



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:** Tuesday, 31 July 2007
- Time:** 12.00 pm
- Venue:** The Guildhall, York

AGENDA

The bus will depart from 31 Bootham following the first site visit at 11pm on Monday 30th July 2007

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. **Minutes** (Pages 5 - 22)

To approve and sign the minutes of the meetings of the West & City Centre Area Planning Sub-Committee held on 21st June 2007 and 3rd July 2007.

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 the proposals and relevant policy considerations and the views and advice of consultees and officers.

a) 10 Clifford Street (07/00871/FUL) (Pages 23 - 32)

Change of use of first, second and third floors from retail to 5no. apartments including alterations to existing retail area and 3no. dormers to existing roof slope [*Guildhall Ward*]

b) 10 Clifford Street (07/00873/LBC) (Pages 33 - 40)

Change of use of first, second and third floors from retail to 5no. apartments including alterations to existing retail area and 3no. dormers to existing roof slope [*Guildhall Ward*]

c) Rear of 54 Beckfield Lane (07/01467/FUL) (Pages 41 - 50)

Erection of 8 no. two storey dwellings with associated parking and garaging [*Acomb Ward*]

d) 92 Micklegate (07/01442/FUL) (Pages 51 - 58)

Creation of smoking terrace including erection of 2.1 timber panels with galvanised steel frame, floor mounted umbrella and associated works to the rear of 92 Micklegate [*Micklegate Ward*]

e) 92 Micklegate (07/01441/LBC) (Pages 59 - 64)

Creation of smoking terrace including erection of 2.1 timber panels, galvanised steel frame and floor mounted umbrella and associated works to the rear including alterations to existing gates and new doors in connection with Toffs Nightclub [*Micklegate Ward*]

f) 31 Bootham (07/01160/FULM) (Pages 65 - 88)

Erection of four storey mixed use building comprising 12no. apartments, B1 offices and ground floor retail after demolition of existing building (resubmission) [*Guildhall Ward*]

g) 31 Bootham (07/01161/CAC) (Pages 89 - 92)

Demolition of building in the Conservation Area (resubmission)
[Guildhall Ward]

5. 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****Monday 30 July 2007****The bus will depart from 31 Bootham following the first site visit**

| TIME (Approx) | SITE | ITEM |
|--------------------------------|--|------------------|
| 11.00 | 31 Bootham | f & g |
| 11.30 | 54 Beckfield Lane | c |
| 12.00 | 92 Micklegate (meet at the rear - Toft Green) | d & e |
| 12.30 | 10 Clifford Street | a & b |

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If you would, you will need to:

- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than 5.00 pm** on the last working day before the meeting;
- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
- find out about the rules for public speaking from the Democracy Officer.

A leaflet on public participation is available on the Council's website or from Democratic Services by telephoning York (01904) 551088

Further information about what's being discussed at this meeting

All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

Access Arrangements

We will make every effort to make the meeting accessible to you. The meeting will usually be held in a wheelchair accessible venue with an induction hearing loop. We can provide the agenda or reports in large print, electronically (computer disk or by email), in Braille or on audio tape. Some formats will take longer than others so please give as much notice as possible (at least 48 hours for Braille or audio tape).

If you have any further access requirements such as parking close-by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

Every effort will also be made to make information available in another language, either by providing translated information or an interpreter providing sufficient advance notice is given. Telephone York (01904) 551550 for this service.

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.

Yeteri kadar önceden haber verilmesi koşuluyla, bilgilerin tercümesini hazırlamak ya da bir tercüman bulmak için mümkün olan herşey yapılacaktır. Tel. (01904) 613161.

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کسی بھی دوسری زبان میں معلومات کی دستیابی ترجمہ شدہ معلومات، ترجمان کی شکل میں یقینی بنانے کے لئے ہر ممکن کوشش کی جائے گی، بشرطیکہ اس کے لئے پہلے سے سنا سب اطلاع کی جائے۔ ٹیلی فون (01904) 613161

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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- Councillors get copies of all agenda and reports for the committees to which they are appointed by the Council;
- Relevant Council Officers get copies of relevant agenda and reports for the committees which they report to;
- Public libraries get copies of **all** public agenda/reports.

City of York Council

Minutes

| | |
|-----------|---|
| MEETING | WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE |
| DATE | 21 JUNE 2007 |
| PRESENT | COUNCILLORS B WATSON (CHAIR), SUE GALLOWAY (VICE-CHAIR) (not 3h & 3i), HORTON (not 3D, 3h & 3i), Galvin, GILLIES, Gunnell, JAMIESON-BALL (not 3c & 3g) and Sunderland (not 3h & 3i) |
| APOLOGIES | COUNCILLORS REID |

1. INSPECTION OF SITES

The following sites were inspected before the meeting.

| Site | Attended by | Reason for Visit |
|-----------------------|---|--|
| 212 Bishopthorpe Road | Councillors B Watson, Gillies, Sunderland, Horton, Sue Galloway, Gunnell and Galvin | On the recommendation of the Assistant Director |
| 214 Bishopthorpe Road | Councillors B Watson, Gillies, Sunderland, Horton, Sue Galloway, Gunnell and Galvin | On the recommendation of the Assistant Director |
| 59 Temple Lane | Councillors B Watson, Gillies, Sunderland, Horton, Sue Galloway, Gunnell and Galvin | At the request of Councillor Hopton. |
| Askham Bryan College | Councillors B Watson, Gillies, Sunderland, Sue Galloway, Gunnell and Galvin | As the application is recommended for approval and objections have been received from the Parish Council |
| 14 Foxton | Councillors B Watson, Gillies, Sunderland, Horton, Sue Galloway, Gunnell and Galvin | As the application is recommended for approval and objections have been received |
| 25 Aldersyde | Councillors B Watson, Gillies, Sunderland, Horton, Sue Galloway, Gunnell and Galvin | As the application is recommended for approval and objections have been received |
| 100 Tadcaster Road | Councillors B | As the application is |

| | | |
|---|---|--|
| | Watson, Gillies, Sunderland, Horton, Sue Galloway, Gunnell and Galvin | recommended for approval and objections have been received |
| Former Waterworks Engine House, Museum Street | Councillors B Watson, Gillies, Gunnell and Galvin | As the applications have been recommended for approval and objections have been received |

2. DECLARATIONS OF INTEREST

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

Councillor Horton declared a personal non-prejudicial interest in Agenda Item 3f (25 Aldersyde), as he knew the speaker. He also declared a personal prejudicial interest in Agenda Item 3d as he knew the speaker well. He left the room and took no part in the debate.

Councillors Sue Galloway, Horton and Sunderland all declared personal prejudicial interests in Agenda Items 3h and 3i (Former Waterworks Engine House, Museum Street), as they were Members of the Shadow Executive or Executive Committees when this site was discussed. They left the room and took no part in the debate.

Councillor Gunnell declared a personal non-prejudicial interest in Agenda Items 3h & 3i (Former Waterworks Engine House, Museum Street) as she knew one of the speakers.

Councillor Jamieson-Ball declared a personal non-prejudicial interest in Agenda Items 3h & 3i (Former Waterworks Engine House, Museum Street) as he knew one of the speakers.

3. PUBLIC PARTICIPATION

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

4. PLANS LIST

Members considered a schedule of reports of the Assistant Director (Planning and Sustainable Development), relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views and advice of consultees and Officers.

4a 212 Bishopthorpe Road, York (07/00588/FUL)

Members considered a full application (retrospective) submitted by Mrs Grainne Timmis for the alteration to the roof at the rear of 212 Bishopthorpe Road to provide a new sheer second floor level.

Officers updated that the applicants for both 212 and 214 Bishopthorpe Road had submitted some additional information which outlined a number of instances where planning permission had been granted for similar extensions.

Representations were received from the applicant at 212 Bishopthorpe Road who felt that the roof extensions to both properties were in keeping with the buildings. He also stated that reclaimed materials had been used for the building works. He did not feel they were disproportional extensions and said that they were not very visible from the road. He commented on the fact that neighbours had not made any objections to the extensions.

Members discussed various matters including whether the extensions contravened policy (policy states that the extensions should be below the roofline), whether the extensions visually fitted in with the surrounding buildings and whether the extensions were visible from the road.

RESOLVED: That the application be refused

REASON: 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 over dominance. 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.

4b 214 Bishopthorpe Road, York (07/00586/FUL)

Members considered a full application (retrospective) submitted by James Herbert for the alteration to the roof at the rear of 214 Bishopthorpe Road to provide a new sheer second floor level.

Officers updated that the applicants for both 212 and 214 Bishopthorpe Road had submitted some additional information which outlined a number of instances where planning permission had been granted for similar extensions.

Representations were received from the applicant at 212 Bishopthorpe Road who felt that the roof extensions to both properties were in keeping with the buildings. He also stated that reclaimed materials had been used for the building works. He did not feel they were disproportional extensions and said that they were not very visible from the road. He commented on the fact that neighbours had not made any objections to the extensions.

Members discussed various matters including whether the extensions contravened policy (policy states that the extensions should be below the roofline), whether the extensions visually fitted in with the surrounding buildings and whether the extensions were visible from the road.

RESOLVED: That the application be refused

REASON: 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 over dominance. 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.

