



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, 19 July 2007
- Time:** 3.00 pm
- Venue:** The Guildhall, York

AGENDA

Site visits for this meeting will commence at 11.00 am on Wednesday 18th July 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. Exclusion of Press and Public

To consider excluding the public and press from the meeting during consideration of agenda item 5 (Enforcement Cases Update) on the grounds that they contain information classed as exempt under paragraph 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006. This information, if disclosed to the public would reveal that the authority proposes to give, under any enactment, a notice under or by virtue of which requirements are imposed on a person or that the Authority proposes to make an order or directive under any enactment.

3. Public Participation

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

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

4. Plans List

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

a) 22 Bewlay Street (07/01252/FUL) (Pages 5 - 10)

Pitched roof dormer to rear following demolition of existing unauthorised dormer [*Micklegate Ward*]

b) The Bay Horse, Marygate (07/00910/FUL) (Pages 11 - 24)

Conversion of existing public house into four offices at ground floor level and four apartments to first floor [*Guildhall Ward*]

c) The Bay Horse Marygate (07/001053/LBC) (Pages 25 - 32)

Internal and external alterations in connection with conversion of existing public house into four offices at ground floor level and four apartments to first floor [*Guildhall Ward*]

d) Lidgett Grove School - Residential Development (07/01120/FULM) (Pages 33 - 40)

Approval of reserved matters for the erection of 16no. two storey dwellings including associated detached garages and 3no. three storey dwellings with integral garages [*Acomb Ward*]

5. Enforcement Cases Update (Pages 41 - 104)

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

6. 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 18 July 2007****The bus will depart Memorial Gardens at 11.00am**

TIME (Approx)	SITE	ITEM
11.20am	Lidgett Grove School	d
12.00pm	The Bay Horse, Marygate	b & c

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- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
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যদি যথেষ্ট আগে থেকে জানানো হয় তাহলে অন্য কোন ভাষাতে তথ্য জানানোর জন্য সব ধরনের চেষ্টা করা হবে, এর জন্য দরকার হলে তথ্য অনুবাদ করে দেয়া হবে অথবা একজন দোভাষী সরবরাহ করা হবে। টেলিফোন নম্বর (01904) 613161.

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Holding the Executive to Account

The majority of councillors are not appointed to the Executive (38 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Advisory Panel (EMAP)) agenda. The Executive will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Executive meeting in the following week, where a final decision on the 'called-in' business will be made.

Scrutiny Committees

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

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

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DELEGATED REPORT

Committee: West/Centre Area
Date: 19 July 2007

Ward: Micklegate
Parish: Micklegate Planning Panel

Reference: 07/01252/FUL
Application at: 22 Bewlay Street York YO23 1JT
For: Pitched roof dormer to rear following demolition of existing unauthorised dormer
By: Mr D Wills
Application Type: Full Application
Target Date: 20 July 2007

1.0 PROPOSAL

1.1 The application seeks permission for the erection of a pitched roof dormer to the rear of 22 Bewlay Street, which is a two storey terraced house. This application follows the refusal of planning permission, against officer advice, for the retention of the existing unauthorised flat roofed dormer at the City Centre Area Sub Committee on 4 May 2006 (06/00434/FUL). The applicant appealed the decision of the City Council but this appeal was subsequently dismissed.

1.2 The original application was refused by Members for the following reasons:

"1 The rear dormer by reason of its design, size, appearance and prominence would harm the appearance of the host dwelling and the visual amenities of the area contrary to policies H7 and GP1 of the Development Control Local Plan Incorporating the 4th Set of Changes, the City Council's Supplementary Planning Guidance "Guide to Extensions and Alterations to Private Dwellinghouses" and national planning policy contained in Planning Policy Statement 1 "Delivering Sustainable Development".

2 Because of its height, size and design the rear dormer would result in nearby residential properties being overlooked and dominated by an overbearing structure thereby harming their living conditions contrary to policies H7 and GP1 of the Development Control Local Plan Incorporating the 4th Set of Changes."

1.3 In dismissing the appeal the Inspector noted that "very few of the properties in this terrace, and that in Richardson Street backing on to the appeal site, have rear dormers. Thus the original character and appearance of this part of the area has been largely retained, presenting a harmonious and coherent design" (paragraph 8). Concluding that "the dormer is a discordant element that results in significant harm to the character and appearance of the individual building and the immediate surrounding area. Its size, scale, design form and materials fail to respect the design of the original building and its surroundings" (paragraph 9).

1.4 The Inspector noted other rear dormers in the surrounding area including ones at 8 and 31 Bewlay Street and accepted that a number of rear dormers, "of varying size, scale, design, form and materials have been erected in the wider surrounding area" (paragraph 12). However the Inspector came back to his observation that "the terrace including the appeal premises, and that in adjacent Richardson Street has largely retained its original attractive character, appearance and design - unlike most of the other locations where rear dormers have been referred to. I consider that it is important to ensure that these features

are retained and that any alterations or additions should respect these matters." (Paragraph 13).

1.5 In respect of the second refusal reason the Inspector did not support the Council's decision concluding that "the distance between the dormer and the rear windows of the properties facing provides reasonable separation, and the rearmost windows of these properties tend not to be main habitable rooms." (Paragraph 16).

1.6 Following this appeal dismissal the applicant submitted a further application showing the dormer reduced in width from 3.22m to 2.88m and in height from 2.11m to 1.76m. This application was refused by Members in February 2007 on the grounds of its design, size, appearance and prominence resulting in significant harm to the character and appearance of the host dwelling and the visual amenities of the immediate surrounding area.

1.7 The current application indicates the dormer window being constructed with a pitched roof. It would have a width of 1.5m and a height to eaves of 1.535m and to ridge of 2.4m.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Floodzone 2 Flood Zone 2 CONF

2.2 Policies:

3.0 CONSULTATIONS

3.1 External

Neighbours - Expired 4th July - Three letters of objection received on the following grounds:

- Loss of privacy into bathroom, bedrooms, study, dining room and gardens of the properties of the rear
- Loss of value of properties to the rear
- Inappropriate materials
- If approved would set a precedent for other dormer windows to be erected
- Should install velux roof lights as opposed to a dormer
- Existing plans do not show the existing unauthorised dormer
- Loss of original character and appearance
- The Planning Inspector objected to any dormer on this building
- The new dormer may be more traditional in shape but not in position

Parish Council - No reply by 4th July

4.0 APPRAISAL

4.1 Key Issues

- Design
- Visual Impact
- Living conditions of nearby houses

4.2 The relevant City of York Council Draft Deposit Local Plan Policy is H7. This supports application for residential extensions where the design and materials are sympathetic to the main dwelling and locality, the design and scale are appropriate and there is no adverse effect upon the amenity which neighbouring residents could reasonably expect to enjoy. Further information is contained within the 'Guide to extensions and alterations to private dwelling houses.' The guide states that as a general rule dormers should not extend across more than one third of the roof span and should not dominate the existing roof. Materials must also match the existing and be of a similar scale and proportion to the original house. In addition dormers should not be higher than the ridge of the roof of the original dwelling and in most cases they should have pitched roofs.

4.3 The application site is a mid terrace property located off Bishopthorpe Road. The dormer window is located on the rear elevation, facing onto the rear courtyard, access road and the terrace properties fronting onto Richardson Street. The dormer as amended would have a width of 1.5m compared to its existing width of 3.22m and a height of 1.53m to eaves compared to the existing height of 2.11m. It would rise to a central ridge height of 2.4m which would adjoin onto the existing ridge of the main dwelling. It would be constructed of lead with timber casement windows with hardwood cills.

