or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans.

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

- 3 S106- Open Space Contribution
- 4 HWAY9- Vehicular Areas Surfaced
- 5 HWAY19- Car and Cycle Parking Laid Out
- 6 HWAY31- No Mud on Highway During Construction
- 7 A desk study shall be undertaken in order to identify any potentially contaminative uses which have or are currently occurring the site. This shall include a site description and a site walkover and shall be submitted to and approved by the local planning authority prior to development of the site.

Informative: This should, where possible date back to 1800

Reason: To protect human health and the wider environment.

- 8 A site investigation shall be undertaken based upon the findings of the desk study. 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.

Reason: To protect human health and the wider environment.

- 9 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 on 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).

Reason: To protect human health and the wider environment

- 10 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 on site.

Reason: To protect human health and the wider environment.

- 11 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 of the site.

Reason: To protect human health and the wider environment.

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

Reason: To protect human health and the wider environment.

- 13 Any trees, shrubs and/or hedges on or around the site shall not be felled, lopped or removed without the prior written consent of the Local Planning Authority.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

- 14 HT1- Approved Height

7.0 INFORMATIVES:

Notes to Applicant

1. VEHICLE CROSSING INFORMATIVE:

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

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

2. Demolition and Construction Informative:

The following guidance should be followed, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

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

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

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

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

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

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

6. There shall be no bonfires on the site."

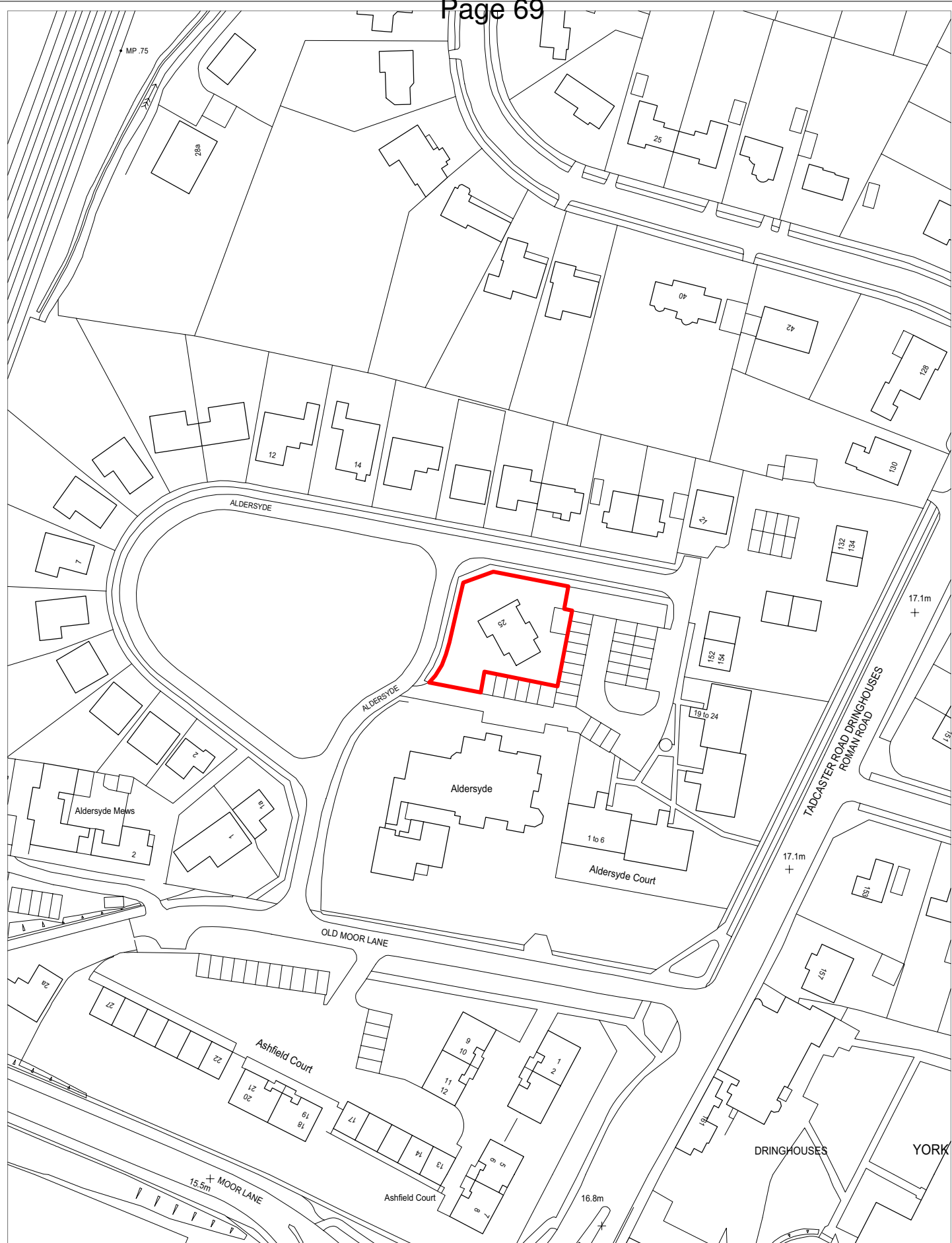
3. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the visual amenity and character of the adjacent listed building and the street scene, highway safety and the amenity of the neighbours. As such, the proposal complies with Policy E4 of the North Yorkshire County Structure Plan; Policies H4, H5, HE4, L1c, GP4, GP10, GP9 and GP1 of the City of York Development Control Local Plan- Incorporating the Proposed 4th Set of Changes; and national planning guidance contained in Planning Policy Statement 1 " Delivering Sustainable Development, " Planning Policy Statement 3 " Housing " and Planning Policy Guidance Note No. 15 " Planning and the Historic Environment."

Contact details:

Author: Fiona Mackay Development Control Officer (Tues - Fri)
Tel No: 01904 552407

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CITY OF
YORK
COUNCIL

25 ALDERSYDE

SCALE 1:1250
Originating Group

DRAWN BY PSL
Project

DATE 11/6/2007
Drawing No.



9, St. Leonards Place, York, YO1 2ET
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COMMITTEE REPORT

Committee: West & City Centre Area **Ward:** Dringhouses And Woodthorpe
Date: 21 June 2007 **Parish:** Dringhouses/Woodthorpe Planning Panel

Reference: 07/00959/FUL
Application at: 100 Tadcaster Road Dringhouses York YO24 1LT
For: Two storey pitched roof rear extension, detached double garage and replacement windows to front and back
By: Mr And Mrs M Kaye
Application Type: Full Application
Target Date: 22 June 2007

1.0 PROPOSAL

1.1 The application seeks planning permission for the erection of a two storey rear extension (first floor in roof space) in replacement of a series of single storey rear extensions, and a detached double garage which would be located at the west end of the host's garden.

1.2 The application relates to No.100 Tadcaster Road; a detached dwellinghouse. There are access lanes to each side of the house, which run west toward newer built houses developed in what were originally the gardens of No.s 98 and 100. Of note are 98a which faces south towards the proposed garage and the house presently being constructed in what was part of the curtilage of the host. This dwelling would be to the west of the proposed garage.

1.3 Councillor A Reid has requested that the application is brought to planning committee.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYNE1

Trees, woodlands, hedgerows

CYGP1

Design

CYH7

Residential extensions

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development

3.1 Landscape architect advises that although the relocation of the garage moves it from the canopy spread of the beech tree (T21), given the proximity of the already approved adjacent dwelling, it is important that the remaining rooting zone is adequately protected. It is recommended that the garage is moved 10 metres away from the tree to protect the rooting zone.

3.2 The Countryside Officer advises that there are no records that bats are located in or nearby this property. However this does not mean that bats are not present. Although it is not asked that a bat survey be carried out, if bats are discovered English Nature or the Local Planning Authority should be contacted, as bats are protected. An informative is proposed. It is also suggested that bat friendly features such as bat bricks or bat tiles are provided to promote / provide bat habitation, this could be a condition of approval.

3.3 The Archaeology Officer advises that this site lies in an area which has produced very important archaeological features and deposits. These include, a Roman road and associated roadside structures, Roman burials. The development proposal will have an effect on archaeological deposits which might be preserved within the boundaries of the site. Therefore, an archaeological watching brief on all groundworks for the development will be necessary. This watching brief should be secured by means of the standard condition ARCH 2.

3.4 Highway Network Management - No objections.

EXTERNAL

3.5 Planning Panel - No objections.

3.6 The application was publicised by letters of neighbour notification. The deadline for comments was 23.5.07. Objections have been made by the occupants of 98 Tadcaster Road, 98a Tadcaster Road, and the developers building the new dwellinghouse to the west of the site.

3.7 The application has been objected to on the following grounds;

- The garage would have a detrimental effect on the outlook and amenity from the main living room of the new dwelling (west of the host), and from 98a. The occupants of 98a have asked that the garage be reduced to a single sized garage that is also single storey.

- The occupants of 98 consider that the proposed garage may lead to a loss of light, and that the garage would add to the overdevelopment of the site, considering the recently approved house and because of the height / size of the proposed garage.
- The garage may harm the condition of nearby trees.
- There may not be adequate space to park a vehicle outside the garage without obstructing the lane which runs to 100a and b.

3.8 In response to comments the applicant has revised the proposals for the garage. The overall height of the garage has been lowered and the roof shape changed from gable to pitched, so it now slopes down toward the north boundary. The occupants of 98a and the developers building the house to the west have been informed of this revision and have confirmed that their initial reasons for objection remain. A further revision reduced the length of the garage by 1 metre and moved it 2.5 metres nearer the road.

4.0 APPRAISAL

KEY ISSUES

4.1 The key issues are the effect on the character and appearance of the building and surrounding area, including vegetation, and whether there is material harm to the amenity of the occupiers of the surrounding properties.

RELEVANT POLICY

4.2 PPS1 seeks to deliver high quality development through good and inclusive design and states that design which fails to take the opportunities available for improving the character and quality of the area should not be accepted.