4c Danesway, 59 Temple Lane, Copmanthorpe, York (07/00595/FUL)

Members considered a full application submitted by Mr and Mrs Hudson for the erection of a pitched roof dormer bungalow with detached garage.

Officers updated that they had amended the reason for refusal of this application and this was set out below.

RESOLVED: That the application be refused.

REASON: The proposed dwelling by virtue of its location, scale, design and mass would result in a cramped and overdeveloped appearance and is not appropriate to the form and low density character of the settlement, it would not constitute infilling (defined as the filling of a small gap in an otherwise built up frontage) and is therefore considered to be inappropriate development in the Green Belt that would impact on the openness of the Green Belt and therefore is contrary to Policies GP1, GP10, GB1 and GB2 of the City of York Council Development Control Local Plan (2005) and Government planning policy guidance contained in PPG2 "Green Belts".

4d Askham Bryan College, College Service Roads, Askham Bryan, York (07/00753/FULM)

Members considered a major full application submitted by the Minster Veterinary Practice for the proposed erection of a veterinary hospital with associated outbuildings, car parking and vehicular access.

The following three updates were reported by Officers

- That subject to soakaways being suitable as a means of surface water disposal, no objections were raised by the Environment Agency or Marston Moor Internal Drainage Board. An additional condition regarding drainage would be added if the proposed development were to be approved by Members.
- A Transport Assessment had been submitted on behalf of the Applicant. It had been calculated that the peak hour trips to and from the site would be between 10:00 and 11:00, which is outside the normal highway peak hours. The estimated trip generation between 08:00 and 09:00 was 62 trips (all arrivals), and between 17:00 and 18:00 the number of trips was estimated at 124 (31 arrivals and 93 departures). In the light of this Transport Assessment, Highways (Network Management) raised no objection to the proposal subject to the conditions listed below being incorporated if the application were to be approved by the Sub-Committee today.
- Additional representations in objection to the proposed development had been received from Askham Bryan Parish Council. These stated that the proposal was 'inappropriate development within the Green Belt'. The application did not

claim that there were any very special circumstances to justify approval. The traffic generated would inevitable pass through the village to and from the new roundabout on the A1237.

Representations were received from Askham Bryan Parish Council in objection to the proposed development. Their spokesperson claimed that development of the Green Belt could only be justified in special circumstances. The Parish Council did not believe that the Applicants had proved this to be the case. They also had concerns regarding the use of the proposed veterinary hospital and felt that this would be primarily commercial rather than educational. It was added that if the Sub-Committee were minded to approve the application then a condition should be stipulated that road signs to the development should be confined to the A64 junction area.

Representations were received from a senior partner of Minster Veterinary Practice (the Applicants) in support of the application. He said that the proposed veterinary hospital would give the practice much better equine facilities. This side of the practice had grown enormously in the last few years and they were now receiving referrals from all over the North of England as well as casualties from York Racecourse. He said that most people would arrive at the facility by way of the A64 rather than through the village. The practice had been searching for a suitable site for over a year and felt that Askham Bryan College and Minster Veterinary Practice had the capability of working well together to provide a much needed facility.

Members asked the Applicant whether the aim was to turn the proposed veterinary hospital into a centre of excellence and it was acknowledged that it was. Members said that they could see the benefits of the development to the college but asked the Applicant what the benefits for Minster Veterinary Practice would be. The Applicant responded that the equine side of the business equated to approximately one quarter of the business's turnover and that about one third of all staff were involved with it. They were looking at assisting the college to upgrade some of its courses to enable it to compete with other establishments. He also added that he wholeheartedly supported the Parish Council in terms of keeping traffic away from the village.

Representations were received from the Deputy Principal of Askham Bryan College who informed the Sub-Committee that any new buildings on campus must add value to the college. There were approximately 500 students studying equine management ,which amounted to about 45% of all students at the college. The college had been validated to offer a foundation course in Equine Nursing from September 2007 and this would require input from an employer.

Members said that the proposed new facility would add prestige to the college and help enhance its reputation as a provider of excellent educational courses. They asked the Deputy Principal how the educational and commercial sides of the business would be integrated with the college. He responded that the college curriculum would deliver regular timetabled courses and if any particularly interesting cases came to the veterinary hospital then students would be able to attend on an ad hoc basis.

Members felt that the proposed development had very clear educational benefits and that partnerships between educational establishments and commercial enterprises were becoming more popular.

RESOLVED: That the application be approved subject to the conditions outlined in the report and the following additional conditions:

1. Prior to the development coming into use, all areas used by vehicles shall be surfaced, sealed and positively drained within the site, in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the egress of water and loose material onto the public highway.

2. The development shall not be begun until details of the junction between the internal access road and the highway have been approved in writing by the Local Planning Authority, and the development shall not come into use until that junction has been constructed in accordance with the approved plans.

Reason: In the interests of road safety.

3. The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

4. No part of the site shall come into use until the turning areas have been provided in accordance with the approved plans. Thereafter the turning areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To enable vehicles to enter and leave the site in a forward gear thereby ensuring the safe and free passage of traffic on the public highway.

5. Prior to the development commencing details of the measures to be employed to prevent the egress of mud, water and other detritus onto the public highway, and details of the measures to be employed to remove any such substance from the public highway shall be submitted to and approved in writing by the Local Planning Authority. Such measures as shall have been approved shall be employed and adhered to at all times during construction works.

Reason: To prevent the egress of water and loose material creating a hazard on the public highway.

6. Prior to the commencement of the use hereby approved, provision shall be made within the site for accommodation of delivery/service vehicles in accordance with the approved plans. Thereafter all such areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To ensure that delivery/service vehicles can be accommodated within the site and to maintain the free and safe passage of highway users.

7. The development hereby approved shall be carried out in accordance with the submitted Flood Risk Assessment, including the installation of a Stormwater Management System, in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of satisfactory drainage.

REASON:

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed in the report and 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.

4e 14 Foxton, York (07/00271/OUT)

Members considered an outline application submitted by Mr D Seavers for the erection of a detached single storey dwelling.

Officers updated that Conditions 9 and 10 as set out in the report had been removed and replaced with the following:

- The dwelling hereby approved shall be single storey with no accommodation in the roof, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of visual and residential amenity

An e-mail had also been received from Councillor Holvey on behalf of residents, this was circulated to Members at the meeting. It raised concerns regarding the proximity of the proposed new building to those in Chantry Close. He said that there would be a loss of amenity in terms of light and privacy and the proposed new building would be detrimental to the continued use of the gardens of these properties. It was also likely that there would be an increase in flooding in the gardens on Chantry Close with any form of new development in the area.

Representations were received, in objection, from the Woodthorpe and Dringhouses Planning Panel who were concerned about the implications this application would have on the local community. The proposed new building would only be a few metres away from the boundary of Chantry Close and to have a new dwelling at the bottom of your garden was not conducive to happy living. They felt that the development would have a detrimental effect on the area.

Some Members thought that the proposed new building would constitute overdevelopment of the area and would have a detrimental effect on neighbours.

RESOLVED: That the application be refused.

REASON: In view of the size of the site and the relationship with adjacent buildings the erection of a dwelling on the land would result in a development that would appear to be cramped and out of character with its surroundings, furthermore, because of its proximity to nos. 17 - 21 Chantry Close a dwelling would be likely to harm the living conditions of these bungalows and their rear gardens through loss of outlook and an overbearing impact. The proposal would be contrary to policy GP1 and GP10 of the City of York Development Control Local Plan 2005.

4f 25 Aldersyde, York (07/01060)

Members considered a full application submitted by Aldersyde Estates Limited for the erection of two detached two storey dwellings after demolition of the existing dwelling.

Officers updated that they had received three additional comments as follows: -

- The Landscape Officer considered that the red maple tree close to the boundary of the site with the garages and Aldersyde should be protected. The proposed hardstanding had not been fully delineated on the plan and was required to stop 1.5m from the trunk. Suitable materials, tree protection and construction methods should be used and a condition is proposed addressing these requirements. There are no windows in the end elevation of this house that would be affected by the tree and the distance from the tree to the house would be acceptable.
- Councillor Reid raised concerns on behalf of residents regarding overdevelopment of the site which could be potentially detrimental to the area. She made comment on the fact that there was no intention to provide any garaging on the proposed development and suggested that permitted development rights were removed in order to ensure that any future garages (or extensions) were in keeping with both the house design and the area. She also asked that there was adequate protection for the existing planting.
- One representation had been received stressing that the development would be an overdevelopment of the site that would ruin the character of the area forever.

Representations were received, in objection, from a local resident who spoke on behalf of the residents of the Aldersyde Estate. She was concerned that the proposed buildings would be an overdevelopment of a small site and would be detrimental to the area as well as bringing more cars to an already problematic area in terms of parking. The demolition of the existing bungalow would be difficult as there was very little room for vehicles to manoeuvre.

Representations were received from the Applicant who said that he took the concerns of the residents very seriously but did not believe that the scheme would alter the character of the area.

Members raised concerns about the lack of garaging provided in this development and the Applicant clarified that one of the dwellings would have a garage and there would be off street parking for 2 cars per house.

Some Members thought there could be potential damage to the verges from construction traffic and requested the dilapidation condition be added if the proposed development was approved. There were also discussions about re-using the materials from the demolished bungalow but it was decided that the site was too small for this.