4.4 The dormer is located to the rear of the property but not located centrally within the rear elevation. It is considered that the dormer accords with policy and design guide by reason of its reduced width, which now covers just less than one third of the roofs width, and its amended design to incorporate a pitched roof. It is considered that a pitched roof dormer is in keeping with the character of the property, reflects the original pitched roof dormers to the front elevation and follows the vertical attenuation of the rear elevation. Its reduction in size and design would reduce its dominance and its visibility in the wider street scene including views from Rowntree Park. Notwithstanding the comments of the appeal Inspector, the proposed materials are considered to be appropriate.

4.5 Objectors have raised issues in connection with the Inspectors decision letter, for the first refusal, and state that the Inspector objected to any rear dormer on this property. Officers do not believe this is the case as the Inspector stated that 'the terrace, including the appeal premises, and that adjacent in Richardson Street, has largely retained its original character, appearance and design. I consider that it is important to ensure that these features are retained and that any alteration or additions should respect these matters'. He goes on to state that 'while a rear dormer has been erected at 31 Bewlay Street I do not consider that this single instance provides justification for further dormers of non-traditional design and appearance. This indicates that alteration and additions can take place but must respect the original character of the terrace and be of a traditional design. Officers feel that the proposed dormer does this.

4.5 The dormer has introduced an additional window to the rear elevation but it is considered that there would not be any unacceptable overlooking due to the degree of separation between the application site and the neighbour to the rear, in the region of 20m from dormer to the rear projection. In support the Inspector states that there is reasonable separation between the dormer and the rearmost windows of neighbouring properties and would not, in itself, be sufficient to refuse permission.

5.0 CONCLUSION

5.1 The 'Guide to extensions and alterations to private dwelling houses allows for suitably designed rear dormers. The dormer as proposed is in accordance with the design guide, and will have less impact than the existing dormer. The appeal Inspector was clear that he considered that the form of the existing dormer was unacceptable in its impact on the appearance, character and design of the terrace and that any alterations or additions should respect these matters. Officers recommend approval.

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 Number W02/292/01 received 25th May 2007

Drawing Number W02/292/03 received 25th May 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 VISQ8

7.0 INFORMATIVES:

Notes to Applicant

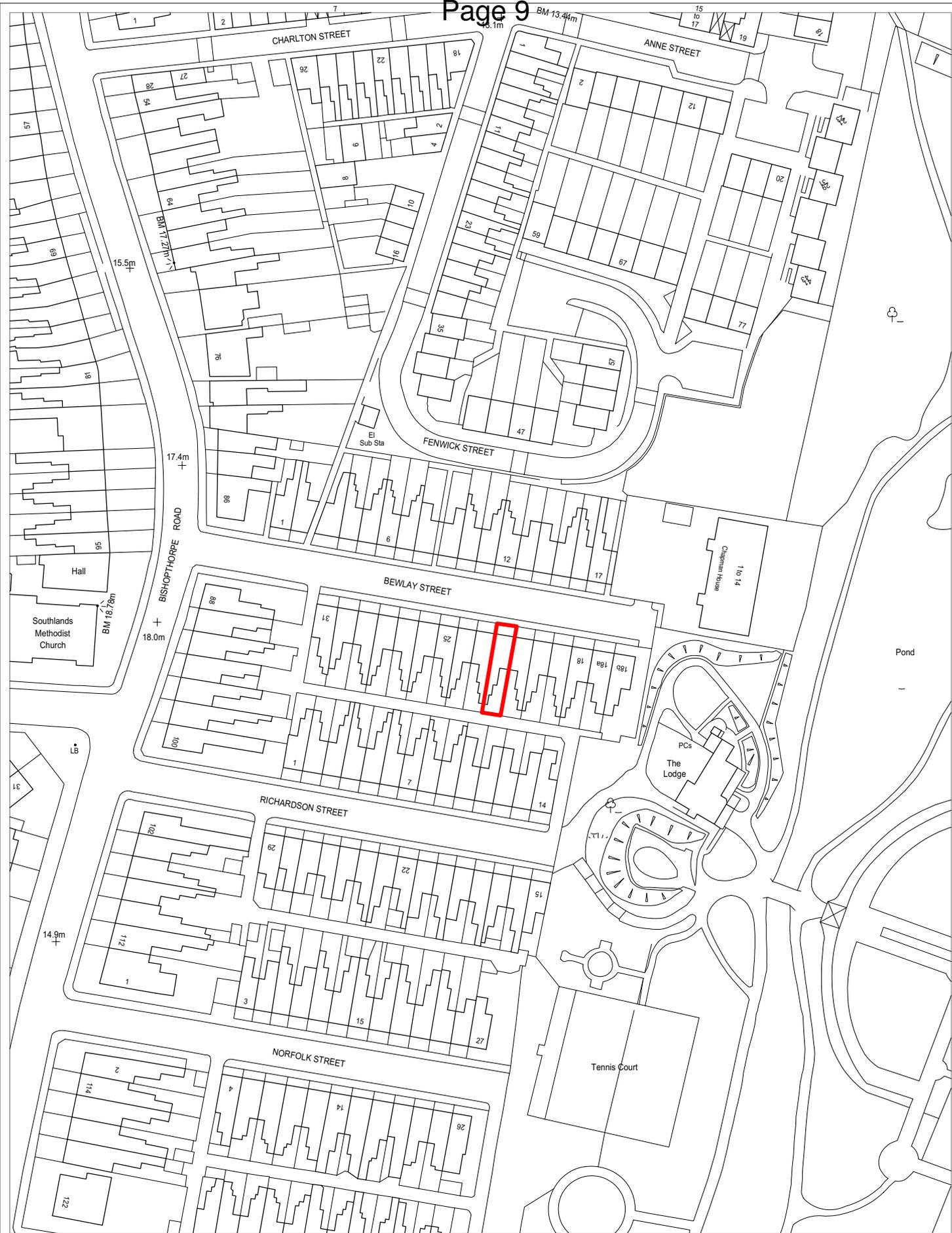
1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the character of the area or residential amenity. As such the proposal complies with Policy H7 of the City of York Local Plan Deposit Draft.

Contact details:

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

Tel No: 01904 551668



22 BEWLAY STREET

SCALE 1:1250
 Originating Group

DRAWN BY PSL
 Project

DATE 9/7/2007
 Drawing No.



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

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Guildhall
Date: 19 July 2007 **Parish:** Guildhall Planning Panel

Reference: 07/00910/FUL
Application at: Bay Horse 68 Marygate York YO30 7BH
For: Conversion of existing public house into 4no. offices at ground floor level and 4no. apartments to first floor
By: Wolverhampton And Dudley Breweries Plc
Application Type: Full Application
Target Date: 15 June 2007

1.0 PROPOSAL

1.1 The application relates to the conversion of the Bay Horse public house in Marygate to form four office suites at ground floor (approx 180 sq metres total floor area) with four apartments (2 x one bedroom, 2 x two bedroom) on the first floor. One of the two bedroom apartments would extend partially into the roof space of the property. Internal alterations would consist of the blocking up of existing openings and the insertion of new partition walls, in addition to the insertion of new staircase to provide access to the roof space. Externally, it is proposed to remove an existing fire escape at the side/rear of the building and alter the fire escape door to a window. It is also proposed to install three small "conservation" style rooflights. The existing side entrance to the building (from Hetherton Street) would serve the ground floor office accommodation, whilst the first floor apartments would be served by the main entrance from Marygate. The principle elevations of the building, fronting onto Marygate and Hetherton Street would not be altered by the proposal.