4.3 Policy H7 of the draft Local Plan states that planning permission will be granted for house extensions where: the design and materials are sympathetic to the main dwelling and the locality of the development; the scale is appropriate; there is no adverse impact on residential amenity; proposals respect space between dwellings; and that the proposed development does not result in an unacceptable loss of private amenity space within the curtilage of the dwelling. Policy GP1, reinforces H7, it sets out design guidance for all development proposals.

4.4 NE1 states that trees, woodlands and hedgerows, which are of landscape, amenity, nature conservation, or historic value will be protected by refusing proposals which will result in their loss or damage. The policy intends to safeguard trees or hedgerows, which are outside conservation areas and not covered by tree preservation orders. When trees are to be removed, appropriate replacement planting should be proposed to mitigate any loss.

DESIGN

4.5 The rear extension proposed replaces previous single storey extensions. It would be 1 metre from the north boundary side wall; it would project around 9.5

metres from the rear of the original house and be around 5.4 metres wide. The eaves level of the extension would be set down about 1.5 metres from that of the house, so it would be at around the same level of the first floor window cills. The roof would be pitched, to match that on the original dwelling; the ridge level would be some 2 metres below that of the dwelling. The first floor level windows would be within the roof; they would sit low on the roof plane, at eaves level, and in appearance would match the dormer window on the rear roof plane. One would face west down the garden and the other south.

4.6 The proposed rear extension is considered to be of a scale and design which complements, and would enhance the appearance of the dwelling. Despite the loss of some land at the rear for a new house, the host dwelling and its plot remains of an adequate size to accommodate such a sized extension without it appearing disproportionate. The appearance and proposed matching materials mean the rear extension would appear harmonious with the host dwelling and of a more ordered appearance than as existing.

4.7 The double garage would be located at the end of the plot. The design has been revised, omitting the proposed roof accommodation, and moving the structure nearer the access road. The garage would now have a pitched roof and be around 2.9 metres to eaves level, 6 metres to ridge level. Originally the garage had a gable roof, around 6.4 metres to ridge level. The garage would have a footprint of 6 metres by 7 metres and setback 2.5 metres from the road. The proposed garage is freestanding and is considered to be of acceptable design.

TREES

4.8 When planning permission was granted for the new dwelling to the west of the host (application 06/01713/FUL) the submitted arboricultural report concluded that the mature beech tree was a good specimen of high amenity value. The council's landscape architects confirmed that they considered this tree to be one of the best trees on site, which although not worthy of tree preservation order status, it ought to be retained. The revised plan means the garage would be around 8.5 metres away from the trunk of the beech tree and away from the crown spread. This is felt to be an adequate separation from the tree to allow it to grow, further away from it than the approved dwelling (7.5 metres). It is accepted that there may be some harm to the roots of the tree but it has to be taken into account that a new dwelling has been allowed nearer to the tree than the proposed garage, which only requires permission because of its height, a structure under 4 metres high could be built immediately next to the tree, or hardstanding could be laid, without the need for planning permission, which may cause more harm to the health of the tree. On balance it is considered that the steps taken to preserve the tree are acceptable.

RESIDENTIAL AMENITY

4.10 Because of its location only No.98 would be significantly affected by the proposed rear extension. The extension is 1 metre from the side boundary and there is an access road between the host's plot and the rear garden of number 98. It is considered there would be little additional impact on 98 as a consequence of the proposed rear extension. The extension projects around 3 metres less than previous

extensions and although the proposed extension has a first floor level, the eaves level of the proposed extension is only around 500mm higher than the existing buildings (to be removed) and after that the roof slopes away from the side boundary. Because of the design of the extension and the separation distance between it and the side boundary of 98 (4 metres) only a small proportion of the garden would suffer from some loss of light in the evening / afternoon as a consequence of the extension. This is considered not to be grounds for refusal. It is also worth noting that the occupants of 98 have raised no objection to the proposed rear extension. There are no overlooking concerns as the only opening on the north elevation (facing 98) is a rooflight for the bathroom. A condition is proposed to prevent any new openings above ground floor level in this elevation.

4.11 The objections to the application all relate to the proposed garage. The garage would be around 18.5 metres from the front elevation of 98a and 12 metres from the side elevation of the new dwelling, which as approved has living room windows facing the proposed garage. The boundary treatment around the garage consists of a wall to the north and vegetation to the west (the approved plans for the new house show a 1.5m high timber fence along the boundary). Because of the boundary treatment, around the top 1 metre of the wall and 3 metres of the pitched roof would be seen from the surrounding properties. It is noted at this point that a single garage was indicated on the outline application for the dwelling presently under construction, in a similar position to the garage proposed. The only significant change in appearance from the new build in this respect would be the possible roof shape or its height. In officer's opinion the amount of overshadowing, overdominance, and loss of outlook that may occur as a consequence of the single storey garage would not be harmful. The house to the west would be able to see the top of the garage from the living room, however the structure would not be overly dominant. Adequate light from the south would still be available to the main garden area. Because of the separation distance and the access road between the buildings, 98a would again only be affected in that the garage could be seen from that house; the garage would not be overdominant or overbearing.

HIGHWAYS

4.12 There is around 2.5 metres between the garage and the access road, it is thus likely that vehicles would either have to reverse in or out of, the garage. Because the access lane only serves three other houses and the garage would be at a point which is at least 15 metres from the nearest bend in the road (to the west) it is considered that vehicles reversing into the road would not cause a threat to safety to the extent that could warrant refusal of the application. Officers from Highway Network Management have visited the site and raised no objection to the application.

5.0 CONCLUSION

5.1 It is considered that the proposed development would be of acceptable design and would not harm the amenity of nearby occupants or safety. It is recommended that the application be approved.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 PLANS1 Approved plans
- 2 TIME2 Dev. start within 3 years
- 3 VISQ1 Materials to match
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no door, window or other opening additional to those shown on the approved plans shall at any time be inserted in the north side elevation, at first floor level or above, in the rear extension or garage hereby approved.

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

- 5 ARCH2 Archaeological watching brief required
- 6 Prior to development commencing details of bat friendly design measures to be incorporated into the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of promoting new habitats for a species protected law, in accordance with policy NE7 of the City of York Draft Local Plan.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to design, local and residential amenity and safety. As such the proposal complies with Policies GP1, NE1 and H7 of the City of York Local Plan Deposit Draft.

2. Bats

You are advised that if bats are discovered during building works English Heritage or the Local Planning Authority should be contacted as it is an offence to disturb or handle a bat without the appropriate licenses.

Contact details:

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



CITY OF
YORK
COUNCIL

100 TADCASTER ROAD - 07/00959/FUL

SCALE 1:1250
Originating Group

DRAWN BY PSL
Project

DATE 11/6/2007
Drawing No.



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COMMITTEE REPORT

Committee: West & City Centre Area **Ward:** Guildhall
Date: 21 June 2007 **Parish:** Guildhall Planning Panel

Reference: 06/02425/FUL
Application at: Former Waterworks Engine House Museum Street York YO1 7DJ
For: Change of use of Engine House to form restaurant (Class A3) and 1 no. apartment; erection of extension to form restaurant dining room; new outdoor terrace; new railings gates and steps
By: Lendal Tower Venture
Application Type: Full Application
Target Date: 16 February 2007

1.0 PROPOSAL

1.1 The application site is located in the southeastern corner of Museum Gardens, fronting onto the River Ouse, and consists of the former Engine House at the rear of Lendal Tower/Lendal Hill House, the detached public toilet block immediately to the west, and an area of adjacent land. It is proposed to convert part of the Engine House to a two bedroomed apartment (on two floors) together with an associated leisure suite. The remainder of the Engine House would be converted to kitchen and dining facilities associated with a new restaurant, the majority of which would be located within a predominantly glazed extension on the western side of the building. The extension would occupy part of the footprint of the public toilet block, which would be demolished.

1.2 The public toilet block incorporates facilities for boat users, including toilets accessed by a British Waterways key, a boat sluice and a water supply. The originally submitted application made no specific provision for replacement facilities, other than to show a possible alternative site for a public toilet block with facilities for boaters adjacent to the boat house at the western end of Museum Gardens. An offer of a financial contribution towards the provision of this alternative facility was made. The remote location of the facility and the lack of certainty regarding its provision were not considered to be acceptable and attracted objections from, amongst others, a number of boating organisations.

1.3 Revised drawings have subsequently been submitted incorporating a disabled toilet (available for use by the general public) adjacent to the entrance lobby to the restaurant, a boat sluice/refuse area at the rear of the site and a water point adjacent to The Esplanade. The revised drawings also incorporate minor changes to the proposal following initial discussions with the Conservation Architect, including a slight reduction in the height of the restaurant extension, an increase in the depth and width of the gap between the existing and new buildings, and minor internal and external design changes. The number of apartments proposed within the Engine House has been reduced from two to one. Although built on a single level, the restaurant extension would be a tall building with a sloping "flat" roof 7.3 metres in

height at the front and 6.3 metres at the rear, slightly lower than the parapet wall of the Engine House. The extension would be attached to the Engine House by a glazed link at a lower level, creating a separation distance of approximately 1.5 metres between the two buildings. An outside dining terrace would be formed in front of the restaurant extension abutting the flank wall of the Engine House, overlooking the river.

1.4 The restaurant extension would necessitate the reconfiguration of the entrance to Museum gardens from this direction, which would be formed by constructing a new flight of steps rising from the Esplanade, together with new purpose made gates and railings. A level (1 in 20) access would be formed on the adjacent land. A new access to Museum Gardens, also serving the new restaurant and residential unit, and would be opened through the City Walls (by enlarging an existing gateway) from the slipway which descends from Museum Street down to the river. This would provide a dry access to the site during flood conditions, in addition to a level access for the disabled. Pedestrian access to the new apartment would also be available from the shared access with Lendal Tower and Lendal Hill House.

1.5 The Engine House was purpose built in 1835/36 to house pumping equipment in connection with the supply of water. Originally the equipment was housed within Lendal Tower. The main water supply distribution centre was moved to Acomb following the development of new waterworks and filter beds between 1846 and 1849. The application to convert and extend the Engine House forms the second phase of development proposals by the Lendal Tower Venture, the first phase being the conversion of Lendal Tower to form a single dwelling and the conversion of Lendal Hill House to form two dwellings. Planning permission and listed building consent for this proposal were granted in May 2005, and a revised proposal to form three apartments within Lendal Hill House is now also under consideration.