RESOLVED: That the application be approved subject to the conditions outlined in the report and the following additional conditions:

1. 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 shown on a plan, 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, location of marketing cabin. The method statement shall include construction details and existing and proposed levels, where a change in surface material and/or levels are proposed within the canopy spread and likely rooting zone of the trees to be affected.

The protective fencing line shall be adhered to at all times during development to create an exclusion zone. None of the following activities shall take place within the exclusion zone: excavation, raising of levels, storage of any materials or top soil, lighting of fires, parking or manoeuvring of vehicles; there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new service runs.

Reason: To ensure the protection of existing trees before, during and after development which are

covered by a Tree Preservation Order and/or make a significant contribution to the amenity of the area and/ or development.

2. Prior to works starting on site a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the LPA.

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

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-F 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. Prior to the commencement of the development hereby approved, full scaled details of the proposed replacement garage/ cycle store shall be submitted for the written approval of the Local Planning Authority, and thereafter the development shall be implemented in accordance with the approved details.

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

REASON: The proposal, subject to the condition listed above and the conditions in the report, 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.”

4g 100 Tadcaster Road, Dringhouses, York (07/00959/FUL)

Members considered a full application submitted by Mr and Mrs Kaye for a two storey pitched roof rear extension, detached double garage and replacement windows to front and back.

Officers updated that the applicants had withdrawn the detached double garage from the scheme.

RESOLVED: That the application be approved subject to the withdrawal of the detached double garage from the scheme and the conditions laid out in the report.

REASON: The proposal, subject to the conditions listed in the report, would not cause undue harm to interest 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.

4h Former Waterworks Engine House, Museum Street, York (06/02425/FUL)

Members considered a full application submitted by the Lendal Tower Venture to change the use of the Engine House to form a restaurant (Class A3) and one apartment, the erection of an extension to form the restaurant dining room, a new outdoor terrace, new railings, gates and steps.

Officers updated that they had received an additional letter of objection which raised the following: -

- The relocation of the public toilets must be addressed before this application is considered.
- The location of the boat refuse/sluice disposal is unacceptable, being adjacent to the proposed restaurant entrance.
- The water point is to be located as an unwelcome and inappropriate addition to the Esplanade Frontage.
- All the sanitary and service facilities should be located together with the public toilets in one place.

They had also received a letter from the Inland Waterways Association which stated that it was essential that the application provided all the necessary facilities for boaters, including a 24 hour disabled toilet and a water point close to the river moorings. Temporary facilities must be provided during the construction period.

Officers said that there was an amendment to Condition 4 in the report and that ‘details of external lighting’ was to be added to the list of items

required. There were still outstanding objections from both the Environment Agency and the Council's Structures and Drainage Section. Any planning permission must be subject to these objections being satisfactorily addressed.

Representations were received from a local resident in objection to the proposed development. He said that the Esplanade had exceptional qualities, the proposed dining terrace was too wide, the proposed extension was a blank feature and would diminish the Engine House and there was little greenery in the proposed plans.

Representations were also received from the Inland Waterways Association. Their spokesman said that the toilets for the boating community were too far away and not very accessible for the disabled; it was also a long distance for them to carry waste. He felt it was unfortunate that more consultation had not taken place with the boating community.

Representations were received from the Applicant's Architect who said that the new riverside restaurant would have a sunny south facing dining area which would be an asset to York. The building had been designed to define the twenty first century as Lendal Tower was compromised of buildings of many ages. The Engine House itself was too small to be the restaurant and there would be a conflict with the residents; therefore it was necessary to build an extension for the proposed restaurant.

Members raised questions regarding the placement of the public and disabled toilets, deliveries to the restaurant and facilities for the boating community. Some Members felt that the area was in need of improvement and thought the design of the proposed extension was very good; they felt that glass was the least obtrusive material that could be used for the building. Members said that Condition 16 in the report covered the potential problem regarding public toilets and clearly stated that 'the existing toilet block shall not be demolished unless and until alternative facilities (including facilities for boaters), whether temporary or otherwise, have been provided.' Other Members felt that the Engine House should be used as the restaurant and the extension on the side was unnecessary. Concerns were also raised regarding the removal of railings from this part of the Esplanade.

RESOLVED: That the application be approved subject to the drainage and flooding issues being satisfactorily resolved, the conditions in the report and the amended condition listed below:

- 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
- railing, gates, steps and stone pillars
- rainwater goods
- details of external lighting

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

REASON: The proposal, subject to the conditions listed above and in the report, 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 on the adjacent listed building
- impact on the 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.

4i Former Waterworks Engine House, Museum Street, York (06/02428/LBC)

Members considered a Listed Building Consent application submitted by the Lendal Tower Venture for internal and external alterations including a new extension in connection with the proposed use as a restaurant and one apartment.

Officers updated that Condition 4 in the report had been amended.

RESOLVED: That the application be approved subject to the conditions in the report and the amended Condition 4 detailed below.

- 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 the front of the dining terrace
- railings, gates, steps and stone pillars
- rainwater goods
- adaptations to the existing window openings
- details of lift assembly
- new internal partitions (to be scribed around existing detailing)
- details of all new doors and door openings
- details of all new windows and window openings
- details of floor and ceiling adaptations
- details of new staircases

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

REASON:

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

- the impact on the special architectural and historic character of the listed 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.

COUNCILLOR B WATSON
CHAIR

The meeting started at 3.05 pm and finished at 6.10 pm.

| | |
|-----------|---|
| MEETING | WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE |
| DATE | 3 JULY 2007 |
| PRESENT | COUNCILLORS B WATSON (CHAIR), SUE GALLOWAY (VICE-CHAIR), GALVIN, REID, GILLIES, GUNNELL, JAMIESON-BALL, SUNDERLAND AND SIMPSON-LAING (SUBSTITUTE) |
| APOLOGIES | COUNCILLOR HORTON |

6. INSPECTION OF SITES

The following site was inspected before the meeting.

| Site | Attended by | Reason for Visit |
|------------------------|--|---|
| 16/17 St Benedict Road | Councillors B Watson, Galvin, Gunnell and Fraser | As the application is recommended for approval and objections have been received. |

7. DECLARATIONS OF INTEREST

Members were invited to declare, at this point in the meeting, any personal or prejudicial interests they might have in the business on the agenda. None were declared.

8. MINUTES

RESOLVED: That the minutes from the meeting held on 22nd May 2007 be approved and signed by the Chair as a correct record.

9. PUBLIC PARTICIPATION

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

10. PLANS LIST

Members considered a schedule of reports of the Assistant Director (Planning and Sustainable Development), relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views and advice of consultees and officers.

10a 16 St Benedict Road, York (07/01237/FUL)

Members considered a full application submitted by Moorside Developments Ltd for the erection of eight (8) two and three storey town houses and associated works (amendment to a previously approved scheme 07/00436/FUL).

Officers updated that they had received one letter of objection. The representor had written regarding the previous application (07/00436/FUL) and they still objected on the grounds that there was no facility for a replacement community centre.

Councillor Fraser spoke on behalf of local residents. He said that the local community would welcome a development on this site. The only objection was the fact there was no proposal to provide a replacement community centre. He hoped the developer would be willing to make a financial contribution towards a new community facility. He also raised concerns regarding damage to the footpaths which was caused when the Working Men's Club was demolished.

Representations were received from the Applicant's architect. He said that when the application had been brought before Members previously they had not been entirely happy with parking facilities and planting. These had now been addressed. The architect said that the application had already been approved without a contribution towards a community facility.

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

REASON: The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to amenity, design and highway safety. As such the proposal complies with Policy H6 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GP1, GP4a, H4a, H5a, C3, L1c and ED4 of the City of York Local Plan Deposit Draft.

COUNCILLOR B WATSON
CHAIR

The meeting started at 12.05 pm and finished at 12.20 pm.

COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Guildhall
Date: 31 July 2007 **Parish:** Guildhall Planning Panel

Reference: 07/00871/FUL
Application at: York Divan Centre 10 Clifford Street York YO1 9RD
For: Change of use of first, second and third floors from retail to 5no. apartments including alterations to existing retail area and 3no. dormers to existing roof slope
By: Mr M Grey
Application Type: Full Application
Target Date: 3 August 2007

1.0 PROPOSAL

1.1 The application relates to 10 Clifford Street, which is located on the corner of Cumberland Street and Clifford Street. The building is grade II listed and in the Central Historic Core Conservation Area. The site is presently used as a retail premises - York Divan Centre. The building has storage in the basement and display / retail space on the ground and upper floors.

1.2 The application seeks permission to convert the upper floors (first floor and above) into residential (five 1-bed flats). The flats would be accessed via the original side door which leads to a half turn staircase - an original feature of historic interest. There would be limited change to the external appearance of the building, the main changes being on the roof, the introduction of three dormer windows, rooflights and ventilation vents / ducts. Otherwise minor alterations and internal alterations are proposed which are considered to enhance the appearance of the building and its setting. These are described in more detail in the companion listed building consent application - 07/00873/LBC.