1.2 The building has been the subject of two previous applications for residential use. In November, 2004, an application was submitted for the conversion of the building to 10 apartments, which was withdrawn in January 2005. Subsequently, in April 2006, planning permission was sought for the conversion of the building to eight apartments. This application was withdrawn in April 2007 following comments from The Environment Agency, who objected to bedroom accommodation being located on the ground floor of the building having regard to its location within Flood Zone 3 (high risk of flooding) and its proximity to the River Ouse, with the consequent risk of rapid inundation by flood waters. This application seeks to overcome those concerns by proposing office (i.e. commercial) accommodation on the ground floor.

1.3 The building was erected as a purpose built public house by W. G.Penty in 1893/94. The business ceased to operate in late 2003 and the building has been vacant since that time. The property is a Grade II listed building and a separate application for listed building consent has also been submitted in respect of the proposal, also considered on this agenda. The site is also within the Central Historic Core conservation area.

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; Bay Horse 68 Marygate York YO3 7BH 0488

2.2 Policies:

CYH4
Housing devp in existing settlements

CYL1B
Loss of local leisure facilities

CYL1B
Loss of local leisure facilities

CYHE3
Conservation Areas

CYL1C
Provision of New Open Space in Development

3.0 CONSULTATIONS

3.1 INTERNAL

HIGHWAYS - No highway objections in principle. There is only one on-site parking space, however, there are no objections to this given the availability locally of both short stay, long stay and contract parking. The site is considered convenient for the city's facilities and transport links and therefore in keeping with the Council's policies and Central Government objectives on reducing dependency on private cars for personal travel.

The property falls within the R12 Marygate Respark Zone, which is heavily subscribed, and it is considered appropriate to remove the application site from

qualification for inclusion within that zone. This will mean that the occupants of the apartments will not be eligible to apply for residential permits for either personal or visitor use and the business premises will not qualify for business permits, and thus the parking scheme will not be placed under further pressure. If planning permission is granted (and implemented) the amendment to the zone will be processed under the Road Traffic Regulation Act 1984. The associated costs of undertaking such amendments will be sought from the applicant. An informative should be included on the Notice of Decision, to advise the applicant of the above.

Cycle storage is shown within the enclosed rear yard, but details are required. The cycle storage must be covered and secure and should ideally be individual and not communal. Standard condition HWAY18 is recommended (cycle parking details to be agreed).

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT - The building is a purpose-built public house designed in 1893-94 by WG Penty. The interior and exterior were designed in an integrated way in the mode of the Arts and Crafts movement. There is a spectacular function room running across the front of the building at first floor level. C20th alterations have eroded the cellular room arrangement in the public rooms of the ground floor, resulting in an uncharacteristic open plan arrangement and the loss of some joinery details. Otherwise the character and quality of the building is still strong.

The applicant has put forward an argument that the building is no longer economically viable as a public house. Reasons given do not fully explore the attempts previous landlords have made to create a "special offer" to attract people to the building to compensate for the locational factors cited. We note that there has been a frequent change of landlords in recent years and that the public house is currently empty save for a security presence.

PPG15 para 3.8 says that in judging a new use its economic viability must be balanced against the effect of any changes that it entails in the special architectural and historic interest of the building. New proposals show a scheme with 4 offices and 4 apartments. The intensity of use is much less than with previous proposals. The building would appear to have the capacity to accept the new uses without compromising the qualities which form its special interest as a historic building.

Improvements would be seen in the restoration of the cellular plan form and the removal of the fire stair in the rear yard. There are few new windows and their detailing would copy existing windows. The secondary door close to the NW corner would be removed and blocked in. This corner has experienced structural movement and the removal of the doorway would help to stabilize this area. The interior arrangement has been respected, including retention of the function room as one whole space. The service staircase would be removed and it is regrettable that a new partition would have to be introduced into the ground floor staircase corridor. The latter is necessary to achieve separation of the circulation spines. The approach to detailing of new work requires sensitivity to the existing fabric.

We regret the loss of the original use. The new proposals would provide a future for the building and we consider that they do not adversely affect the special architectural and historic interest of the building. Please condition the following:

- 1) Full details of repairs to front terrace and access route
- 2) A schedule of amendments to doors and door openings should be provided. It should be cross-referenced to plans and accompanied by large scale details. Where doors have been removed they should be reused elsewhere. New architraves should copy existing ones. Original doors should be retained in place
- 3) Full details of fire measures should be submitted
- 4) Full details of acoustic measures should be submitted
- 5) New partitions should be scribed around existing. The commercial lobby partition should not be fixed to the existing staircase.
- 6) Original ironmongery inside and outside should be retained.
- 7) Where elements are being removed making good must be carried out to match surroundings.
- 8) Rainwater goods should be repaired rather than replaced. Details of any proposed replacements should be given
- 9) The render panel specification should be submitted
- 10) Details of cycle storage and waste compound
- 11) Details of increased ventilation provision

CONSERVATION AREA ADVISORY PANEL - No objections

COUNTRYSIDE OFFICER - A bat survey was carried out approximately 18 months ago. The building has been inspected to ascertain whether it needs to be re-assessed. However, the survey would still appear to be valid and there is no evidence of bats using the loft space. However, it is suggested that a condition be attached requiring "bat friendly" features to be incorporated into the building.

ENVIRONMENTAL PROTECTION - No objections. It is unclear whether any plant or equipment is to be installed in association with the office units, and a condition is recommended to safeguard this issue. Standard informatives are recommended in relation to contaminated land and demolition and construction.

LIFELONG LEARNING AND CULTURE - As there is no on-site open space commuted sums should be sought for:

- amenity open space, which would be used to improve a local site such as Museum Gardens;
- play space, which would be used to improve a local site such as Clarence Gardens or Crombie Avenue
- sports pitches, which would be used to improve a facility within the North or East Zones of the Sport and Active Leisure Strategy.

Based on the Council's "Commutated Sum Payments for Open Space in New Developments" document, approved on 26 April 2007, a sum of £3,204 would be required.

EDUCATIONAL PLANNING OFFICER - No financial contribution is required as there are only 2 - two bedroom apartments

CITY DEVELOPMENT - The proposed application site is a former public house. There are two key issues to be considered. Firstly, the loss of the existing public house and secondly, if the loss of the public house is acceptable in policy terms, whether the proposed office/residential use is acceptable in this development.

Policy L1b aims to protect leisure facilities, including pubs, and only allows re-use for other uses where it can be demonstrated that a need for the facility no longer exists or appropriate alternative facilities exist within the catchment area.

In terms of the proposed office development, the proposal must be considered against Policy E4 "Employment Development on Unallocated Land". This relates to the scale and design of the proposal and whether the site is vacant, derelict or underused or involves the conversion of existing buildings.

The residential element of the scheme must be considered against Policy H4a, which allows residential development where the proposals are within the urban area, where land is vacant/underused or involves the conversion of existing buildings and is of acceptable density and scale..