1.6 The site is within the Central Historic Core conservation area. The Engine House is a Grade II listed building and a separate application for listed building consent has also been submitted. A separate listed building consent application has also been submitted for the formation of the new entrance to the site through the City Walls, an alteration that will also require Scheduled Monument Consent from the Department for Culture, Media and Sport. Museum Gardens are included on the Government's Register of Parks and Gardens of Special Historic Interest.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

Listed Buildings Grade 2; Former Waterworks Engine House Museum Street 0086

Listed Buildings Grade 2; Lendal Hill House Museum Street 0087

Listed Buildings Grade 1; Lendal Tower Museum Street 0088

Scheduled Ancient Monuments SMR 30 City Walls Museum Street To Lendal Hill House 0177

Scheduled Ancient Monuments SMR12 St Mary's Abbey SE 599522

Scheduled Ancient Monuments SMR 30 City Walls Lendal Tower 0178

2.2 Policies:

CYGP1
Design

CYHE2
Development in historic locations

CYHE3
Conservation Areas

CYHE9
Scheduled Ancient Monuments

CYHE12
Historic parks and gardens

CYC3
Change of use of community facilities

3.0 CONSULTATIONS

3.1 INTERNAL

HIGHWAYS - This site is within the city centre therefore there is no car parking requirement for either the restaurant or the dwellings. Servicing can be accommodated within the adjacent highway. The proposed cycle parking should be

amended to use fewer stands spaced further apart whilst maintaining a clear desire line for pedestrians. No objections subject to a conditions requiring details of cycle parking to be submitted for approval, together with a detailed method of works statement.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

Conservation

Comments below refer to the revised drawings received with a consultation cover paper dated 10th May 2007.

The Former Engine House is part of the complex of buildings which includes Lendal Tower and Lendal Hill House - all previously associated with the York Waterworks Company. The building was built in 1836 to house the pumping engine for the waterworks; however it was converted to offices approx 20 years later and the main chimney and engine beds were removed at this time (RCHME vol V). The building remained in use as offices until the late C20th. It contains both C19th & C20th adaptations. The building was listed at grade 11 in 1983.

New uses have been secured for Lendal Tower and Lendal Hill House and recent flood protection work appears to have been successful in alleviating problems with flooding. The Engine House itself though is still considered "at risk" as it remains unused, and it is located in a vulnerable area where it is susceptible to vandalism.

We would have no objection to the principle of converting the engine house itself to a restaurant; however the scheme proposed would be a mixed use scheme resulting in a significant extension into the garden. The garden is on scheduled land and the process of obtaining scheduled monument consent takes precedence over listed building consent procedures. We understand that English Heritage still have outstanding concerns about the revised proposals. We also note that in their letter of 19th December 2006 English Heritage stated that the proposed use of the Engine House and extension were acceptable in principle. We therefore offer our comments on the planning application with a degree of reservation.

The gardens are situated within the St Mary's Abbey precinct close to the heart of the city. In addition to being scheduled (County Monument no 12) the Museum Gardens are included in the Register of Parks and Gardens of Special Historic Interest in England maintained by English Heritage. The gardens constitute a finite cultural resource of national importance. They are publicly accessible and heavily used at all times of year. Locally they are of great amenity value and their open and green character contributes to the special character and appearance of this part of the Central Historic Core Conservation Area.

At present the area adjacent to the Engine House is used for WC's and boat facilities. From within the gardens the area is hidden and appears somewhat as a "backwater" area, previously used for glasshouses and sheds; whereas from the riverside and Lendal Bridge the WC site is highly prominent. The existing buildings are vernacular in type and modest in scale. They are considered to have a neutral to negative effect on the character and appearance of the conservation area. The

proposals though would change the character of the area by forming a new attraction in this corner of the gardens designed to respond to its riverside context.

Historically sites have been taken out of the gardens for other uses i.e. the Exhibition Hall built in 1978 (Art Gallery area), the swimming pool which was formed in the SW corner (now facilities for rowing club). This new use would be publicly accessible but rather urban in nature and it would remove potential garden space. It is therefore vital to know how these proposals fit within the overall vision and masterplanning of the gardens. A balanced assessment of the proposed change of use cannot be made until it is demonstrated that the proposals would benefit the gardens in some way. A statement from the YMT would be most welcome.

Should a strong statement of support comes forward, we offer the following comments on the scheme (comments made notwithstanding EH's response):

- 1) The new uses in the engine house have been organized to afford a degree of privacy to the dwellings which share the garden area. The restaurant use would allow parts of the building to be enjoyed by the general public.
- 2) A section should be provided showing why the additional high level windows in the Engine House area required.
- 3) The changes to the extension have introduced softer materials (more timber structure and solar shades)- this is welcome
- 4) The extension has been slightly lowered and the link has been increased. The elevational drawings give a slightly misleading impression of the extension as it appears to compete with the engine house. It is attached in the 5th and 6th bay back from the front of the Engine House so its impact will be much reduced in reality (a model would show this better or a 3D axon). The building would intrude on views across to the Yorkshire Museum from parts of Lendal Bridge. This view changes however as one moves across the bridge. It is considered that a building of some stature is required to respond to its riverside context and one which offers a lofty internal space similar to earlier glass houses is seen as suitable for this area.
- 5) The external works are seen as too grand and too bulky.
- 6) There are concerns that access to the garden has been made more difficult with the steps. The effect of the ramp on tree roots has not been ascertained.

We suggest that the external works are reassessed. The steps into the garden should be reduced in number and eased i.e. made shallow, to invite access. The remaining steps up to the restaurant could be within the terrace and if they were "dog-legged" they would allow the front of the terrace to be lowered (and allowed to flood) This would improve the relationship with the front of the Engine House and the river prospect as a whole. The terrace itself should be greened so it offers back a garden like the neighbouring walled area. The whole area appears too hard and urban at present. The existing pillars should be reused at the entrance so that it is more modest and lighting should be subtly integrated into the scheme.

In addition a drawing should be submitted showing the scheme in the context of the draft masterplan.

Only with the positive supporting documentation and changes suggested above can the scheme be seen as making a positive contribution to the conservation area.

Archaeologist

This site lies within outside the Area of Archaeological Importance and in an area which has produced significant Roman and medieval deposits. The building is listed grade II. The proposed extension lies within the area of the St Mary's Abbey and Museum Gardens scheduled ancient monument (county monument no 12).

The existing structure is the former Pump engine house later converted to offices and now empty. The structure was built in 1836 and converted to offices in 1854. The building was built for the York Waterworks Company to house the waterworks pump engine, built by Joseph Smeaton in 1784. The engine was removed to new works at Acomb Landing c1850 after which the engine house was converted to office use.

The proposed extension lies within the scheduled area of monument no 12, St Marys Abbey and Museum Gardens. The applicant has commissioned an archaeological evaluation of this area. This was carried out by the York Archaeological Trust in December 2006. At the time of writing no report on the evaluation has been received. I visited the evaluation on 19th December. The evaluation trench had been excavated to a depth of 1.25m. A series of features and deposits associated with 18th and 19th century activity had been recorded. These deposits are important and they should be recorded wherever they are revealed during the groundworks programme. Other groundworks will be required to construct the proposed perimeter wall adjacent to the Riverside Walk, the proposed lift within the existing building, and service connections to the development. The application will have an effect on archaeological deposits which might be preserved within the boundaries of the site. Therefore, an archaeological watching brief on all groundworks for the development will be necessary. This watching brief should be secured by means of the standard condition ARCH 2 on any planning consent which may be granted.

In addition, a full drawn, photographic, and written record of the structure in accordance with a scheme of investigation approved by the planning authority of (a) of the current state of building (b) of the building with modern interventions removed and (c) of the building once works have been completed must be made.

Countryside Officer

Having seen the repeat survey carried out for the phase 2 development, I am happy to accept the findings that there are no major bat roosts within the buildings and that a licence from DEFRA is not required. However, the potential use of the building by single males etc is still a possibility as they move around quite freely. Also, the buildings are ideally located being within Museum gardens and close to the river. A condition is recommended, therefore, requiring roost features to be incorporated into the design of the refurbished building. Such enhancement work as part of the development is advocated within Planning Policy Guidance Note 9 and is neither onerous to implement or likely to have any significant impact on the use of the building. In this instance, a sealed loft roost would be advantageous if it can be incorporated into the design.

Landscape Architect

The two main trees to the northwest of the new restaurant are the Hornbeam and the Oak. Between these two is a large, mature Walnut with a severe lean, which I presume will be removed and replaced as part of the development. The Walnut has an impressive crown but its location and form does not lend itself to retention within the proposed layout or the increased public exposure. The canopies of the Oak and Hornbeam would eventually merge following the removal of the Walnut. The other two trees should and could be retained if the new pavement to the river does not involve excavations within the minimum root protection area. To this end the applicant should demonstrate in greater detail the existing and proposed levels in this area. The pavement should also be of a porous material. The large Plane outside of the site next to Lendal Hill House will also need protecting during the works, if the archway is to be used for access.

The proposals involve the removal of one Sorbus and one Elm on the Dining Terrace. The Elm is young and leaning as it is overshadowed by the Sorbus. A tree in this location does serve a purpose, as part of the setting of the buildings and a connection between the built environment and the main gardens. If due to level changes this tree can not be saved, it should be replaced. I feel that rather than remove trees and replace with artificial parasols, the terrace should be adorned with (non-sap dropping) trees such as 'top-worked' plane trees to act as natural parasols as is common on the continent.

A planting scheme should also be included for the planting bed within the courtyard.

Appropriate conditions are recommended in order to address these issues.