1.3 The application(s) are brought to committee at the request of Councillor Simpson-Laing.

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

Listed Buildings Multiple (Spatial)

2.2 Policies:

CYGP1
Design

CYGP4B
Air Quality

CYGP15
Protection from flooding

CYHE3
Conservation Areas

CYHE4
Listed Buildings

CYH4A
Housing Windfalls

CYH11
Conversion of upper floors to housing

CYL1C
Provision of New Open Space in Development

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development

3.1 State that the change of use of the upper floors of the building from retail to residential use will enable the retention of original features present within the interior of the building. The only objection to the original scheme was the design of the dormer windows. Revised plans have now been submitted, the dormers have been given a vertical emphasis and they are lined up with the windows on the front elevations. Officers consider the revised plans of the dormers are acceptable.

3.2 Otherwise, details of the proposed secondary glazing were required and the design of the roof vents for the mechanical ventilation system. The revised plans contained large scale plans of the secondary glazing, which are considered to be acceptable and details of air vents and ducts on the roof. Officer's opinion on the vent details are awaited, but from an external view the air vents and ducts because of their size and location appear to be inconspicuous.

3.3 It could be a condition of approval that rooflights are conservation type (as requested by officers) and large scale details of the ventilation system be submitted. Also the paint colour for the shopfront and side entrance door could be agreed by condition if consent were granted.

Highway Network Management

3.4 No objection but question whether the bin store is of adequate size and advise that details of the glass hatch should be agreed with the highway infrastructure section. According to Council (CYC) guidance 5 flats would be expected to require bin storage for 900 litres. CYC provides bins with a capacity of 1100 litres, which measure 1.2m by 915mm. One of these stores would not quite fit in the allocated area for bins, which is around 1m by 1m. It could therefore be a condition that adequate acceptable bin storage is agreed. Details of the glass hatch could also be a condition if permission were granted.

Environmental Protection Unit

3.5 Have concerns about the application for the following reasons:

- There is considerable noise in this area day and night, from traffic.
- There is also considerable noise from pedestrians. There is a nightclub in very close proximity to the application site and customers queue outside from 10pm onwards for entry and of course later on there is considerable noise from customers leaving the club. There is a taxi office close by which attracts large numbers of people especially late at night. There are at least five other licensed premises in close proximity, which attract large numbers of night time customers.
- The Grand Opera House which shares a party wall with the application site will be another source of noise to the occupants. There will likely be considerable noise and vibration arising from shows being presented at the theatre and noise from loading of scenery and equipment into vehicles in the early hours of the mornings directly outside the proposed apartments. In addition, the theatre may have air conditioning units, which are likely to be a source of noise, and should be considered when undertaking a noise survey.
- At least one Noise Assessment Survey has been carried out for an application for another site in Clifford Street. That survey was carried out for a similar reason, i.e. converting business premises to residential apartments. The methodology from PPG24 (Planning and Noise) was used to find out what Noise Exposure Category (NEC) the proposed apartments would fall into and whether the use as residential was appropriate. That survey found noise levels that put the application site into NEC 'C', which means planning permission should not normally be granted, unless for example there are no alternative quieter sites available and conditions could be imposed to ensure a commensurate level of protection against noise.
- The applicants state that they intend to seal all windows to the front of the building and the plans show all windows on Clifford Street and Cumberland Street as being sealed. Instead it is proposed that they will install mechanical ventilation, the units to

be situated on the roof to the rear of the property. These ventilation units will make noise but as yet we do not know what level of noise or how it might affect occupants of the application site. These units must be included as a noise source in any noise survey carried out.

3.6 As yet no noise survey has been carried out. EPU suggest that due to the application site sharing a party wall with the theatre, in addition to traffic noise, it is possible that the NEC could be found to be 'D', in which case planning permission should normally be refused.

EXTERNAL

Planning Panel

3.7 Object, consider that the (originally proposed) dormer windows would be detrimental to the appearance of the building.

Publicity

3.8 The application was publicised by site notice, press notice and letters of neighbour notification. The deadline for comments was 6.6.2007. One letter was received in support of the scheme although raising the issue that sound insulation at the party wall between the host and the theatre should be considered. Objections have been received on behalf of the Gallery Nightclub and the Theatre. These objections raise the following issues -

- Theatre opens until 02:00 and hosts a variety of shows such as musicals, night concerts and comedy shows. The party wall shared with the host is directly behind the stage and there is concern that noise and vibration would affect potential future occupants of the flats.
- Theatre shows tend to finish around 23:30 but after this people may use the licensed premises and stage sets and lights etc are loaded out of the building, this sometimes occurs long into the night and the loading area is adjacent the entrance to the proposed flats. Again this would harm the amenity of residents.
- Noise is also associated with the box office.
- The Gallery nightclub are also concerned there would be conflict between the proposed use and those which surround the application site. As such the quality of life for potential residents would be limited.

3.9 The owners of the Opera House and the Gallery nightclub are concerned that should the flats be developed their operations would harm amenity and lead to complaints by the residents. Whether a proposed use is compatible with its surrounds is a material planning consideration. It is felt by these businesses that without a noise assessment, which is made available for interested parties to comment on, the application should be refused. They also think it is unlikely that any means of mitigation will be adequate.

4.0 APPRAISAL

4.1 Key issues

Principle
Amenity
Impact on listed building and conservation area
Flood risk

4.2 Policy

- GP1 Refers to design, for all types of development. It states that development proposals must, respect or enhance the local environment; be compatible with the surrounding area; enhance, or create urban spaces; provide and protect amenity space; provide space for waste storage; ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or overdominance.
- GP4b is relevant to sites within the Air Quality Management Area (AQMA). It states that proposals in the area must assess their impact on air quality. The policy intends to improve air quality in the city centre.
- The application site falls within an area where the risk of flooding is low to medium (flood zone 2). As such the developer is obliged to produce an assessment of additional flood risk as a consequence of the development and measures to mitigate such risk in accordance with GP15a.
- The proposal relates to a listed building within a conservation area, as such policies HE3 and HE4 of the City of York Draft Local Plan are relevant. HE4 states that consent will only be granted when there is no adverse effect on the character, appearance or setting of the building. HE3 states that within conservation areas, proposals will only be permitted where there is no adverse effect on the character or appearance of the area.
- H4a regards new housing development. It states that proposals for land not already allocated on the proposals map will be granted permission where: the site is within the urban area and is vacant, underused or it involves infilling, redevelopment or conversion of existing buildings; the site has good accessibility to jobs, shops and services; and it is of an appropriate scale and density to surrounding development and it would not have a detrimental impact on existing landscape features. H3c asks for a mix of house types on all sites, H5a seeks to achieve a density of 60 dwellings per hectare in the city centre and H11 requires that amenity and highway safety are satisfactory.
- L1c states developments for all housing sites will be required to make provision for the open space needs of future occupiers. For sites of less than 10 dwellings a commuted sum payment will be required for off site provision.

Principle

Change of use

4.3 The application proposes the change of use of the upper floors to residential. It is proposed that the ground floor and basement would be retained as commercial retail space. Although the proposal involves some loss of retail space, it is generally considered that this is acceptable because the ground floor retains a retail function, the site is on the edge of the defined central shopping area, not on a primary shopping street and the location / constraints of the listed building may deter commercial occupiers making the most of the first and second floor space. Furthermore the conversion of upper floors in city centres is encouraged in policy H11 and also in national guidance note PPS3: Housing.

Mix house types and density

4.4 The residential units proposed are all one bed flats. This is contrary to policy H3c of the Local Plan although this is considered not to be reason for refusal in itself bearing in mind that such space, without any outdoor amenity area and up flights of stairs, is unlikely to be suitable for family accommodation. The density proposed is in excess of the preferred 60 dwellings per hectare.

Amenity

Noise

4.5 There is a concern that due to surrounding land uses future occupants of the proposed flats would be adversely be affected by noise. The sources of noise in the surrounding area being the fire station, traffic and noise associated with late night activities in the area such as the Gallery nightclub across Cumberland Street, the Theatre behind the application site and the proliferation of other uses which operate late at night nearby.

4.6 There have been other planning applications for residential above ground floor level in Clifford Street. At 1-3 (above café Uno) an application was withdrawn because no noise assessment was submitted. At 23 Clifford Street flats were approved subject to conditions that required non-opening windows on the front elevation and sound attenuation measures to ensure that noise inside the building (from outdoor sources) was no more than (on average (A)) 49dB. PPG24: Planning and Noise sets categories for sites ranging from category A where noise would not be an issue to D, where planning permission would normally be refused. To be in category D noise levels would need to be on average more than 72dB between 07:00 and 23:00 and above 66 dB at night (after 23:00). The noise assessment associated with the application at 23 placed that premises at the top end of noise category C, daytime noise was on average 71/72 dB, at night 64 dB.

4.7 The Environmental Protection Unit are concerned that because this site (compared to No.23) is much closer to the Gallery nightclub and as the building shares a party wall with the theatre, noise levels, particularly at night and when

shows occur at the theatre would be harmful to amenity. It is likely that the site falls into noise category D. At this time there has been no noise assessment submitted by the applicant which demonstrates otherwise. Therefore despite the proposed mitigation measures (secondary glazing and alternative means of ventilation) the concern that potential residents would be affected by noise has not adequately been addressed.