3.2 EXTERNAL

GUILDHALL PLANNING PANEL - We object on the grounds that access and privacy aspects do not reflect the quality of the building in that accommodating office space compromises quality features.

ENVIRONMENT AGENCY - No objections in principle subject to conditions relating to the following:

- flood warning notices to be erected in numbers, positions and with wording to be agreed
- internal access from the ground floor office accommodation to the residential stairwell to be maintained at all times (to ensure access can be gained to the first floor during a flood event).

YORKSHIRE WATER - No comments required

LOCAL RESIDENTS - Two letters have been received making the following points:

- accepted in principle, the refurbishment of this redundant dilapidated building is long overdue.
- concern over parking, the existing residents parking scheme would not cope with the likely increase in vehicles.
- parking for residents must be protected before the application is approved.

4.0 APPRAISAL

4.1 Key Issues

- loss of public house/function room
- acceptability of proposed uses
- impact on listed building and character and appearance of conservation area
- flood risk
- highway and parking issues
- residential amenity

4.2 The application relates to the conversion of the public house, which has been vacant for almost four years, to form office accommodation on the ground floor with four apartments on the first floor, partially extending into the roof space. The first floor of the building contains a sizeable function room with its own bar facility (16 m x 6m approx), which is clearly capable of accommodating a wide range of functions and events. Policy L1b of the City of York Draft Local Plan states that planning permission will only be granted for a change of use that would result in the loss of a leisure facility (including pubs) where it can be demonstrated that a need for the leisure facility no longer exists, or appropriate alternative facilities exist within the catchment area. The written justification states that in considering applications for the change of use of such facilities, an assessment of provision in the area will be required to identify whether there are any alternative facilities which can be accessed using sustainable transport methods. Evidence of vacancy or attempts to lease, let or sell will also be taken into account.

4.3 So far as the proposed alternative uses for the building are concerned, Policy H4a of the Draft Local Plan states that proposals for residential development on land not already allocated on the Proposals Map will be granted planning permission, where the site is within the urban area and is vacant, derelict or underused or it involves infilling, redevelopment or conversion of existing buildings, and the site has good accessibility to jobs, shops and services by non-car modes. In addition, Policy H4a also expects proposals to be of an appropriate scale and density to surrounding development, and not have a detrimental impact on existing landscape features. With regard to employment development, Policy E4 states that within defined settlement limits, planning permission will be granted for employment use of a scale and design appropriate to the locality where the site is vacant, derelict or underused, or it involves infilling, extension, redevelopment or conversion of existing buildings.

4.4 The site is within the Central Historic Core conservation area. When determining planning applications within conservation areas, the Council is under a statutory duty to consider the desirability of preserving or enhancing the character and appearance of the area. This is reflected in Policy E4 of the Approved North Yorkshire Structure Plan, which 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 HE3 of the Draft Local Plan states that within conservation areas, proposals for changes of use (which are likely to generate environmental or traffic problems) will only be permitted where there is no adverse effect on the character or appearance of the area. The application relates to a Grade II listed building, and a separate application for listed building consent has been submitted, also considered

on this agenda. Policy T4 requires all new developments to provide cycle parking in accordance with standards set out in the Local Plan (i.e. one space per unit). In relation to car parking, Central Government advice in Planning Policy Guidance Note 13 states that in order to reduce dependence on the private car, developers should not be required to provide more parking spaces than they themselves wish.

4.5 The application is accompanied by a statement assessing the commercial viability of the premises as a public house. It points out that the present owners of the property, Wolverhampton and Dudley Breweries plc, purchased the property as part of a package from Burtonwood, who had in turn purchased these from County Estates Management, the previous owner being Unique Pub Company. The report contends that the regularity with which the property has changed hands in recent years possibly gives an indication of its poor trading history. Both the River Ouse to the south and the York - Scarborough railway line a short distance to the west act as "trade barriers" from adjacent residential areas, which in any event are located closer to other local public houses. To the southwest of the site are the Museum Gardens, providing pedestrian access to the city centre and a large number of other licensed premises.. However, the Gardens have restricted opening times, particularly in winter, and it is unlikely that the public house would ever form part of the regular city centre drinking circuits. To the north there are a number of other public houses within walking distance, including the Minster Inn in Marygate and several licensed premises in Bootham.

4.6 The building is not readily visible from the river or riverside footpath and is unlikely to benefit from passing trade, being perhaps too close to the Marygate car park in this respect. The public house is considered, therefore, to suffer from a number of locational disadvantages, being in a relatively quiet residential location with low volumes of pedestrian footfall and vehicular traffic flow. It is neither in a city centre location nor within a densely populated suburb. There are numerous other public houses within easy walking distance of the site. In conclusion, the public house is not considered to be in "the heart of the community" such that its retention is justified for its own sake. In addition, whilst externally the property appears to be in good condition, internally it requires major investment, which must be carried out to a high standard having regard to its listed status.

4.7 In planning terms, the principal use of the property is as a public house with the function room performing an ancillary purpose. So far as the internal layout of the building is concerned, the function room is an integral part of the public house and in practical terms could not operate separately from it. Thus the closure of the public house would inevitably result in the loss of the function room. There is no evidence to suggest that the non-availability of the function room has resulted in any particular difficulties or hardship. It is not considered that the loss of the function room would justify the refusal of planning permission in this case, particularly bearing in mind the location of the site within a large urban area where many similar or equivalent venues are available.

4.8 Central Government advice in relation to the use of listed buildings is contained in Planning Policy Guidance Note 15 : "Planning and the Historic Environment" (PPG15). Paragraph 3.8 states that generally the best way of securing the upkeep of historical buildings and areas is to keep them in active use. For the great majority

this must mean economically viable uses if they are to survive, and new, and even continuing uses will often necessitate some degree of adaptation. The range and acceptability of possible uses must therefore usually be a major consideration when the future of listed buildings or buildings within conservation areas is in question. In paragraph 3.10, PPG 15 goes on to say that the best use will very often be the use for which the building was originally designed, and the continuation or reinstatement of that use should certainly be the first option when the future of a building is considered. But not all original uses will now be viable or even necessarily appropriate. Policies for development and listed building controls should recognise the need for flexibility where new uses have to be considered to secure a building's survival.

4.9 Paragraph 3.13 of PPG15 states that many listed buildings can sustain some degree of sensitive alteration or extension to accommodate new or continuing uses. Given that the Bay Horse has been vacant for almost four years, and its continued viability as a public house has been called into question, there is clearly a need to examine possible alternative uses. It is considered that the proposed "mixed use" development of office accommodation with residential use on the upper floor is acceptable in this location and would not conflict with Policies H4a or E7 of the Draft Local Plan. Whilst regretting the loss of the original use, the Council's Conservation Architect considers that the proposals would not adversely affect the special architectural and historic interest of the building, and indeed the restoration of the cellular plan form of the building and the removal of the external fire escape would result in improvements to its fabric and visual appearance. The majority of the conditions recommended by the Conservation Architect would more appropriately be attached to the parallel listed building application, should consent be forthcoming. It is not considered that the proposal would have any significant impact on the character or appearance of the conservation area, given the absence of any significant external alterations and the activity levels that could be associated with the use of the property as a public house.