CONSERVATION AREA ADVISORY PANEL - The Panel referred to their previous minute : "The Panel felt that this has a detrimental effect on this part of the Conservation Area and the tranquility of the Registered botanical gardens. The gardens contain Grade I listed buildings and is mostly a scheduled area. The majority of the panel were opposed to the development and felt that the application was premature in the light of proposals that Yorkshire Museums Trust have for the area. The majority of the panel felt that the restaurant should not encroach further than the existing building and that the design was poor. The panel were further concerned that it appeared that there had been no attempt to find a use for the building, which would fit into the existing fabric. The Panel regret the sub-division of the Engine House and feel that it would be preferable to exploit its existing character and open interior.

YORK CONSULTANCY - DRAINAGE

Further to my memo dated 12 February 2007, Engineering Consultancy STILL OBJECTS to the proposed development, on the following grounds:-

The developer needs to address the possibility of reverse flow and subsequent flooding through the sewerage system, via the public sewer running under the archway through the city walls.

As detailed in my response to the conversion of the adjacent site at Lendal Tower, the flood risk assessment by Gifford's appears to have failed to assess the effect of reverse flow through the public sewers (passing under the newly installed flood barriers), to such an extent that the flood defences may be by-passed.

A point of note - recent River Ouse flooding saw ponding behind the barriers. Although the extent of this was not verified, this appears to justify the above concerns.

ENVIRONMENTAL PROTECTION - The Environmental Protection Unit have no objections to this application. However it was noted from the plans that the proposed kitchen to the restaurant, is sited close to the proposed residential units and I am concerned about the effects of noise and odour on the occupiers of those dwellings. In addition it is likely that there will be other types of plant and equipment associated with this type of business such as cellar refrigeration and air conditioning. Due to the close proximity of the residential units the hours of operation should be restricted to protect the residents amenity. In addition it is likely that noise could affect the amenity of nearby residents during demolition and construction works. Lastly a watching brief condition should be attached in case any ground contamination is encountered during the development. Conditions are recommended to address these issues.

LIFELONG LEARNING AND LEISURE - I am content with the re-provision of facilities for boaters as shown on plan LEN (D) 11 C subject to further clarification on the following issues :

a) The exact location of the water point needs to be agreed with the Council. The developer needs to provide comments from the Environment Agency / Yorkshire Water before the location is agreed by CYC. That the water point will be to the standard required by British Waterways.

b) That the replacement toilet has the same key arrangements as the boat refuse / sluice.

c) That confirmation is obtained that there will be no ongoing maintenance costs of those facilities within the restaurant and there will be no charge for the any water used by the boaters. I am happy that we pick up any costs for replacement taps and pipe work once the water point is installed.

d) As the facilities are available during the summer 1st April - 30th September I would want to see continuity of provision during any construction in that time

In addition, we will require a section 106 payment for the flat(s) within the development

3.2 EXTERNAL

GUILDHALL PLANNING PANEL Original response - We support the application subject to the Local Planning Authority being satisfied that the proposed development will not flood or exacerbate flooding.

Response to revised drawings- We object. The original design appears to have changed out of all recognition and its bulk is entirely inappropriate in such close proximity to a listed building.

N.B. The design of the building has not changed significantly - only relatively minor design changes have been made.

ENGLISH HERITAGE - It is the view of English Heritage that the revised proposal remains fundamentally the same scheme, and therefore our concerns with regard to unacceptable height, negative impact on the setting of adjacent Listed Buildings, Registered Park and Garden and Scheduled Monuments, and lack of justification for the scheme remains unchanged.

In addition we are unclear as to the need for replacement toilet block facilities and whether or not these will be subsequently located elsewhere within the Scheduled Monument as previously discussed. This presents a procedural problem in that English Heritage cannot advise Department of Culture Media and Sport that Scheduled Monument consent should be granted because we need to be clear at this stage whether there will be a second consent application for toilet facilities within the Scheduled Monument.

English Heritage Advice

English Heritage has been closely involved with both the conversion of Lendal Tower Tower/Lendal Hill House and the discussions concerning the proposed restaurant. We believe that the provision of such a facility in this location can be beneficial and could support the development aims of the York Museums Trust. Our concerns relate to the need to review the choice of materials; the unacceptable height of the building; its negative impact on the setting of adjacent Listed Buildings, Registered Park and Garden and the Scheduled Ancient Monument; the need for greater separation from the Engine House; and lack of provision of justification for the scheme, with particular regard as to why the restaurant could not be accommodated entirely within the Engine House, and why the proposed restaurant has to be double height.

Although the negative impact of the proposed building on the setting of both the Registered Park and Garden and Scheduled Monument is a major consideration, it is not clear whether the scheme presented contains all the necessary information on which to judge impact on historic assets. The original scheme for the restaurant extension and conversion of the Engine House included demolition of the toilet block and its replacement with a facility adjacent to the Boating House in the Museum Gardens. The revised scheme does not specify whether, or where, a replacement toilet block is needed, and therefore we cannot assess the full impact of the proposals on the Scheduled Monument or if there will be second consent application for toilet facilities within the Scheduled Monument.

Recommendation

It is the view of English Heritage that the revised proposal remains fundamentally the same scheme, and therefore our concerns with regard to unacceptable height, negative impact on the setting of adjacent Listed Buildings, Registered Park and Garden and Scheduled Monuments, and lack of justification for the scheme remain unchanged. We believe the existing Scheduled Monument Consent application for the restaurant extension should be withdrawn by the applicant because we are unable to advise the Department for Culture, Media and Sport (DCMS) that consent should be granted on account of the negative impact of the proposed building on the setting of the Scheduled Ancient Monument. Therefore it is the case that English Heritage recommends that until these issues are addressed the planning application should also be refused.

ENVIRONMENT AGENCY - The Environment Agency maintains its objection as the applicant has not addressed the following issues:

- no details of the operation of the proposed flood gates and barriers have been provided.
- no clarification of the re-positioning of the northern most flood gate has been provided
- the applicant has been strongly recommended to use flood proof construction techniques in the development
- the applicant states that the proposal would only have a negligible impact on flood storage capacity. However, the Agency would maintain its objection until a scheme of compensatory storage can be achieved.
- the Agency would wish to see all topographic levels clearly marked as to whether they are proposed or existing.

N.B. The applicant has been made aware of these comments and it is likely that further information will be submitted prior to the meeting.

SAFER YORK PARTNERSHIP

- (i) the location of the cycle racks is not overlooked and is likely to attract crime - they should be in a location that can be more adequately supervised.
- (ii) if the new (upper) entrance is not controlled it would provide access to the whole of the gardens after it would normally closed.
- (iii) the proposed glass fronted extension is likely to attract damage and anti-social behaviour if not managed properly or kept separated from the public domain.

BRITISH WATERWAYS - Original comments as follows: Unless full details of a replacement boat facilities which are equal to or better than the existing facility and provided by the developer as part of this application, and the existing facility is not closed until the new facility is opened and available for use, we wish to object to this application.

N.B. No response has been received to the revised drawing, which incorporates replacement facilities for boaters within the scheme.

OBJECTIONS RECEIVED FROM BOATING ORGANISATIONS AND LEISURE INTERESTS

These include:

The Boating Association
Inland Waterways Association
York Motor Yacht Club
Ripon Motor Boat Club
British Waterways

1. Although the application indicates an alternative site for the public toilets and boat facility, no firm proposals, timescales or financial guarantees have been provided regarding the replacement facility.
2. The loss of the existing (very limited) facilities even for a short period would be detrimental to river users.
3. Full details of a replacement facility which is equal or better than the existing facility should be provided.
4. River users will be discouraged from visiting the city unless alternative facilities are provided, adversely affecting the tourist economy.
5. The proposal would leave the Council in a dilemma as to where the alternative facilities should be provided given the sensitive nature of the area and the need for convenient access by river users.
6. The best solution would be to incorporate new facilities within the redevelopment proposals, with temporary facilities being provided during the construction period.
7. Alternatively, replacement facilities should be provided in a suitable location prior to the removal of the existing facilities.
8. The redevelopment of the existing toilet facilities should form an integral part of the proposals and should be a condition of planning consent.
9. The final detail of any replacement facilities should be agreed with British Waterways and other river user groups.

Only one response has been received in response to the revised drawings, from the Boating Association. This acknowledges that the needs of boaters have now been catered for, but considers that full toilet facilities should be provided in the area to service the requirements of the thousands of tourists and residents who frequent the area throughout the year.

LETTERS OF OBJECTION FROM YORK RESIDENTS

Four letters were received from York residents in response to the original application, making the following points:

1. The need for another restaurant of this size is vastly outweighed by the negative impact such a development will have on the city.
2. The construction of such a large and high modern glass structure in this location will significantly alter the aesthetics of the area and detract from Lendal Tower.

3. The extension will reduce the sense of open public space in the park and will restrict views of the river.
4. The dwelling of the mature tree is unnecessary and the developer should adjust the plans to accommodate the existing vegetation more fully.
5. York does not need another restaurant.
6. There are many historic buildings in York which would benefit from restoration and the developer could undertake such a project to accommodate a new restaurant. The building of a new structure is unnecessary for this purpose.
7. A restaurant located within the confines of the engine house together with outdoor seating would provide an adequate refreshment service.
8. The applicant states that a smaller restaurant would not be commercially viable. There are many smaller restaurants in York which are commercially viable and the applicant should find someone who is prepared to operate at a smaller scale.
9. The principle of a new restaurant on the site is supported subject to appropriate alternative facilities being included within the proposed development.
10. The applicant claims to be the owner of the site when part of it is the responsibility of the Museums Trust and the toilet block is owned by the City of York Council (N. B. the correct notice has been served on both organizations).
11. The total amount of the financial contribution for any replacement facility has not been specified. The developer must bear the full cost and there should be no burden on public funds.
12. The alternative site indicated by the applicant is unsuitable on environmental impact grounds.
13. Demolition within a conservation area is not permitted unless an acceptable alternative has been approved. This requires comprehensive design details to be submitted and evaluated.