4.8 There is concern that because this site is in such close proximity to the theatre, nightclub and the other uses, which operate late at night, potential residents would be unduly affected by noise disturbance at night. Because it has not been demonstrated that noise levels would be acceptable within the proposed flats, it is considered that permission should not be granted. Although the use of underused upper floors for residential is generally welcomed, there is no significant demand for 1 bed units and therefore no compelling reason to approve the application unless it is demonstrated that adequate amenity would be offered to potential residents.

Air quality

4.9 GP4b seeks to improve air quality. The proposed use is sustainable in that it is located close to jobs and services, thus likely to provide residential accommodation, which is not reliant upon the private car - this is a car free development. As such the development would not harm air quality. It could be asked that windows are non-opening in the development but this should be a choice of the occupants. It is considered that the proposal does not conflict with policy GP4b.

Residents amenity

4.10 Outlook for potential future residents would be acceptable and overlooking is not a concern. As the proposal relates to a conversion, there are no issues regarding overbearing / overdominance. It is proposed that non-opening windows are installed however this need not be enforced through the planning process. The only concern is noise, which is discussed in 4.5 – 4.8.

Open space

4.11 In accordance with L1c the applicant would be required to make a contribution toward open space. Based on City of York's guidelines the contribution would be £1,800 (£360 x 5). The agent has been informed of this requirement, which would be a condition if permission were granted.

Bins and cycle stores

4.12 Bins and cycle stores are proposed by the residential entrance. Subject to agreement of the detailed design of the bin store, the stores would be acceptable.

Impact on listed building and conservation area

4.13 The design of the scheme is considered to be acceptable; it is considered there would be no harm to the listed building or conservation area. This is appraised in full in the companion application for listed building consent.

Flood risk

4.14 Because residential is proposed on the upper floors only there is not a concern that the flats would be at risk from flooding. It is considered that although the amount of sewage created is likely to increase given the intensification of use, an additional 5 flats would not create an undue strain on the existing drainage infrastructure.

5.0 CONCLUSION

5.1 There is significant concern that the development would be incompatible with its neighbours. As such it is considered that without it being demonstrated that noise levels would be acceptable for potential residents, the application should be refused.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

- 1 The Local Planning Authority considers that the proposal has failed to demonstrate that potential residents living conditions would be adequate, in that residents would not be adversely affected by noise from traffic, pedestrians and the surrounding land uses.

As such the proposal is contrary to policy GP1 of the City of York Draft Local Plan (4th set of changes) which states that all development proposals will be expected to ensure that residents are not unduly affected by noise and disturbance and policy H11 which states that the use of upper floors for residential purposes will be granted provided the development meets residential amenity requirements. The proposal is also contrary to national guidance contained within PPG24 Planning and Noise which states that Local Planning Authorities should consider ... whether proposals for new noise-sensitive development would be incompatible with existing activities. Such development should not normally be permitted in areas which are - or are expected to become - subject to unacceptably high levels of noise.

7.0 INFORMATIVES:

Contact details:

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



10 CLIFFORD STREET - 07/00871/FUL

| | | |
|-------------------|--------------|----------------|
| SCALE 1:500 | DRAWN BY PSL | DATE 19/7/2007 |
| Originating Group | Project | 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: 31 July 2007 **Parish:** Guildhall Planning Panel

Reference: 07/00873/LBC
Application at: York Divan Centre 10 Clifford Street York YO1 9RD
For: Change of use of first, second and third floors from retail to 5no. apartments including alterations to existing retail area and 3no. dormers to existing roof slope
By: Mr M Grey
Application Type: Listed Building Consent
Target Date: 11 June 2007

1.0 PROPOSAL

1.1 The application relates to 10 Clifford Street, which is located on the corner of Cumberland Street and Clifford Street. The building is grade II listed and in the Central Historic Core Conservation Area. The site is presently used as a retail premises - York Divan Centre. The building has storage in the basement and display / retail space on the ground and upper floors.

1.2 The application seeks listed building consent for alterations in association with the proposed conversion of the upper floors (first floor and above) into residential (five 1-bed flats). The flats would be accessed via the original side door which leads to a half turn staircase - an original feature of historic interest. The main alterations are as follows;

- Opaque glazed hatch at pavement level to serve the basement in replacement of aluminium hatch.
- Three lead dormers on the roof and three roof lights.
- Reinstate glazed lantern (fanlight) above side entrance door.
- Reduce width of fascia panels to expose columns at fascia level to each side of the corner entrance(s).
- Secondary glazing to upper floor windows. The existing and proposed residential windows would be non-opening, with mechanical heating and ventilation system to be installed as an alternative. The exhaust will be placed at roof level, on the rear elevation.
- Dividing party wall at ground floor level to separate retail element and residential entrance (this area would also provide a cycle and bin store).
- New internal walls to accommodate residential conversion.

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

Listed Buildings Multiple (Spatial)

2.2 Policies:

CYHE4

Listed Buildings

CYHE3

Conservation Areas

3.0 CONSULTATIONS

INTERNAL

3.1 Design, Conservation and Sustainable Development - State that the change of use of the upper floors of the building from retail to residential use will enable the retention of original features present within the interior of the building. The only objection to the original scheme was the design of the dormer windows. Revised plans have now been submitted, the dormers have been given a vertical emphasis and they are lined up with the windows on the front elevations. Officers consider the revised plans of the dormers are acceptable.

3.2 Otherwise, details of the proposed secondary glazing were required and the design of the roof vents for the mechanical ventilation system. The revised plans contained large scale plans of the secondary glazing, which are considered to be acceptable and details of air vents and ducts on the roof. Officer's opinion on the vent details are required, but from an external view the air vents and ducts because of their size and location appear to be inconspicuous.

3.3 It could be a condition of approval that rooflights are conservation type (as requested by officers) and large scale details of the ventilation system be submitted. Also the paint colour for the shopfront and side entrance door could be agreed by condition if consent were granted.

3.4 Highway Network Management - No objection but request a condition that details of the changes in the footway are agreed (hatch into basement).

EXTERNAL

3.5 Planning Panel - Object - Consider that the dormer windows would be detrimental to the appearance of the building. These have since been revised.

3.6 The application was publicised by site notice, press notice and letters of neighbour notification. The deadline for comments was 6.6.2007. One letter has been received; it makes the following points -

- Supports the scheme but suggests that sound proofing to the party wall with the Grand Opera house be looked at. The issue of noise will be discussed in the companion full planning application.

4.0 APPRAISAL

Key issues

4.1 The key consideration is the impact on the special historic interest of the listed building and its setting. Other issues such as principle and amenity will be discussed in the full planning application.

Policy

4.2 The proposal relates to a listed building within a conservation area, as such policies HE3 and HE4 of the City of York Draft Local Plan are relevant. HE4 states that listed building consent will only be granted when there is no adverse effect on the character, appearance or setting of the building. HE3 states that within conservation areas, proposals will only be permitted where there is no adverse effect on the character or appearance of the area.

Special historic interest of the listed building and its setting

4.3 The proposed development is generally welcomed by conservation officers in that it would maintain / repair the building and keep the upper floors in use, potentially enhancing the ability to preserve the historic interior. The changes to the fascia panel to reveal the columns around the entrance are also welcomed, as they would enhance the appearance of the building. It is considered by conservation officers that the internal alterations would not cause harm to any special historic or architectural features. To ensure this it can be conditioned that further details of alternative means of ventilation are submitted and agreed by conservation officers.

4.4 The (other) main external alterations would occur on the roof, which is partially obscured by a parapet wall. The design and location of the dormers are considered to be acceptable whereas the air ducts and roof lights would be on the rear roof slope, out of view. Conditions that the materials of these are agreed, including requiring conservation type rooflights would ensure that the scheme is of an

acceptable standard. On the pavement the proposed glazed loading hatch into the basement has not been objected to by conservation officers, in my opinion it would add interest and be an improvement to the existing aluminium hatch. As such it is considered this aspect would enhance the setting.

5.0 CONCLUSION

5.1 It is considered that the proposed conversion would cause no harm to the appearance or special historic interest of the listed building and it's setting. Approval is recommended.

6.0 RECOMMENDATION: Approve

- 1 PLANS2
- 2 TIMEL2
- 3 Notwithstanding the approved plans the roof lights shall be conservation type rooflights.

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

- 4 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.

Colour of shopfront and entrance(s)
New signage including colouring and materials
Materials / finish of air duct and vent tile
The ventilation system and any other noise mitigation measures required
Structural works which show repairs to be on a like for like basis

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

- 5 Prior to the development commencing full details of the proposed glazed hatch in the pavement shall be submitted to and approved in writing by the Local Planning Authority. The development shall commence in accordance with the approved details.

Reason: In the interests of highway safety.

For further information contact Fred Isles of Highway Infrastructure on 551444.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the special historic interest of the listed building and the character and appearance of the conservation area. As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies HE3 and HE4 of the City of York Local Plan Deposit Draft.