4.10 The previous application for the conversion of the entire building to apartments, with bedroom accommodation at ground floor level, was withdrawn following objections from the Environment Agency. The location of the site within Flood Zone 3 (high flood risk) and its proximity to the River Ouse could result in rapid inundation of the site by flood waters in the event of the overtopping or failure of the flood defences. The proposed use of the ground floor of the building as office accommodation is considered to be no more "flood sensitive" than the existing use as a public house, and thus the Environment Agency have raised no objections to the proposal. The Agency have recommended a condition requiring flood warning notices to be prominently displayed, and also that internal access is available to the upper floor of the building via the residential stairwell. This has been provided for on the submitted drawings. Clearly, the developer may wish to consider other precautionary measures, such as locating electrical/IT circuits at a reasonable height within the building.

4.11 Highways (Network Management) have raised no objections to the proposal, pointing out the presence of short stay, long stay and contract parking within the immediate vicinity of the site, which is also within easy walking distance of the city centre and a wide range of amenities and services.. However, the site is within

Marygate R12 Residential Parking Zone, which is heavily subscribed, and it would be appropriate, therefore, to remove the site from qualification for inclusion within that zone. This would mean that the occupants of the apartments would not be eligible to apply for residential permits for either personal or visitor use and the business premises would not qualify for business permits, and thus the parking scheme will not be placed under further pressure. If planning permission is granted (and implemented) the amendment to the zone will be processed under the Road Traffic Regulation Act 1984. The associated costs of undertaking such amendments would be sought from the applicant. The applicant has requested whether the existing parking entitlement that applies to the premises (as a public house) could be maintained in respect of the present proposal, and this matter is being discussed with the Highways (Network Management) Team. Cycle (and refuse) storage could be accommodated within an enclosed yard at the rear of the premises with access from Hetherton Street, details of which could be required by condition.

4.12 It is not considered that the amenity of adjacent residents would be unduly affected by the proposal. Indeed, the late night activity associated with the public house use would cease, reducing the incidence of noise and disturbance. However, it is considered that a restriction on the office use to Class B1 only would be appropriate, as a Class A2 use (financial and professional services or other services, including use as a betting office, which would be appropriate to provide in a shopping area), could result in amenity problems such as high levels of activity and casual parking.

4.13 As no on-site open space would be provided with the development, Policy L1c of the Draft Local Plan requires a commuted sum to be paid towards the upgrading of existing facilities. Based on the Council's "Committed Sum Payments for Open Space in New Developments" document, approved on 26 April 2007, a sum of £3,204 would be required. This could be secured through an Agreement under Section 106 of the Town and Country planning Act 1990. The site has easy access to the riverside footpath and is immediately opposite Museum Gardens, and thus has good access to recreational opportunities.

5.0 CONCLUSION

5.1 The loss of the public house, for which the building was originally designed, is clearly regrettable. However, the listed building has been vacant for almost four years and it is important that alternative uses are considered in order to secure the future use and upkeep of the building. It is considered that the proposed uses are acceptable in this location and that the necessary alterations can be carried out without adversely affecting the special architectural and historic interest of the building. As such, the proposal is considered to be acceptable.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2

2 VISQ8

3 The office use hereby approved shall relate to uses solely within Use Class B1(a) as defined by the Town and Country Planning (Use Classes) Order 1987 only, and for no other purpose.

Reason: For the avoidance of doubt and so that the Local Planning Authority may re-assess alternative uses which, without this condition, may have been carried on without planning permission by virtue of Article 3 of the Town and Country Planning (Use Classes) Order 1987.

4 HWAY18

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

Reason: To protect the amenity of nearby residents.

6 Prior to the occupation of any part of the development, flood warning notices shall be erected in numbers, positions and with wording all to be agreed in writing with the Local Planning Authority. Once erected, the notices shall be maintained, kept legible and clear of obstruction at all times.

Reason: To ensure that owners and occupiers of the premises are aware that the land/building is at risk of flooding.

7 Internal access from the ground floor office accommodation to the residential stairwell shall be maintained at all times.

Reason: To ensure that office employees can gain access to first floor level without having to exit the building during a flood event.

8 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"

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

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

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £3,204

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.

- 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: In order to protect the amenity of adjacent occupiers

**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:

- loss of public house/function room
- acceptability of proposed uses
- impact on listed building and character and appearance of conservation area
- flood risk
- highway and parking issues
- residential amenity

As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies L1b, H4a, E4, and HE3 of the City of York Local Plan Deposit Draft.

2. The applicant is asked to note that the development/property (as proposed), is not considered eligible for inclusion within the Marygate R12 Residents Parking Zone, which is heavily oversubscribed, and it will be removed from such under the Traffic Regulations 1984. Upon commencement of development on the site the applicant is requested to contact the Council's Network Management Section (tel 01904 551450), in order that the amendments to the Residents Parking Scheme can be implemented prior to the occupation of the development.

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

4. The developer's attention should also be 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.

Contact details:

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Tel No: 01904 551351



CITY OF
YORK
COUNCIL

BAY HORSE, 68 MARYGATE

SCALE 1:1250
Originating Group

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Project

DATE 9/7/2007
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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Guildhall
Date: 19 July 2007 **Parish:** Guildhall Planning Panel

Reference: 07/01053/LBC
Application at: Bay Horse 68 Marygate York YO30 7BH
For: Internal and external alterations in connection with conversion of existing public house into 4no. offices at ground floor level and 4no. apartments to first floor
By: Wolverhampton And Dudley Breweries Plc
Application Type: Listed Building Consent
Target Date: 29 June 2007

1.0 PROPOSAL

1.1 The introductory comments in respect of application ref: 07/00910/FUL also apply to this parallel application for listed building consent.

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; Bay Horse 68 Marygate York YO3 7BH 0488

2.2 Policies:

CYHE4
Listed Buildings

3.0 CONSULTATIONS

3.1 INTERNAL

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT - The building is a purpose-built public house designed in 1893-94 by WG Penty. The interior and exterior were designed in an integrated way in the mode of the Arts and Crafts movement. There is a spectacular function room running across the front of the building at first floor level. C20th alterations have eroded the cellular room arrangement in the public rooms of the ground floor, resulting in an uncharacteristic open plan arrangement and the loss of some joinery details. Otherwise the character and quality of the building is still strong.

The applicant has put forward an argument that the building is no longer economically viable as a public house. Reasons given do not fully explore the attempts previous landlords have made to create a "special offer" to attract people to the building to compensate for the locational factors cited. We note that there has been a frequent change of landlords in recent years and that the public house is currently empty save for a security presence.

PPG15 para 3.8 says that in judging a new use its economic viability must be balanced against the effect of any changes that it entails in the special architectural and historic interest of the building. New proposals show a scheme with 4 offices and 4 apartments. The intensity of use is much less than with previous proposals. The building would appear to have the capacity to accept the new uses without compromising the qualities which form its special interest as a historic building. Improvements would be seen in the restoration of the cellular plan form and the removal of the fire stair in the rear yard. There are few new windows and their detailing would copy existing windows. The secondary door close to the NW corner would be removed and blocked in. This corner has experienced structural movement and the removal of the doorway would help to stabilize this area. The interior arrangement has been respected, including retention of the function room as one whole space. The service staircase would be removed and it is regrettable that a new partition would have to be introduced into the ground floor staircase corridor. The latter is necessary to achieve separation of the circulation spines. The approach to detailing of new work requires sensitivity to the existing fabric.