Two letters have been received in response to the revised drawings, re-iterating previous concerns, in particular:

- the architectural style and dimensions of the proposed development
- its visual impact on the surrounding environment
- its practical impact on the surrounding environment
- the scope of the proposed development
- the proposed development remains inappropriate in design and conception, and the changes will not make it any less intrusive.
- a two storey extension will dwarf the surrounding architecture by virtue of its size and height
- the size of the extension will result in too large an area of the small municipal gardens being lost
- the style of the extension, a "glass cube" is an inappropriate structure in this location
- the adjustments will not prevent views of the river being obscured, nor the view of the city from Lendal Tower.

4.0 APPRAISAL

4.1 Key Issues

- impact on the character and appearance of the conservation area
- impact on the setting of the adjacent listed building
- impact on Museum Gardens
- replacement toilet facilities and facilities for boaters
- flood risk

4.2 The application relates to the conversion and extension of the former Engine House, a Grade II listed building, to a single apartment and a restaurant, together with the formation of an external dining terrace. The site is located in the southeast corner of Museum Gardens, overlooking the River Ouse, and is within the Central Historic Core conservation area. Museum Gardens is included in the Register of Parks and Gardens of Special Historic Interest. Policy E4 of the Approved North Yorkshire Structure Plan states that buildings and areas of special townscape, architectural or historic interest (e.g. listed buildings, conservation areas) will be afforded the strictest protection. Policy GP1 of the City of York Draft Local Plan relates to design and 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 avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment.

4.3 Policy HE2 (Development in Historic Locations) states that within and adjoining conservation areas, and in locations that affect the setting of listed buildings, scheduled monuments or nationally important archaeological remains (whether scheduled or not), development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials. Proposals will be required to maintain or enhance existing urban spaces, views, landmarks and other townscape elements that contribute to the character or appearance of the area. Policy HE 3 states that within conservation areas, proposals involving external alterations or changes of use will only be permitted where there is no adverse effect on the character and appearance of the area.

4.4 Policy HE9 states that planning permission will not be granted for development which would adversely affect a scheduled ancient monument or its setting. Policy HE12 permits development affecting historic parks and gardens provided they have no adverse effect on the character, appearance, amenity, setting or enjoyment of the park/garden. The proposal would involve the demolition of the existing public toilets. As a facility that is available to the whole community, the public toilets could reasonably be regarded as a community facility to which Policy C3 applies. This states that planning permission will only be granted for the redevelopment or change of use of social, health, care homes, community and religious facilities where the proposal is of a scale and design appropriate to the character and appearance of the locality, AND it can be demonstrated that the existing land or buildings are surplus to, or no longer capable of meeting, the existing or future needs of the local

community; OR it can be demonstrated that alternative acceptable sites for the existing use can be provided.

4.5 An initial proposal to provide a restaurant on the area occupied by the Engine House (conversion) and the adjacent land was received by the Council early in 2006. Details of the proposal were included in a report to the Executive Members, and at the meeting held on 4 April 2006, it was resolved:

- That the opportunity for improvement to public toilet provision in the Museum Gardens area, with the refurbishment of Lendal Tower by the Helmsley Group, be noted.
- That the work undertaken in taking forward this development proposal with the Helmsley Group, at their own cost, be noted
- That the principle of closing the existing public conveniences in Museum Gardens be approved, subject to the provision of alternative public conveniences and facilities for boat users that are currently provided on the site.
- That the opening up of a new entrance to Museum Gardens from the riverside esplanade be approved and that the investigation of development of the site to the same restaurant use as the Lendal Tower site be welcomed.
- That officers present a further report to the Executive in June 2006, which will describe the feasibility work for the re-provision of the public conveniences and market consideration of the options set out in the report.

Reasons: To endorse this proposal to improve and enhance this part of Museum Gardens with an attractive restaurant facility and a new entrance to the gardens and to take advantage of the opportunity for improved public toilet facilities, whilst protecting the current provision for boat users.

The Executive have, therefore, endorsed the principle of the development of the site for a restaurant.

4.6 The proposal would involve the conversion of the Engine House (on two levels) to a single two bedroom apartment, together with kitchen and dining facilities associated with the new restaurant. The internal layout of the Engine House has been amended to take account of comments made by the Council's Conservation Architect. In response to these comments, the roof of the restaurant has been slightly lowered and the dividing gap between the extension and the existing building has been increased in depth and width. Although it would be built on a single level, the restaurant extension would be a tall building with a sloping "flat" roof 7.3 metres in height at the front and 6.3 metres at the rear, slightly lower than the parapet wall of the Engine House. It would be of a contemporary design, featuring large glazed elevations to the front and rear, with stonework and narrow "slot" openings to the side wall. The design also incorporates a dining terrace overlooking the river, raised above flood level. A new entrance to Museum Gardens would be created alongside the extension, featuring new steps, gates and railings. A level, disabled access to the Gardens would also be created.

4.7 The restaurant extension and dining terrace would be particularly prominent from Lendal Bridge and from the south bank of the river, although the extension has been designed so as not to block views of the Yorkshire Museum from these

viewpoints. In visual terms, the existing public toilets are considered to have a negative impact on the area and their removal and replacement by a building that makes a more positive contribution is to be welcomed. English Heritage have raised objections to the design of the extension, in particular due to its "unacceptable height", negative impact on the setting of the adjacent listed buildings, Registered Park and Garden, and Scheduled Monuments. However, the Council's Conservation Architect takes a slightly different view towards the design and appearance of the extension. In particular, it should be noted that although the extension appears to be flush with the front wall of the Engine House when seen in elevation, it would in fact be set back by a considerable distance, which would reduce the impact on the listed building.

4.8 Although it would not be subservient to the Engine House in terms of its height, the contemporary design of the extension would not compete with the more traditional appearance of the Engine House. It is considered that any reduction in the height of the extension would clash with existing architectural features in the side elevation of the Engine House, in particular the arched brick detailing, and would result in the extension having an unduly diminutive appearance. It is concluded that the extension is a bold, innovative design that has the potential to make a positive contribution to the character and appearance of the conservation area and the riverside frontage in particular. It is considered that the impact on Museum Gardens as a whole would be relatively small, given the location of the site in the southeast corner of the Gardens, in an area which is already dominated by the existing toilet block and surrounding areas of hard surfacing.

4.9 The Conservation Architect has requested that the proposed external works are reassessed, and considers the proposals to be too hard and urban. It has been suggested that the front part of the terrace be lowered (below flood level) and the whole area "greened" so that it has a softer appearance. The applicant does not agree with this suggestion, and points out that the application site is already located within an urban area; it is clearly not suburban or rural. In addition, the applicant states that the restaurant extension and dining terrace occupy a similar area to the existing toilet block and apart from a small tree the whole of the existing site is hard paved or built upon. The new proposals have been glazed on both principal elevations, to allow the eye to pass through the buildings to the gardens beyond in one direction and from the gardens to the riverside from the other. Members will be able to form their own views on this issue following the site visit that is scheduled to take place prior to the Committee meeting. As the proposal would affect a Scheduled Monument, Scheduled Monument Consent would also be required for the proposal from the Department of Culture Media and Sport (DCMS), who are advised by English Heritage. However, this is an entirely separate process and there is no reason why the Council, as Local Planning Authority, should not express its own view on the proposal through the granting (or refusal) of planning permission.

4.10 The proposal would result in the demolition of the existing toilet block, a proposal that has been endorsed in principle by the Executive. The revised proposal incorporates a public toilet (to disabled specification) within the restaurant lobby, which would be available during restaurant opening hours. This is in contrast to the existing public toilets, which are only open to the public between March and October. In addition, it is intended that boaters would be able to access the toilets "out of

hours" using a standard British Waterways key. It is also intended to provide a boat sluice, refuse area and water point to replace the existing facilities that would be lost as a result of the demolition of the toilet block. The Head of Parks and Leisure, having originally objected to the loss of boater's facilities, has raised no objections to the revised proposal, subject to the precise location of the new water point being agreed. This could be conditioned.

4.11 The area occupied by the public toilets is owned by the Council and leased to the Yorkshire Museums Trust, so clearly a land transaction will have to take place in order for the applicant to acquire the land and enable the development to take place. The Yorkshire Museums Trust have already indicated in a letter to the Helmsley Group that they are keen that the development of the restaurant takes place and that they do not wish to impede any progress of the planning process. It is considered that the issue of replacement toilet facilities (beyond those incorporated into the proposal), including funding, could be addressed through the land transaction process. In these circumstances, it is not considered that a further financial contribution through a Section 106 Agreement would be appropriate. As lessees of the site and trustees of the Gardens, the Yorkshire Museums Trust would be actively involved in the process. Any stipulations regarding the timing of the demolition of the existing toilet block could be made a condition of any sale agreement, in order to ensure that adequate replacement facilities are first made available.

4.12 A number of issues in relation to flood risk have been raised by the Environment Agency and by the Council's Structures and Drainage Engineers. These have been brought to the attention of the applicant and it is likely that further information will be submitted on these matters prior to the meeting.

5.0 CONCLUSION

5.1 As an overall package, it is considered that the proposal has some merit and would bring a new restaurant facility of contemporary design and appearance to a prime location within the city. It would also secure the removal of the existing toilet block, and through the subsequent land transaction, would act as a catalyst for the provision of alternative toilet facilities elsewhere within Museum Gardens. Replacement facilities for boaters, in addition to a public toilet, would be provided within the scheme. It is acknowledged that English Heritage have objected to the detail of the scheme. However, the applicant will be required to obtain Scheduled Monument Consent for the proposal, which is a separate process, and there is no reason why the Council, as Local Planning Authority, should not express its own view on the proposal through the granting (or refusal) of planning permission.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2

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

LEN(D) 11 Rev "C", LEN(D) 12 Rev "C" and LEN(D) 13 Rev "B", all received on 8 May 2007

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

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

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

- glazing details, including glazing bars
- glazed link between the existing building and the extension
- roof overhang
- glazed screen to front of dining terrace
- railings, gates, steps and stone pillars
- rainwater goods

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

- 5 HWAY18

- 6 Prior to the commencement of any works, a detailed method of works statement shall be submitted to and agreed in writing by the LPA. This statement shall include the precautions to be taken to ensure the safety of the general public, the method of securing the site and the route to be taken by vehicles transporting the demolition and construction material, and the hours during which this will be permitted.