Contact details:

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

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

10 CLIFFORD STREET - 07/00873/LBC

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| SCALE 1:500 Originating Group | DRAWN BY PSL Project | DATE 19/7/2007 Drawing No. |
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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Acomb
Date: 31 July 2007 **Parish:** Acomb Planning Panel

Reference: 07/01467/FUL
Application at: Rear Of 54 Beckfield Lane York
For: Erection of 8 no. two storey dwellings with associated parking and garaging.
By: Leeper Hare Developments Ltd
Application Type: Full Application
Target Date: 13 August 2007

1.0 PROPOSAL

1.1 The applicant seeks planning approval to erect 8 no. two storey dwellings with associated parking and garaging.

1.2 The application relates to a brown field site which currently houses several small buildings most of which are derelict. The development area is bounded by Hawthorn and conifer hedges, which divide the site from adjoining domestic properties. The site is currently accessed from Beckfield Lane down the side of an old coal yard. The central portion of the site comprises of an un-surfaced yard area, which gives access to the aforementioned buildings.

1.3 Cllr D Horton requested the application to come before the West and City Centre Committee

RELEVANT HISTORY

1.3 07/00760/FULM - Erection of 3 no. Detached and 8no. Semi Detached Two Storey Dwellings with Access of Melander Close - Withdrawn 31.05.2007.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

2.2 Policies:

CYH4A
Housing Windfalls

CYGP1
Design

CYL1C
Provision of New Open Space in Development

CYGP4A
Sustainability

CYH5A
Residential Density

3.0 CONSULTATIONS

3.1 INTERNAL

3.2 Environmental Protection Unit - No Objections - Informative Included.

3.3 Lifelong Leisure and Learning - No Objections.

Commuted Sum is required for sport pitches, monies will be used to improve facilities within the West Zone of the Sport and Active Leisure Strategy.

3.4 Housing and Adult Social Services (Affordable Housing)- Do not support the application.

Recommend that an informative be attached expecting a 50% affordable housing provision on adjoining land owned by the applicant, should it be submitted as a future housing scheme.

3.5 Highway Network Management - Awaiting Comments

3.6 EXTERNAL

3.7 Acomb Planning Panel - Objections

- * To much parking.
- * Damage to the Hedge.
- * Industrial Access would be created.
- * Include some potential conditions.
- * The provision of four detached dwellings with garaging is more appropriate.
- * The development is considered to be "high density".
- * Access should be through the existing access road for all labour, plant and machinery.

3.8 4 letters of objection have been received regarding the applicants' proposals. The letters raise the following concerns.

- * Concerns about development within the blue line boundary (removed from the plans)
- * Loss of Light
- * Loss of Property Value
- * Size of Dwellings
- * Damage to the Hedge

4.0 APPRAISAL

4.1 KEY ISSUES:-

- Planning policy.
- Density/layout/impact on neighbours.
- Highway issues.
- Parking.
- Leisure and open space provision.
- Affordable Housing.
- Sustainability

4.2 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.

4.3 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.

4.4 Policy GP1 'Design' includes the expectation that development proposals will: respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, using 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.

4.5 Policy L1 'Provision of Open Space in New Residential Developments' requires the provision of children's playing space, land for outdoor sport and amenity open space to be secured in determining planning applications for 10 dwellings or more.

4.6 GP4a - Sustainability: requires that proposals for development should have regard to the principles of sustainable development including accessibility of the development site by means other than the private car, contributing to the social needs of the community (including housing), high quality design, enhancing local character and making adequate provision for storage and collection of refuse.

DESIGN, LAYOUT AND IMPACT ON NEIGHBOURS

4.7 As submitted the applicant proposes to erect 8 no. three bedroomed, two storey semi detached dwellings giving a density of 30 dwellings per hectare. Policy H5a expects that in urban areas residential densities should generally be greater than 40 dwellings per hectare, however this is dependant on site circumstances and an overarching requirement that densities should be compatible with the surrounding area. In this instance the site boundaries restrict the design configurations available to the applicant. The "dwellings per hectare" provision is considered to be acceptable in this instance as the overall layout in conjunction with the aforementioned density is comparable with properties on modern developments, which border the application site.

4.8 Between 31 to 37.5 metres have been provided from the rear of existing dwellings on Beckfield Lane (located to the east) to the rear elevations of Plots 3 to 8. A provision of 21 metres is generally required between facing two storey elevations, with 10 metres provided between gardens boundaries to protect privacy. All the plots 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 acceptable in this instance.

4.9 A distance of 1.75 metres has been provided between plot 3 and the sites northern boundary (shared with No.11, Muirfield Way). This boundary is currently formed by an existing hedge. The proximity of Plot 3 will cause some overshadowing within the garden of No.11, Muirfield Way, at certain times of the day, however the size of the garden and the distances provided to the side and rear elevations of the the aforementioned properties mitigate any significant impact.

4.10 A distance of 2 metres has been provided from the western gable of plot 1 to the western boundary and the rear gardens of No's. 12 and 13, Carnoustie Close. Both of the properties have large rear gardens and although some overshadowing may occur it will along the vegetated boundary and away from the main amenity areas. A distance of 29 metres has been provided between the front elevations of Plots 1 and 2 and rear boundary of 12 Melander Close.

HIGHWAY ISSUES

4.11 Comments from Highway Network Management are currently awaited.

4.12 A new driveway, which should be capable of adoption by the Local Authority will be taken from the the existing adopted Melander Close will service all the dwellings.

4.13 Two parking spaces have been provided for each dwelling, for plots 1 and 2 one of the spaces is garaging. Provisions are in compliance with the maximum standards contained within the Local Plan.

LEISURE AND OPEN SPACE

4.14 Commuted sum payments will be secured by a Section 106 Agreement. In this instance £17,232 will be required from the applicant. All monies will be directed to improve local play area provision and sporting facilities in the West Zone of the Sport and Active Leisure Strategy.

AFFORDABLE HOUSING

4.15 The proposed housing provision and site area fall below the 15 dwellings and 0.3 hectare requirements respectively, as set out in Policy H2a "Affordable Housing" of the Local Plan. Therefore, no affordable housing provision is required in this instance.

4.16 The previous application 07/00760/FULM, which also included adjoining plots of land required some affordable housing provision as it exceeded the 0.3 hectares stated in Policy H2a. This application was withdrawn. Housing and Adult Social Services have requested that an informative is included so consideration is given to affordable housing provision on adjoining plots of land should proposals be submitted for their development.

SUSTAINABILITY

4.17 Although the applicant has not submitted a sustainability statement in accordance with GP4A of the Local Plan. All new dwellings will be subject to the 2006 Building Regulations, therefore they will be substantially more efficient than existing properties within the surrounding street scene.

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:-

H34.90.01 - Site Plan.

H34.90.02 Rev A - Site Plan as Proposed.

H34.90.03 - House Types.

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

4 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.

5 NOISE7

6 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 £17,232.

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.

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/residential amenity and highway

issues. As such the proposal complies with PPS3 and Policies H4a, GP1, H5a and GP4a of the City of York Development Control Draft Local Plan.

2. 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 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

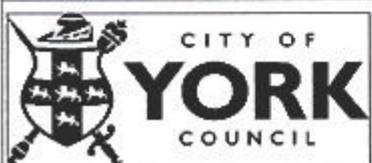
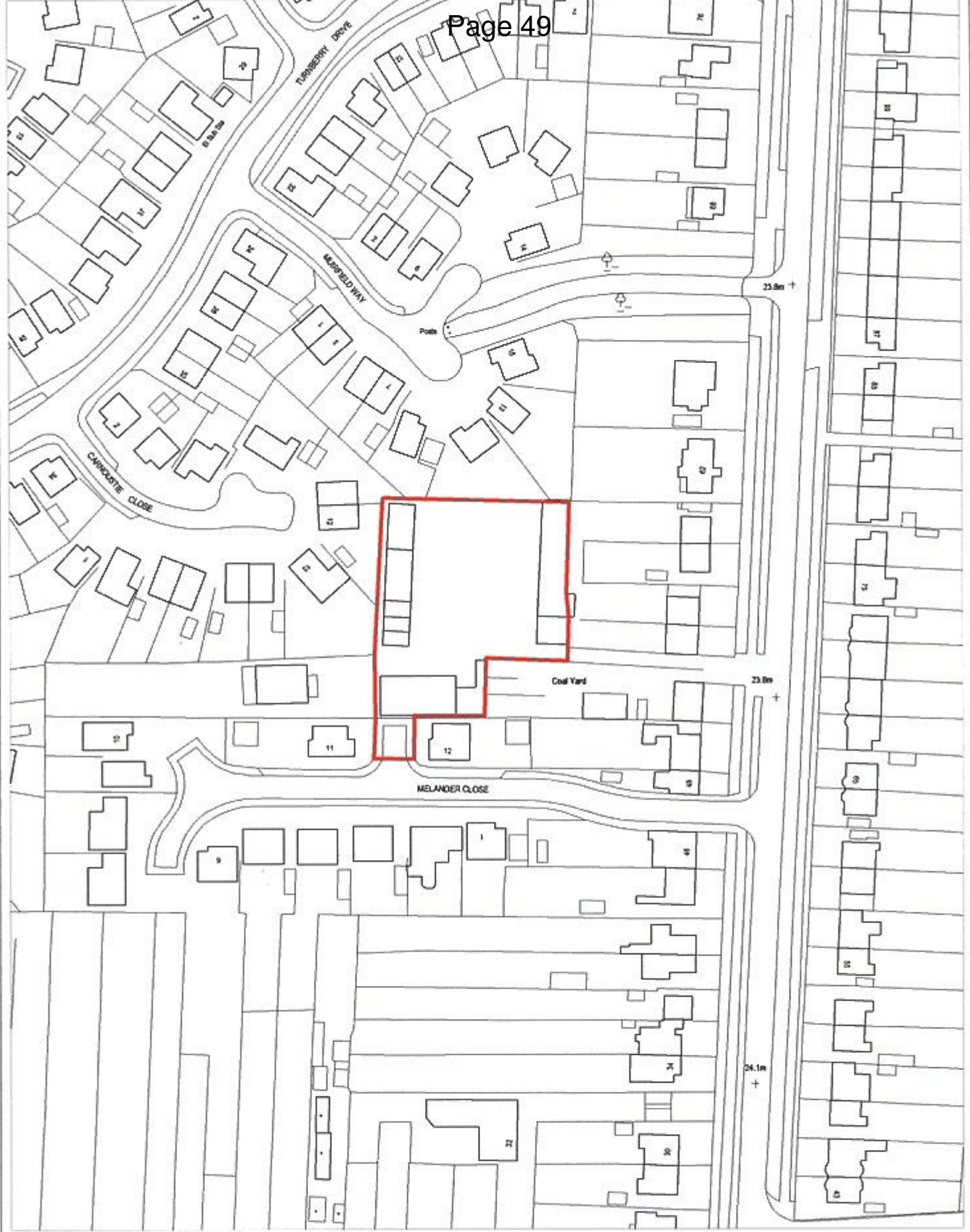
3. As land adjoining the application site is in the ownership of the applicant, the applicant may be required to provide affordable housing as part of any future