We regret the loss of the original use. The new proposals would provide a future for the building and we consider that they do not adversely affect the special architectural and historic interest of the building. Please condition the following:

- 1) Full details of repairs to front terrace and access route
- 2) A schedule of amendments to doors and door openings should be provided. It should be cross-referenced to plans and accompanied by large scale details. Where doors have been removed they should be reused elsewhere. New architraves should copy existing ones. Original doors should be retained in place
- 3) Full details of fire measures should be submitted

- 4) Full details of acoustic measures should be submitted
- 5) New partitions should be scribed around existing. The commercial lobby partition should not be fixed to the existing staircase.
- 6) Original ironmongery inside and outside should be retained.
- 7) Where elements are being removed making good must be carried out to match surroundings.
- 8) Rainwater goods should be repaired rather than replaced. Details of any proposed replacements should be given
- 9) The render panel specification should be submitted
- 10) Details of cycle storage and waste compound
- 11) Details of increased ventilation provision

3.2 EXTERNAL

GUILDHALL PLANNING PANEL - Object on the grounds that access and privacy aspects do not reflect the quality of the building in that accommodating office space compromises quality features.

4.0 APPRAISAL

4.1 Key Issues

- impact on the special architectural and historic interest of the building.

4.3 The application relates to the conversion of the ground floor of the public house to office accommodation with four apartments on the first floor, extending partially into the roof space. The property is a Grade II listed building. Issues relating to the proposed use of the building are discussed as part of the consideration of the parallel planning application. Central Government advice in relation to listed building control is contained within Planning Policy Guidance Note 15: "Planning and the Historic Environment" (PPG15). This states that whilst the listing of a building should not be seen as a bar to all future change, the starting point for the exercise of listed building control is the statutory requirement on local planning authorities to "have special regard to the desirability of preserving the building or its setting or any features of special architectural interest which it possesses".

4.4 Policy E4 of the Approved North Yorkshire Structure Plan states that buildings and areas of special townscape, architectural or historic interest will be afforded the strictest protection. Policy HE4 of the Draft Local Plan relates specifically to listed buildings and states that consent will only be granted for internal and external alterations and changes of use where there is no adverse effect on the character, appearance or setting of the building.

4.5 Internal alterations would consist of the blocking up of existing openings and the insertion of new partition walls, in addition to the insertion of new staircase to provide access to the roof space. Externally, it is proposed to remove an existing fire escape at the side/rear of the building and alter the fire escape door to a window. A secondary door on the side (Hetherton Street) elevation would be removed and blocked in with matching brickwork. It is also proposed to install three small

"conservation" style rooflights. The principle elevations of the building, fronting onto Marygate and Hetherton Street would not be altered by the proposal. Improvements would be seen in the restoration of the cellular plan form and the removal of the fire stair in the rear yard. There are few new windows and their detailing would copy existing windows. The interior arrangement has been respected, including retention of the function room as one whole space.

4.6 Whilst the loss of the existing use is regretted, the new proposals would provide a future for the building and would secure its upkeep. It is not considered that the proposed alterations would adversely affect the special architectural or historic interest of the building. The first floor function room is a special feature and its integrity would be preserved by maintaining it as a single space. There would be few external changes to the building and the principle elevations fronting onto Marygate and Hetherton Street would not be significantly altered by the proposal.

5.0 CONCLUSION

5.1 The proposal is not considered to be harmful to the historic fabric of the building and is thus considered to be acceptable.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIMEL2

2 VISQ8

3 Prior to the commencement of the development, full details of any repairs to the front terrace and external access to the building shall be submitted for the written approval of the Local Planning Authority. The repairs shall be carried out in complete accordance with the approved details.

Reason: In order to protect the special architectural and historic character of the listed building.

4 Prior to the commencement of the development, a schedule of amendments to doors and door openings shall be provided for the written approval of the Local Planning Authority. The schedule shall be cross referenced to floor plans and accompanied by large scale details.

Reason: In order to protect the special architectural and historic character of the listed building.

INFORMATIVE: Where doors are to be removed provision shall be made for their re-use elsewhere. New architraves shall copy existing details. Original doors shall be retained in situ.

- 5 Details of any necessary measures to reduce sound transmission or improve fire resistance shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development, and the development shall be carried out in complete accordance with the approved details.

Reason: In order to protect the special architectural and historic character of the listed building.

- 6 New partitions shall be scribed around, and not cut into, existing detailing, and the commercial lobby partition shall not be fixed to the existing staircase.

Reason: In order to protect the special architectural and historic character of the listed building.

- 7 Existing rainwater goods shall be repaired rather than replaced. In the event that replacements are necessary, full details shall be submitted for the prior written approval of the Local planning Authority.

Reason: In order to protect the special architectural and historic character of the listed building.

- 8 VISQ10

- 9 Any elements of original ironmongery both inside and outside the building shall be retained.

Reason: In order to protect the special architectural and historic character of the listed building.

INFORMATIVE: If there is any doubt about which features need to be retained, it is recommended that advice is sought from the Local planning Authority.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

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

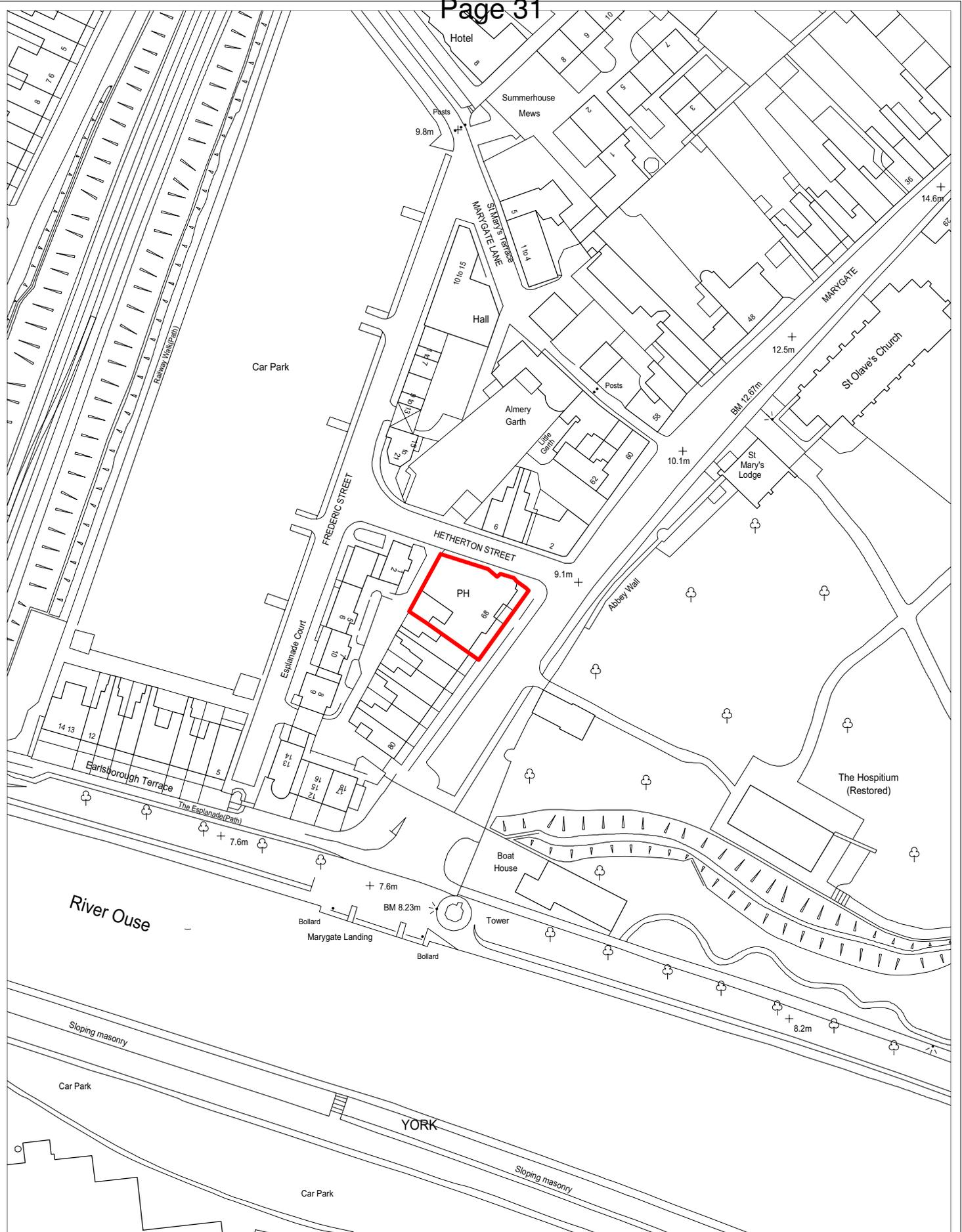
- the impact on the special architectural and historic interest of the building.