Reason - To ensure that the works are carried out in a safe manner and with minimum disruption to users of the adjacent public highway

- 7 LAND1

- 8 Before the commencement of development, including demolition, building operations, or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in

writing by the Local Planning Authority. This statement shall include details and locations of protective fencing, phasing of works, site access during demolition/construction, type of construction machinery/vehicles to be used, (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles and storage of materials. Details of pavement construction and existing and proposed levels shall also be included, where a change in surface material and/or levels are proposed within the canopy spread and likely rooting zone of the trees to be retained.

Reason: To protect existing trees which are covered by a Tree Preservation Order and/or are in a conservations area and are considered to make a significant contribution to the amenity of the area.

- 9 No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority of the measures to be taken within the design of the building to accommodate bats.

Reason: In the interests of habitat creation, as advocated by Planning Policy Guidance Note 9: "Biodiversity and Geological Conservation"

- 10 Details of all machinery, plant and equipment to be installed in the proposed premises, which is audible outside the site boundary, and the proposed noise mitigation measures, shall be submitted to the local planning authority. These details shall include maximum (LA_{max}(f)) and average (LA_{eq}) sound levels (A weighted), and octave band noise levels they produce. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be appropriately maintained thereafter.

Reason: To protect the amenity of occupiers of nearby buildings.

- 11 Any kitchen extraction system proposed by the applicant must be adequate for the treatment and extraction of fumes so that there is no adverse impact on the amenity of occupiers of nearby premises by reason of fumes, odour or noise. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for approval; once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of nearby occupiers of premises.

- 12 All works and ancillary operations during construction and demolition including deliveries to the site shall only be carried out between the hours of 08.00 and 18.00 Mondays to Fridays and 09.00 to 13.00 on Saturdays and not at all on Sundays and Bank Holidays.

Reason: To protect the amenity of nearby residents.

- 13 Any contamination detected during site works 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 on site.

Reason: To protect the health and safety of workers on site, future occupiers of the site and the integrity of any proposed underground services.

- 14 ARCH2

- 15 No development shall take place until the applicant has secured the implementation of an agreed programme of archaeological work (metrical survey, written description and analysis, and photographic recording of the standing buildings) which has been agreed in writing by the Local Planning Authority and submitted a report and copies of the survey and record to the Local Planning Authority and these have been approved in writing by the Local Planning Authority.

Reason: The buildings on this site are listed structures of historic importance and must be recorded prior to any development taking place.

- 16 The existing toilet block shall not be demolished unless and until alternative facilities (including facilities for boaters), whether temporary or otherwise, have been provided, in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure that the facilities referred to are available to the public at all times.

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

Reason: In order to comply with the provisions of Policy L1c of the City of York Draft Local Plan.

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £815.

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

- 18 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 7.3 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

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

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

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

- impact on the character and appearance of the conservation area
- impact on the setting of the adjacent listed building
- impact on Museum Gardens
- replacement toilet facilities and facilities for boaters
- flood risk

As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GP1, HE2, HE3, HE9, HE12 and C3 of the City of York Local Plan Deposit Draft.

2. In addition the attention of the developer should be drawn to the following to minimise noise and dust nuisance from construction works, to nearby residents.

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

ii) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with

effective and well-maintained mufflers in accordance with manufacturers instructions.

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

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

v) Any asbestos containing materials shall be removed by licensed contractors to a licensed disposal site.

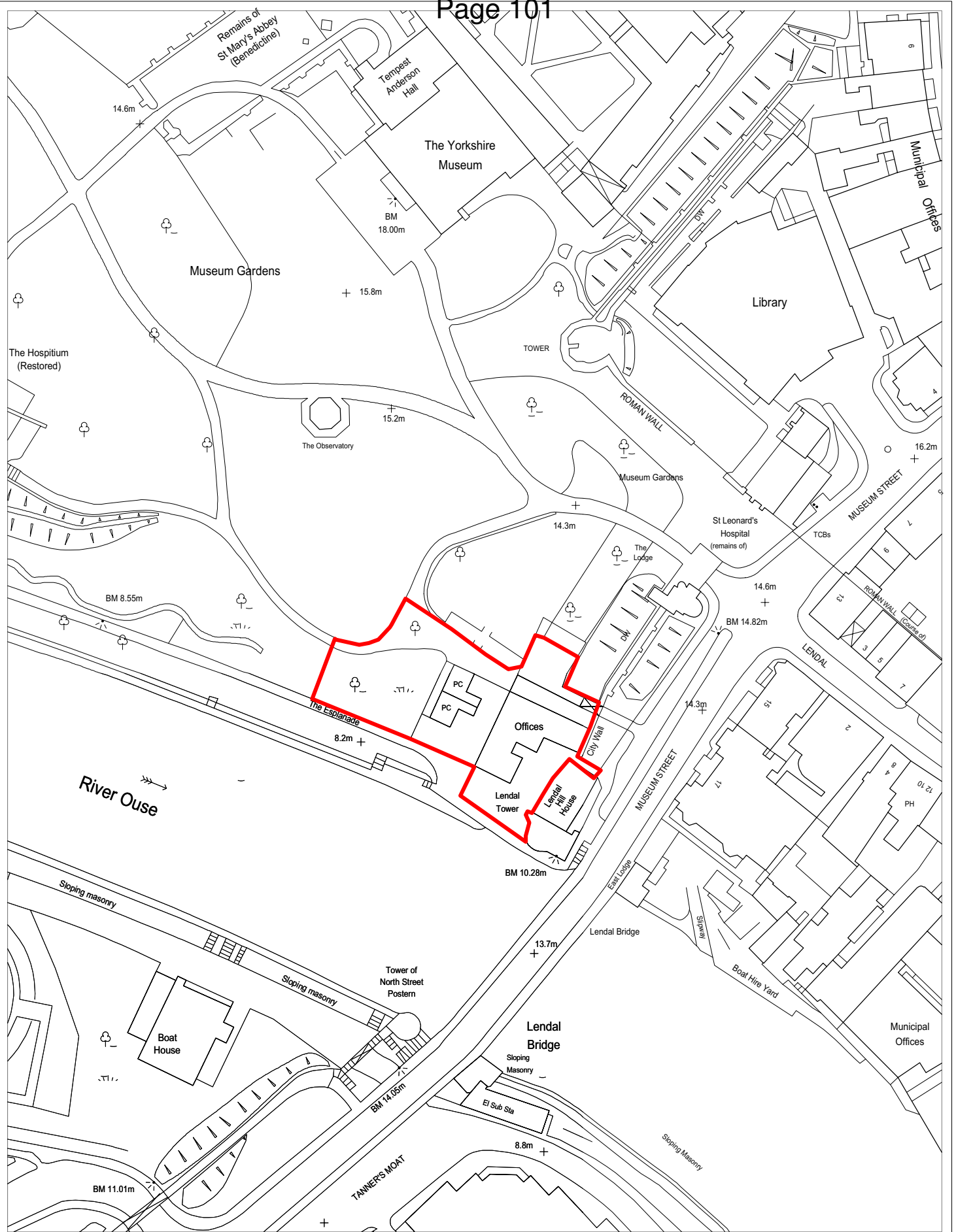
vi) There shall be no bonfires on the site.

Contact details:

Author: Simon Glazier Assistant Area Team Leader

Tel No: 01904 551351

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THE ESPLANADE

SCALE 1:1250 DRAWN BY PSL DATE 11/6/2007
 Originating Group Project Drawing No.

9, St. Leonards Place, York, YO1 2ET
 Telephone: 01904 551550

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COMMITTEE REPORT

Committee: West & City Centre Area **Ward:** Guildhall
Date: 21 June 2007 **Parish:** Guildhall Planning Panel

Reference: 06/02428/LBC
Application at: Former Waterworks Engine House Museum Street York YO1 7DJ
For: Internal and external alterations including new extension in connection with proposed use as a restaurant and 1 no. apartment
By: The Lendal Tower Venture
Application Type: Listed Building Consent
Target Date: 15 January 2007

1.0 PROPOSAL

1.1 The application site is located in the southeastern corner of Museum Gardens, fronting onto the River Ouse, and consists of the former Engine House at the rear of Lendal Tower/Lendal Hill House, the detached public toilet block immediately to the west, and an area of adjacent land. It is proposed to convert part of the Engine House to a two bedroomed apartment (on two floors) together with an associated leisure suite. The remainder of the Engine House would be converted to kitchen and dining facilities associated with a new restaurant, the majority of which would be located within a predominantly glazed extension on the western side of the building. The Engine House is a Grade II listed building.

1.2 Revised drawings have been received incorporating minor changes to the proposal following initial discussions with the Conservation Architect, including a slight reduction in the height of the restaurant extension, an increase in the depth and width of the gap between the existing and new buildings, and minor internal and external design changes. The number of apartments proposed within the Engine House has been reduced from two to one. Although built on a single level, the restaurant extension would be a tall building with a sloping "flat" roof 7.3 metres in height at the front and 6.3 metres at the rear, slightly lower than the parapet wall of the Engine House. The extension would be attached to the Engine House by a glazed link at a lower level, creating a separation distance of approximately 1.5 metres between the two buildings. An outside dining terrace would be formed in front of the restaurant extension abutting the flank wall of the Engine House, overlooking the river.

1.3 The restaurant extension would necessitate the reconfiguration of the entrance to Museum gardens from this direction, which would be formed by constructing a new flight of steps rising from the Esplanade, together with new purpose made gates and railings. A level (1 in 20) access would be formed on the adjacent land. A new access to Museum Gardens, also serving the new restaurant and residential unit, and would be opened through the City Walls (by enlarging an existing gateway) from the slipway which descends from Museum Street down to the river.

1.4 The Engine House was purpose built in 1835/36 to house pumping equipment in connection with the supply of water. Originally the equipment was housed within Lendal Tower. The main water supply distribution centre was moved to Acomb following the development of new waterworks and filter beds between 1846 and 1849. The application to convert and extend the Engine House forms the second phase of development proposals by the Lendal Tower Venture, the first phase being the conversion of Lendal Tower to form a single dwelling and the conversion of Lendal Hill House to form two dwellings. Planning permission and listed building consent for this proposal were granted in May 2005, and a revised proposal to form three apartments within Lendal Hill House is now also under consideration.