proposals, the requirements of which are set out in Policy H2a of the City of York Development Control Draft Local Plan.

Contact details:

Author: Richard Mowat Development Control Officer

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07/01467/FUL - REAR OF 54 BECKFIELD LANE

SCALE 1:1250
 Originating Group

DRAWN BY PSL
 Project

DATE 19/7/2007
 Drawing No



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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Micklegate
Date: 31 July 2007 **Parish:** Micklegate Planning Panel

Reference: 07/01442/FUL
Application at: Total Power Solutions 92 Micklegate York YO1 6JX
For: Creation of smoking terrace including erection of 2.1 timber panels with galvanised steel frame, floor mounted umbrella and associated works to the rear of 92 Micklegate
By: Luminar Terrace Ltd
Application Type: Full Application
Target Date: 9 August 2007

1.0 PROPOSAL

1.1 This application relates to land at the side of Toffs nightclub, which is presently used as a car park in association with the office premises at 92 Micklegate and also an outbuilding at the back of 92 Micklegate. 92 Micklegate is a grade II star listed building situated in the conservation area.

1.2 The application proposes an outdoor smoking facility, to be used in association with Toffs Nightclub. The area would measure around 8m by 4m and be located to the side of the nightclub entrance, adjacent Toft Green. Also included in the proposal is a new entrance door at the back of 92 Micklegate and a replacement gate at the side of the building. Because No.92 is listed, a companion Listed Building Application is also under consideration - reference 07/001441/LBC.

1.3 The application is brought to planning committee at the request of Councillor D Merrett, who is concerned about the effect on the amenity of occupants on Micklegate where there are generally some flats above ground floor level and a hostel at 88-90.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

2.2 Policies:

CYGP1
Design

CYHE3
Conservation Areas

CYHE4

Listed Buildings

CYS6

Control of food and drink (A3) uses

3.0 CONSULTATIONS

Internal

3.1 Highway Network Management - No response to date (16.7).

3.2 Design, Conservation and Sustainable Development - No objections to the proposed smoking shelter adjacent to the boundary with Tanner Row. It will have limited visual impact on the setting of the rear of the listed buildings in Micklegate. The materials and finishes are generally acceptable. The door opening to the rear of the modern extension to the listed building will improve access to car parking and will not impact on the historic fabric of the listed building or the setting in the conservation area.

3.3 Environmental Protection Unit - No objection - Advise that the applicant has recently applied for the smoking area to be licensed. The hearing imposed strict conditions to ensure that the amenity of any local residents was preserved. As such EPU feel that the concerns they may have had were resolved through the Licensing process, there is no need to recommend the same conditions for the planning application. EPU do however recommend a condition to ensure that no amplified music equipment is installed for use externally in the area and advise the applicant to adhere to the recommended advice in the instructed noise assessment survey.

External

3.4 Planning Panel - No objection.

3.5 The application was publicised by site notice, press notice and letters of neighbour notification. The deadline for comments is 25.7.07. To date one objection from 73/75 Micklegate

I should like to object to this application on the grounds of the noise nuisance that will almost result from this area being used in the early hours. It will particularly affect local residents and the backpackers hostel. There is likely to be shouting, banging of doors, and possibly loud music from the club.

4.0 APPRAISAL

Key issues

4.1 The key issues are considered to be the design of the proposed development - whether it is acceptable, assessing the impact on the special historic interest of the

listed building, and the effect on the character and appearance of the conservation area, and also the impact on the amenity of the surrounding occupants.

Policy

4.2 The relevant policies are as follows -

- E4 of the North Yorkshire County Structure Plan states that buildings and areas of special historic interest shall be afforded the strictest protection.

- HE4 states that listed building consent will only be granted when there is no adverse effect on the character, appearance or setting of the building. HE3 states that within conservation areas, proposals will only be permitted where there is no adverse effect on the character or appearance of the area.

- GP1 Refers to design, for all types of development. It states that development proposals must, respect or enhance the local environment and ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or overdominance.

- Policy S6 states that planning permission for the extension or alteration of premises for food and drink uses will only be granted in York City Centre provided there is no unacceptable impact on the amenities of surrounding occupiers as a result of traffic, noise, smell or litter, the opening hours are restricted where this is necessary to protect the amenity of surrounding occupiers and where security issues have been addressed.

Design

4.3 The proposed shelter would be enclosed by 2.1 metre high timber panels and partially covered by a single 3 metre by 4 metre umbrella. Inside the shelter it is proposed to provide 3 wall mounted outdoor lights and heaters, there would be no tables and chairs as such but there would be 6 poseur tables.

4.4 At present facing Toft Green (at the side of the nightclub) there is a brick wall with an arched entrance gate into the car park. The proposal would mean that from Toft Green an additional double fire escape door would be seen and the brickwork above the gate would be removed. These alterations would have a limited visual impact when seen from the street, and the timber enclosure would be mostly screened from view. As such it is considered that the visual impact of the smoking shelter from the public realm would be neutral. The timber screen would be seen from the upper floors of the units on Micklegate. However there would be no harm to any views of importance or significant merit and again the visual impact of the proposed shelter from surrounding buildings would be limited. Overall it is considered the proposed shelter would cause no harm to the setting of nearby listed buildings, the character and appearance of the conservation area or the outlook enjoyed by surrounding occupants.

4.5 At 92 Micklegate the application proposes a new rear door and opening at the back of a single storey extension to the building, and a replacement timber gate

between the building and Toffs nightclub. The building is a more recent addition to the listed building thus the alterations would not affect any parts of the listed building of historic or architectural importance and are considered to have a neutral effect on it's setting.

Amenity

4.6 The nearest premises that would be affected is the backpackers hostel at 88-90 Micklegate, the rear elevation of this premises is around 36 metres from the proposed outdoor smoking shelter. Some of the upper floors of the units on Micklegate also provide living space, but these are no nearer the shelter than the hostel. The surrounding area has a number of bars/amenities open late at night. The nightclub is open until at latest 04:00 and there is noise created from persons coming and going from the premises. Other sources of noise nearby are people visiting the bars on Micklegate, traffic and persons using the outdoor drinking areas at nearby premises, specifically Rumours (No.94), which also has external speakers that play recorded music and The Nags Head (100).

4.7 The applicant has submitted a noise report that measures impact on the nearest noise sensitive premises, the hostel. It covers potential noise breakout from the club and the predicted noise levels as a consequence of patrons using the smoking shelter.

Noise breakout from the premises

4.8 The noise assessment found that although the music being played inside the nightclub could be heard from outside, it was not 'subjectively disturbing'. This noise would be lesser inside the hostel and other nearby premises.

4.9 The assessment found there would be no evident change in noise emanating from inside the nightclub as a consequence of people leaving the building and going outside to use the shelter. The shelter would be accessed via the escape corridor; there would be two separate sets of fire doors into the external area, from the internal area. This is intended to ensure at least one set of doors are closed at all times. When the doors are opened it is expected noise breakout from the nightclub would occur, the noise level from the nightclub would be up to 19dB. This noise would be inaudible from the hostel, as it is well below the existing average noise levels outside the premises (55dB during trading hours, 48dB afterwards).

Noise from persons using the outdoor area

4.10 The assessment predicts that persons using the outdoor smoking area would create an average noise level of 45dB. Because this is less than the existing background noise levels the impact would be neutral thus not harmful to the amenity of surrounding occupants. Although there may be times when there are raised voices, above the average noise levels, it is considered that in this area such noise will occur already and thus the potential effect on amenity would be limited.