As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policy HE4 of the City of York Local Plan Deposit Draft.

2. Where elements are being removed making good must be carried out to match the immediate surroundings.

Contact details:

Author: Simon Glazier Assistant Area Team Leader
Tel No: 01904 551351



BAY HORSE, 68 MARYGATE

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 Originating Group

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Acomb
Date: 19 July 2007 **Parish:** Acomb Planning Panel

Reference: 07/01120/REMM
Application at: Lidgett Grove School Wheatlands Grove York YO26 5NH
For: Approval of reserved matters for the erection of 16no. two storey dwellings including associated detached garages and 3no. three storey dwellings with integral garages
By: CALA Management Ltd
Application Type: Major Reserved Matters Application (13w)
Target Date: 10 August 2007

1.0 PROPOSAL

1.1 The applicant seeks reserved matters approval to erect 16 no. two storey dwellings including associated detached garages and 3 no. three storey dwellings with integral garages.

1.2 The application relates to the former site of Lidgett Grove School (now demolished). The site area is 0.46 ha. Access to the site is from Wheatlands Grove along a single track road alongside the Methodist Church. There is a very narrow exit onto Lidgett Grove between residential gardens. The western part of the site is at lower ground level than the existing dwellings on Beckfield Lane and Ouseburn Avenue that back onto the site.

RELEVANT HISTORY

1.3 05/00319/GRG3- Outline Application for Residential Development - Approved 21st April 2005.

1.4 In reference to Paragraph 1.3. This application was an outline with all matters other than the means of access to be reserved for later applications. The applicant proposed to demolish the existing school buildings and develop the site with residential properties. The applicants proposed to erect 14 to 18 dwellings which equates to a density of between 30 and 40 dwellings per hectare.

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

Schools Lidgett Grove 0254

2.2 Policies:

CYT4
Cycle parking standards

CYGP1
Design

CYH4
Housing devp in existing settlements

3.0 CONSULTATIONS

INTERNAL

3.1 Environmental Protection Unit - No Objections.

3.2 York Consultancy (Drainage) - No Objections.

3.3 Lifelong Leisure and Learning - No Objections.

"No new comments as the Section 106 for this site already covers the open space payment required"

3.4 City Development - No Objections - Comments

EXTERNAL

3.5 Yorkshire Water - No Objections

3.6 Acomb Planning Panel - Objections

- * 2.5 storey buildings out of character with the surrounding properties
- * Emergency Access has been removed
- * The access road has no passing/turning place
- * Car parking and the ability to access the properties is a problem.

3.5 The applicants' proposals have resulted in 12 letter of objection. The letters raise the following concerns:

- * Highway Safety.
- * Height Concerns.

- * Visual Impact.
- * Security Concerns.
- * Increase in Noise.
- * Overlooking (from the 3 storey properties).

4.0 APPRAISAL

4.1 KEY ISSUES:-

- planning policy
- density/layout/impact on neighbours
- highway issues
- affordable housing
- Education and Open Space Contributions

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

4.3 Planning Policy Statement 3 'Housing' (PPS3), published in November 2006, came fully into force on 1st April 2007. This states that in deciding planning applications, Local Planning Authorities should have regard to:

- * Achieving high quality housing
- * Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people;
- * The suitability of the site for housing, including its environmental sustainability;
- * Using land effectively and efficiently;
- * Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider objectives.

4.4 Policy H4a 'Housing Development in Existing Settlements' of the City of York Draft Local Plan states that permission will be granted for new housing development on land within settlements providing it is vacant/derelict/underused or involves infilling, redevelopment or conversion; and, is of an appropriate scale and density to surrounding development and would not have a detrimental impact on existing landscape features.

PRINCIPLE OF DEVELOPMENT

4.5 The applicant proposes to create a high density courtyard development, which provides a mixture of detached and terraced homes with shared parking courts. Three town houses incorporating integral garages are also proposed. The layout has been designed to provide sufficient vehicular turning and manoeuvring space for both the future residents and any servicing/emergency vehicles.

DENSITY/LAYOUT/IMPACT ON NEIGHBOURS

4.6 As submitted the applicant proposes to erect 16 no. two storey dwellings and 3 no. 2.5 storey town houses, giving a density of 41.3 dwellings per hectare. The "dwellings per hectare" provision is compliant with Policy H5a of the Draft Local Plan, which seeks to achieve net residential densities of greater than 40 dwellings per hectare in urban areas.

4.7 The mix of house types are as follows

- * 6 No.4 bedroom detached.
- * 10 No.3 bed detached/semidetached or terraced.
- * 3 No.4 bed 2.5 storey town house (with integral garaging).

4.8 Dwellings have been arranged to minimise overlooking and in the case of plots 1 and 5 set away from boundaries to reduce any overbearing impact.

4.9 21 metres have been provided from the rear of existing dwellings on Ouseburn Avenue (located to the south) to the gable elevations of Plots 1 and 5.

4.10 Approx.35 metres has been provided between the rear elevations of properties on Beckfield Lane and Plots 5 to 13.

4.11 Approx. 28 metres has been provided between the rear elevations of properties on Lidgett Grove and the northern gable of Plot 13, with 35 metres provided to the same elevations from Plots 14 to 19.

4.12 A provision of 21 metres is generally required between facing two storey elevations, with 10 metres provided between gardens boundaries to protect privacy. Plots 1 to 16 meet the aforementioned requirements and are of a similar design to the surrounding properties (both in terms of height and external characteristics), therefore the visual and residential amenity impact is considered to be negligible in this instance.

4.13 Plots 17 to 19 by virtue of their 2.5 storey design, have resulted in objections from neighbouring residents (mainly on Lidgett Grove). These properties unlike the others contain second floor accommodation which require dormer type windows within the northern elevation giving an overall height of 10.2 metres. Condition 5 of outline application 05/00319/GRG3 restricted the building height to 8.8 metres, unless otherwise agreed in writing with the Local Planning Authority.

4.14 The wording of the condition, therefore, allowed a degree of flexibility in determining the height of the dwellings at the detailed application stage. It is considered that the overall visual and residential amenity impact from the 2.5 storey dwellings is acceptable in this instance for the following reason.