1.5 A planning application for the proposal (06/02425/FUL) is considered elsewhere on this agenda.

1.5 A separate listed building consent application has also been submitted for the formation of the new entrance to the site through the City Walls, an alteration which will also require Scheduled Monument Consent from the Department for Culture, Media and Sport. Museum Gardens are included on the Government's Register of Parks and Gardens of Special Historic Interest.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

2.2 Policies:

CYHE4
Listed Buildings

3.0 CONSULTATIONS

3.0 CONSULTATIONS

3.1 INTERNAL

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

Conservation Architect

Comments below refer to the revised drawings received with a consultation cover paper dated 10th May 2007.

The Former Engine House is part of the complex of buildings which includes Lendal Tower and Lendal Hill House - all previously associated with the York Waterworks

Company. The building was built in 1836 to house the pumping engine for the waterworks; however it was converted to offices approx 20 years later and the main chimney and engine beds were removed at this time (RCHME vol V). The building remained in use as offices until the late C20th. It contains both C19th & C20th adaptations. The building was listed at grade 11 in 1983.

New uses have been secured for Lendal Tower and Lendal Hill House and recent flood protection work appears to have been successful in alleviating problems with flooding. The Engine House itself though is still considered "at risk" as it remains unused, and it is located in a vulnerable area where it is susceptible to vandalism.

We would have no objection to the principle of converting the engine house itself to a restaurant; however the scheme proposed would be a mixed use scheme resulting in a significant extension into the garden. The garden is on scheduled land and the process of obtaining scheduled monument consent takes precedence over listed building consent procedures. We understand that English Heritage still have outstanding concerns about the revised proposals. We also note that in their letter of 19th December 2006 English Heritage stated that the proposed use of the Engine House and extension were acceptable in principle. We therefore offer our comments on the planning application with a degree of reservation.

The gardens are situated within the St Mary's Abbey precinct close to the heart of the city. In addition to being scheduled (County Monument no 12) the Museum Gardens are included in the Register of Parks and Gardens of Special Historic Interest in England maintained by English Heritage. The gardens constitute a finite cultural resource of national importance. They are publicly accessible and heavily used at all times of year. Locally they are of great amenity value and their open and green character contributes to the special character and appearance of this part of the Central Historic Core Conservation Area.

At present the area adjacent to the Engine House is used for WC's and boat facilities. From within the gardens the area is hidden and appears somewhat as a "backwater" area, previously used for glasshouses and sheds; whereas from the riverside and Lendal Bridge the WC site is highly prominent. The existing buildings are vernacular in type and modest in scale. They are considered to have a neutral to negative effect on the character and appearance of the conservation area. The proposals though would change the character of the area by forming a new attraction in this corner of the gardens designed to respond to its riverside context.

Historically sites have been taken out of the gardens for other uses i.e. the Exhibition Hall built in 1878 (Art Gallery area), the swimming pool which was formed in the SW corner (now facilities for rowing club). This new use would be publicly accessible but rather urban in nature and it would remove potential garden space. It is therefore vital to know how these proposals fit within the overall vision and master planning of the gardens. A balanced assessment of the proposed change of use cannot be made until it is demonstrated that the proposals would benefit the gardens in some way. A statement from the YMT would be most welcome.

Should a strong statement of support comes forward, we offer the following comments on the scheme (comments made notwithstanding English Heritage's response):

- 1) The new uses in the engine house have been organized to afford a degree of privacy to the dwellings which share the garden area. The restaurant use would allow parts of the building to be enjoyed by the general public.
- 2) A section should be provided showing why the additional high level windows in the Engine House area required.
- 3) The changes to the extension have introduced softer materials (more timber structure and solar shades)- this is welcome
- 4) The extension has been slightly lowered and the link has been increased. The elevational drawings give a slightly misleading impression of the extension as it appears to compete with the engine house. It is attached in the 5th and 6th bay back from the front of the Engine House so its impact will be much reduced in reality (a model would show this better or a 3D axon). The building would intrude on views across to the Yorkshire Museum from parts of Lendal Bridge. This view changes however as one moves across the bridge. It is considered that a building of some stature is required to respond to its riverside context and one which offers a lofty internal space similar to earlier glass houses is seen as suitable for this area.
- 5) The external works are seen as too grand and too bulky.
- 6) There are concerns that access to the garden has been made more difficult with the steps. The effect of the ramp on tree roots has not been ascertained.

We suggest that the external works are reassessed. The steps into the garden should be reduced in number and eased i.e. made shallow, to invite access. The remaining steps up to the restaurant could be within the terrace and if they were "dog-legged" they would allow the front of the terrace to be lowered (and allowed to flood) This would improve the relationship with the front of the Engine House and the river prospect as a whole. The terrace itself should be greened so it offers back a garden like the neighbouring walled area. The whole area appears too hard and urban at present. The existing pillars should be reused at the entrance so that it is more modest and lighting should be subtly integrated into the scheme.

In addition a drawing should be submitted showing the scheme in the context of the draft masterplan.

Only with the positive supporting documentation and changes suggested above can the scheme be seen as making a positive contribution to the conservation area.

3.2 EXTERNAL

CONSERVATION AREA ADVISORY PANEL - The Panel referred to their previous minute : "The Panel felt that this has a detrimental effect on this part of the Conservation Area and the tranquillity of the Registered botanical gardens. The gardens contain Grade I listed buildings and is mostly a scheduled area. The majority of the panel were opposed to the development and felt that the application was premature in the light of proposals that Yorkshire Museums Trust have for the area. The majority of the panel felt that the restaurant should not encroach further than the existing building and that the design was poor. The panel were further concerned that it appeared that there had been no attempt to find a use for the

building, which would fit into the existing fabric. The Panel regret the sub-division of the Engine House and feel that it would be preferable to exploit its existing character and open interior.

GUILDHALL PLANNING PANEL Original response - We support the principle of the proposed development. However the Panel does have three concerns which it hopes can be resolved in amended designs:

1. the awkward junctions of the roof of the proposed restaurant to the former engine house,
2. the new building is critically out of scale with the existing buildings,
3. the roof of the new building would be better inclined or stepped down to reflect the natural slope of the land.

Response to revised drawings- We object. The original design appears to have changed out of all recognition and its bulk is entirely inappropriate in such close proximity to a listed building.

(Officer comment: The design of the building has not changed significantly - only relatively minor design changes have been made).

ENGLISH HERITAGE - It is the view of English Heritage that the revised proposal remains fundamentally the same scheme, and therefore our concerns with regard to unacceptable height, negative impact on the setting of adjacent Listed Buildings, Registered Park and Garden and Scheduled Monuments, and lack of justification for the scheme remains unchanged.

In addition we are unclear as to the need for replacement toilet block facilities and whether or not these will be subsequently located elsewhere within the Scheduled Monument as previously discussed. This presents a procedural problem in that English Heritage cannot advise Department of Culture Media and Sport that Scheduled Monument consent should be granted because we need to be clear at this stage whether there will be a second consent application for toilet facilities within the Scheduled Monument.

English Heritage Advice

English Heritage has been closely involved with both the conversion of Lendal Tower/Lendal Hill House and the discussions concerning the proposed restaurant. We believe that the provision of such a facility in this location can be beneficial and could support the development aims of the York Museums Trust. Our concerns relate to the need to review the choice of materials; the unacceptable height of the building; its negative impact on the setting of adjacent Listed Buildings, Registered Park and Garden and the Scheduled Ancient Monument; the need for greater separation from the Engine House; and lack of provision of justification for the scheme, with particular regard as to why the restaurant could not be accommodated entirely within the Engine House, and why the proposed restaurant has to be double height.

Although the negative impact of the proposed building on the setting of both the Registered Park and Garden and Scheduled Monument is a major consideration, it is not clear whether the scheme presented contains all the necessary information on which to judge impact on historic assets. The original scheme for the restaurant extension and conversion of the Engine House included demolition of the toilet block and its replacement with a facility adjacent to the Boating House in the Museum Gardens. The revised scheme does not specify whether, or where, a replacement toilet block is needed, and therefore we cannot assess the full impact of the proposals on the Scheduled Monument or if there will be second consent application for toilet facilities within the Scheduled Monument.

Recommendation

It is the view of English Heritage that the revised proposal remains fundamentally the same scheme, and therefore our concerns with regard to unacceptable height, negative impact on the setting of adjacent Listed Buildings, Registered Park and Garden and Scheduled Monuments, and lack of justification for the scheme remain unchanged. We believe the existing Scheduled Monument Consent application for the restaurant extension should be withdrawn by the applicant because we are unable to advise the Department for Culture, Media and Sport (DCMS) that consent should be granted on account of the negative impact of the proposed building on the setting of the Scheduled Ancient Monument. Therefore it is the case that English Heritage recommends that until these issues are addressed the planning application should also be refused.

GARDEN HISTORY SOCIETY - On the basis of the information received we do not wish to comment, but we would emphasise that this does not in any way signify either our approval or disapproval of the proposals.

YORK CIVIC TRUST - This is a carefully thought out scheme which makes good use of the existing Grade II listed Engine House, and proposes a well designed extension to form a restaurant with terrace dining facilities overlooking the river. As a statutory consultee for the demolition of listed buildings in York (which includes the lean-to as being attached to the listed Engine House, and the public toilet block as being a 'curtilage building') we do not wish to object to these aspects of the proposal.

LETTERS OF OBJECTION FROM YORK RESIDENTS

Four letters were received from York residents in response to the original application, making the following points in respect of the listed building consent:

1. The need for another restaurant of this size is vastly outweighed by the negative impact such a development will have on the city.
2. The construction of such a large and high modern glass structure in this location will significantly alter the aesthetics of the area and detract from Lendal Tower.
3. There are many historic buildings in York which would benefit from restoration and the developer could undertake such a project to accommodate a new restaurant. The building of a new structure is unnecessary for this purpose.

4. A restaurant located within the confines of the engine house together with outdoor seating would provide an adequate refreshment service.
5. Demolition within a conservation area is not permitted unless an acceptable alternative has been approved. This requires comprehensive design details to be submitted and evaluated.

Two letters have been received in response to the revised drawings, re-iterating previous concerns, in particular:

- the architectural style and dimensions of the proposed development
- its visual impact on the surrounding environment
- its practical impact on the surrounding environment
- the scope of the proposed development
- the proposed development remains inappropriate in design and conception, and the changes will not make it any less intrusive.
- a two storey extension will dwarf the surrounding architecture by virtue of its size and height
- the size of the extension will result in too large an area of the small municipal gardens being lost
- the style of the extension, a "glass cube" is an inappropriate structure in this location
- the adjustments will not prevent views of the river being obscured, nor the view of the city from Lendal Tower.

4.0 APPRAISAL

4.1 The application relates to the conversion and extension of the former Engine House, a Grade II listed building, to a single apartment and a restaurant, together with the formation of an external dining terrace. The site is located in the southeast corner of Museum Gardens, overlooking the River Ouse, and is within the Central Historic Core conservation area. Museum Gardens is included in the Register of Parks and Gardens of Special Historic Interest.

4.2 Local Authorities have a statutory requirement to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses' (s16 of the Planning (Listed Buildings and Conservation Areas) Act 1990).

4.3 Policy E4 of the Approved North Yorkshire Structure Plan states that buildings and areas of special townscape, architectural or historic interest (e.g. listed buildings, conservation areas) will be afforded the strictest protection. Policy HE4 of the Development Control Local Plan states that consent will only be granted where there is no adverse effect on the character, appearance and setting of the listed building. Policy HE5 states that where the partial demolition of a listed building is permitted, no demolition shall take place until a building contract for the carrying out of works of redevelopment has been made and planning permission for these works granted.

4.4 The proposal would involve the conversion of the Engine House (on two levels) to a single two bedroom apartment, together with kitchen and dining facilities associated with the new restaurant. The internal layout of the Engine House has

been amended to take account of comments made by the Council's Conservation Architect. In response to these comments, the roof of the restaurant has been slightly lowered and the dividing gap between the extension and the existing building has been increased in depth and width. Although it would be built on a single level, the restaurant extension would be a tall building with a sloping "flat" roof 7.3 metres in height at the front and 6.3 metres at the rear, slightly lower than the parapet wall of the Engine House. It would be of a contemporary design, featuring large glazed elevations to the front and rear, with stonework and narrow "slot" openings to the side wall. The design also incorporates a dining terrace overlooking the river, raised above flood level. A new entrance to Museum Gardens would be created alongside the extension, featuring new steps, gates and railings. A level, disabled access to the Gardens would also be created.

4.5 The restaurant extension and dining terrace would be particularly prominent from Lendal Bridge and from the south bank of the river, although the extension has been designed so as not to block views of the Yorkshire Museum from these viewpoints. In visual terms, the existing public toilets are considered to have a negative impact on the area and their removal and replacement by a building that makes a more positive contribution is to be welcomed. English Heritage have raised objections to the design of the extension, in particular due to its "unacceptable height", negative impact on the setting of the adjacent listed buildings, Registered Park and Garden, and Scheduled Monuments. However, the Council's Conservation Architect takes a slightly different view towards the design and appearance of the extension. In particular, it should be noted that although the extension appears to be flush with the front wall of the Engine House when seen in elevation, it would in fact be set back by a considerable distance, which would reduce the impact on the listed building. Although it would not be subservient to the Engine House in terms of its height, the contemporary design of the extension would not compete with the more traditional appearance of the Engine House. It is concluded that the extension is a bold, innovative design that has the potential to make a positive contribution to the character and appearance of the conservation area and the riverside frontage in particular. It is considered that the impact on Museum Gardens as a whole would be relatively small, given the location of the site in the southeast corner of the Gardens, in an area which is already dominated by the existing toilet block and surrounding areas of hard surfacing.

4.6 The Conservation Architect has requested that the proposed external works are reassessed, and considers the proposals to be too hard and urban. It has been suggested that the front part of the terrace be lowered (below flood level) and the whole area "greened" so that it has a softer appearance. The applicant does not agree with this suggestion, and points out that the application site is already located within an urban area; it is clearly not suburban or rural. In addition, the applicant points out that the restaurant extension and dining terrace occupy a similar area to the existing toilet block and apart from a small tree the whole of the existing site is hard paved or built upon. The new proposals have been glazed on both principal elevations, to allow the eye to pass through the buildings to the gardens beyond in one direction and from the gardens to the riverside from the other.

4.7 As the proposal would affect a Scheduled Monument, Scheduled Monument Consent would also be required for the proposal from the Department of Culture

Media and Sport (DCMS), who are advised by English Heritage. Given the objections to the proposal raised by English Heritage (who themselves have given a cautious welcome to the principle of the proposal), it seems unlikely that Scheduled Monument Consent would be granted for the proposal as submitted. However, this is an entirely separate process and there is no reason why the Council, as Local Planning Authority, should not express its own view on the proposal through the granting (or refusal) of planning permission. Clearly, a revised application may need to be submitted if the Scheduled Monument Consent application is unsuccessful. However, the applicant has made it clear that he wishes the applications for planning permission and listed building consent to be determined as submitted and subsequently amended.

5.0 CONCLUSION

5.1 As an overall package, it is considered that the proposal has some merit and would bring a new restaurant facility of contemporary design and appearance to a prime location within the city. It would also secure the removal of the existing unsightly toilet block, and through the subsequent land transaction, would act as a catalyst for the provision of alternative toilet facilities elsewhere within Museum Gardens.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIMEL1

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

LEN(D) 11 Rev "C", LEN(D) 12 Rev "C" and LEN(D) 13 Rev "B", all received on 8 May 2007

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

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

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

- glazing details, including glazing bars
- glazed link between the existing building and the extension

- roof overhang
- glazed screen to front of dining terrace
- railings, gates, steps and stone pillars
- rainwater goods

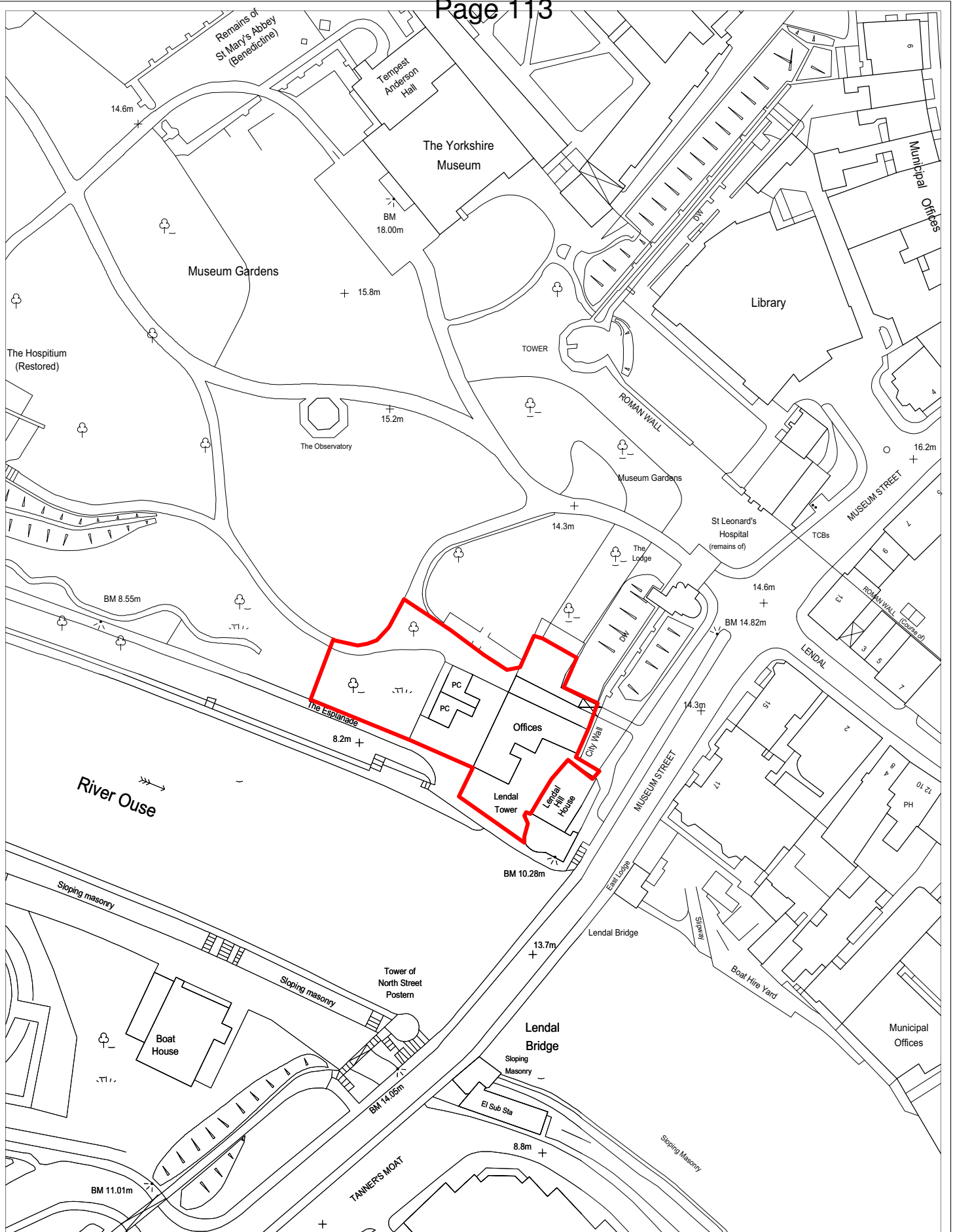
Reason: So that the Local Planning Authority may be satisfied with these details.

7.0 INFORMATIVES:

Contact details:

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CITY OF
YORK
COUNCIL

THE ESPLANADE

SCALE 1:1250
Originating Group

DRAWN BY PSL
Project

DATE 11/6/2007
Drawing No.



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