4.15 Where properties exceed the 21 metre provision highlighted in paragraph 4.12, an additional separation is required between the facing elevations. In this instance the applicant has provided 35 metres to neighbouring elevations to accommodate the 2.7 metre difference between the first floor and second floor windows. This additional 14 metre separation is considered sufficient to mitigate any harm on visual or residential amenity grounds.

HIGHWAY ISSUES

4.16 Highway comments are awaited. Members will be updated at the Committee.

AFFORDABLE HOUSING

4.17 At the time of outline approval the threshold for affordable housing stood at 25 dwellings. As the applicant indicated a provision of between 14 to 18 dwellings, no conditions were included requiring affordable housing on this site.

EDUCATION AND OPEN SPACE CONTRIBUTIONS

4.18 Contributions by the applicant have been agreed by a Section 106 agreement dated 30th May 2007.

5.0 CONCLUSION

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

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:-

SK/07 - Proposed Cross Sections.

8003/10A - Topographical Survey.

SK/06 - Proposed Site Layout.

Plans and Elevations - Dated 14th May 2007 "Cotterdale".

PD1 - Plans "Cotterdale".

PD2 - Elevations.
Plans and Elevations - Dated 14th May 2007 "Fulford".
PD1 - Plans "Fulford".
PD2 - Elevations "Fulford".
PD1 - Plans "Farlington".
PD2 - Elevations "Farlington".
WD1 - Plans and Elevations.

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 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.

- 4 HT1 - 8.8 Cotterdale and Fulford, 10.5 Farlington.
- 5 LAND1

7.0 INFORMATIVES:

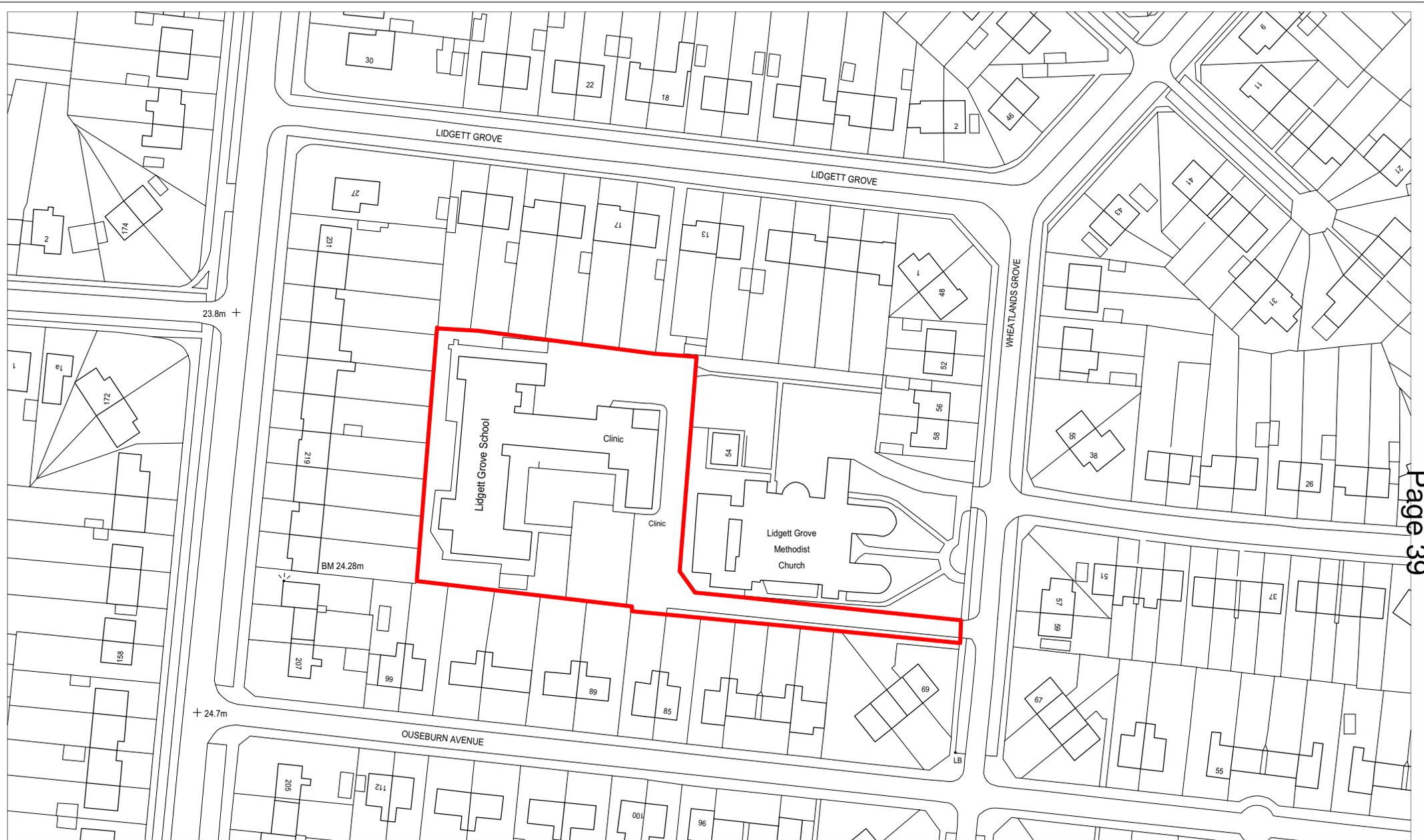
Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to visual and residential amenity. As such the proposal complies with PPG3 and Policies GP1, H4 and T4 of the City of York Development Control Draft Local Plan.

Contact details:

Author: Richard Mowat Development Control Officer
Tel No: 01904 551416



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

LIDGETT GROVE SCHOOL

SCALE: 1:1250	DRAWN BY: PSL	DATE 9/7/2007
Originating Group:	Project	Drawing No.

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West & City Centre Area Planning Sub-Committee

19th July 2007

Report of the Director of City Strategy

Enforcement Cases - Update

Summary

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

Background

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

Current Position

5. Members should note that 70 new cases were received for this area within the last quarter. 47 cases were closed and 129 remain outstanding. There are 53 Section 106 Agreement cases outstanding for this area after the closure of 6 for the last quarter . Six cases have resulted in the service of formal enforcement notices. 10 Notices have been served this quarter.

Consultation

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

Options

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

Corporate Priorities

9. Improve the actual and perceived condition and appearance of city's streets, housing estates and publicly accessible spaces.

10. **Implications**

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

Risk Management

11. There are no known risks.

Recommendations

12. That Members contact the relevant Enforcement Officers to discuss any particular case detailed in the attached ongoing annex and also note the cases closed annex.

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

Contact Details

Author:

Hilary Shepherd/
Andy Blain
Planning Enforcement Officers

Chief Officer Responsible for the report:

Chief Officer's name

Michael Slater
*Assistant Director (Planning and Sustainable
Development)*

Dept Name City Strategy
Tel No. 551647/551314

Report Approved

Date 09.07.2007

Specialist Implications Officer(s)

None

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

All

For further information please contact the authors of this report

Background Papers:

Environment and Development Services Business Plan (2000/2001).

Report to Area Sub-Committee in July 2006 – Enforcement Cases Update.

Annexes

Annex A - Enforcement Cases – Update (Confidential)

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By virtue of paragraph(s) 6 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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