4.11 To prevent noise outbreak from the outdoor area it can be conditioned that no music is played, no alcohol be consumed, and no other furniture, opposed to that on

the plans be placed outside. These measures would deter people from spending time in the outdoor area. Furthermore it is a requirement of the premises license that staff police the area at all times, this would deter anti-social behaviour and ensure doors into the area are kept closed.

Highway safety

4.12 The only alteration that is considered to affect highway safety is the proposed fire doors that would open out onto the highway. The doors open out onto some cobbles, as per the arrangements with the other exits from the nightclub. Because the doors do not open onto the footpath or road, it is considered there would be no additional harm to highway safety.

5.0 CONCLUSION

5.1 It is considered that the proposed outdoor smoking facility would be of acceptable appearance. The evidence submitted by the applicant demonstrates that the proposed development can be managed to an extent that it would not unduly add to noise disturbance in the locality and therefore the impact on nearby occupants would be acceptable.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 PLANS1
- 2 TIME2
- 3 Within one month of its installation the colour finish to the timber enclosure shall be agreed to in writing by the Local Planning Authority and the fence coloured accordingly. After which, the enclosure shall be reasonably maintained at all times.

Reason: In the interests of appearance.
- 4 The external access doors shall be developed in accordance with the recommended specifications in the SRL Noise Assessment dated 23 May 2007.

Reason: To protect the amenity of nearby occupants.
- 5 The furniture used in the outdoor smoking area shall be as per the approved plans and no other furniture such as tables and chairs shall be placed in the area without prior agreement in writing by the Local Planning Authority.

Reason: So as not to encourage the use of the shelter as an outside drinking area/beer garden, in the interests of amenity and health.

- 6 No sound reproduction or amplification equipment (mechanical or electrical) shall be installed or used in, or adjacent to any part of the building at any time for the purposes of external use.

Reason: To protect the amenity of nearby occupants.

- 7 There shall be no alcohol permitted in the outdoor smoking area.

Reason: So as not to encourage the use of the shelter as an outside drinking area/beer garden, in the interests of 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 the special historic interest of the listed building, the character and appearance of the conservation area and amenity. As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GP1, HE3, HE4 and S6 of the City of York Local Plan Deposit Draft.

Demolition and Construction

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.

The developer's attention is also drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974.

Contact details:

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Tel No: 01904 551323



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 Telephone: 01904 551550

92 MICKLEGATE - 07/01442/FUL

SCALE 1:500
 Originating Group

DRAWN BY PSL
 Project

DATE 19/7/2007
 Drawing No.

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COMMITTEE REPORT

Committee: West/Centre Area
Date: 31 July 2007

Ward: Micklegate
Parish: Micklegate Planning Panel

Reference: 07/01441/LBC
Application at: Total Power Solutions 92 Micklegate York YO1 6JX
For: Creation of smoking terrace including erection of 2.1 timber panels, galvanised steel frame and floor mounted umbrella and associated works to the rear including alterations to existing gates and new doors in connection with Toffs Nightclub
By: Luminar Leisure Ltd
Application Type: Listed Building Consent
Target Date: 9 August 2007

1.0 PROPOSAL

1.1 This application relates to land at the side of Toffs nightclub, which is presently used as a car park in association with the office premises at 92 Micklegate and also an outbuilding at the back of 92 Micklegate. 92 Micklegate is a grade II star listed building situated in the conservation area.

1.2 The application proposes an outdoor smoking facility, to be used in association with Toffs Nightclub. The area would measure around 8m by 4m and be located to the side of the nightclub entrance, adjacent Toft Green. Also included in the proposal is a new entrance door at the back of 92 Micklegate and a replacement gate at the side of the building.

1.3 The application is brought to planning committee along with the companion application 07/01442/FUL which seeks full planning permission for the proposed development.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

2.2 Policies:

CYHE3
Conservation Areas

CYHE4
Listed Buildings

3.0 CONSULTATIONS

Internal

3.1 Design, Conservation and Sustainable Development - No objections to the proposed smoking shelter adjacent to the boundary with Tanner Row. It will have limited visual impact on the setting of the rear of the listed buildings in Micklegate. The materials and finishes are generally acceptable. The door opening to the rear of the modern extension to the listed building will improve access to car parking and will not impact on the historic fabric of the listed building or the setting in the conservation area.

External

3.2 Planning Panel - No objection.

3.3 English Heritage - No response to date.

3.4 The application was publicised by site notice, press notice (4.7.07) and letters of neighbour notification. The deadline for comments is 25.7.07. One response has been received from the occupant of 73/75 Micklegate, whom objects to the application on the following grounds,

"I feel that the proposed loss of rear garden space would be detrimental to this listed building. This building has been unused for a considerable period and the loss of rear outside space is likely to result in this the building remaining empty for even longer. There will also be excessive noise for local residents.

I should also inform you that there has been no notice of this application posted on the building and I feel that the duration of consultation should be increased to allow local residents to respond - especially as the relevant documents are not accessible on the web site".

3.5 In response to this second point, site notices were placed on Micklegate and on Toft Green (across the road from the nightclub) on 2 July. I tried accessing the plans via the website on 16.7.07 and had no problems in doing so.

4.0 APPRAISAL

Key issues

4.1 The key issue is the impact on the special historic interest of the listed building and its setting, which is in the conservation area. Amenity issues are appraised in the companion full application.

Policy

4.2 The relevant policies are as follows -

- E4 of the North Yorkshire County Structure Plan states that buildings and areas of special historic interest shall be afforded the strictest protection.

- HE4 states that listed building consent will only be granted when there is no adverse effect on the character, appearance or setting of the building. HE3 states that within conservation areas, proposals will only be permitted where there is no adverse effect on the character or appearance of the area.

Effect on the listed building and its setting

4.3 The proposed shelter would be enclosed by 2.1 metre high timber panels and partially covered by a single 3 metre by 4 metre umbrella. At present facing Toft Green (at the side of the nightclub) there is a brick wall with an arched entrance gate into the car park. The proposed alterations would mean that from Toft Green an additional double fire escape door would be seen and the brickwork above the gate would be removed. These alterations would have a limited visual impact when seen from the street, and the timber enclosure would be mostly screened from view. As such it is considered that the visual impact of the smoking shelter from the public realm would be neutral. The shelter would be at the far end of the site from the listed building. It is located on part of an existing car park. Because of the location and size / appearance of the shelter, it would have a neutral effect on the setting of the listed building.

4.4 Overall it is considered the proposed shelter would cause no harm to the setting of nearby listed buildings and the character and appearance of the conservation area.

4.5 At 92 Micklegate the application proposes a new rear door and opening at the back of a single storey extension to the building, and a replacement timber gate between the building and Toffs nightclub. The building is a more recent addition to the listed building thus the alterations would not affect any parts of the listed building of historic or architectural importance and are considered to have a neutral effect on its setting.

5.0 CONCLUSION

5.1 It is considered by officers that the proposals are compliant with policy; there would be no harm caused to the listed building or its setting. If approval is recommended then the application shall be sent to the Secretary of State before a decision is made, to see if they wish to comment, as the application involves a grade II star listed building.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 PLANS1

2 TIMEL2

- 3 Within one month of its installation the colour finish to the timber enclosure shall be agreed to in writing by the Local Planning Authority and the fence coloured accordingly. After which the enclosure shall be reasonably maintained at all times.

Reason: In the interests of appearance.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the special historic interest of the listed building and the character and appearance of the conservation area. As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies HE3 and HE4 of the City of York Local Plan Deposit Draft.

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92 MICKLEGATE - 07/01441/LBC

SCALE 1:500
Originating Group

DRAWN BY PSL
Project

DATE 19/7/2007
Drawing No.

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COMMITTEE REPORT**Committee:** West/Centre Area**Ward:** Guildhall**Date:** 31 July 2007**Parish:** Guildhall Planning Panel**Reference:** 07/01160/FULM**Application at:** Charlie Brown Autocentres 31 Bootham York YO30 7BT**For:** Erection of four storey mixed use building comprising 12no. apartments, B1 offices and ground floor retail after demolition of existing building (resubmission)**By:** Bootham Row Ltd**Application Type:** Major Full Application (13 weeks)**Target Date:** 14 August 2007**1.0 PROPOSAL**

1.1 The application relates to the redevelopment of the former Charlie Browns tyre and exhaust fitting centre, located at the junction of Bootham and Bootham Row. The existing buildings on the site consist of a modern two storey flat roof building with a forecourt area fronting onto Bootham, with a more traditional range of brick and tile buildings at the rear, fronting onto Bootham Terrace. The existing buildings (particularly those at the front of the site) are of no particular architectural merit and appear out of scale with their surroundings, being flanked by three storey buildings of a much grander scale and greater architectural quality. The area surrounding the site contains a wide mixture of uses, including retail, commercial and residential. The Bootham Tavern public house and Jacksons supermarket are situated to the southeast, and Bootham Row also provides access to the Radio York Headquarters and a large public car park. To the rear of the site is a long established vehicle servicing and repair workshop (Colin Hick Motors).

1.2 It is proposed to demolish the existing buildings and erect a new three and a half storey building, with accommodation partially located within the roof space. The ground floor of the building would contain 305 sq metres of retail floor space, together with a plant room, car parking (eight spaces), cycle parking and refuse storage. The first floor would be used as offices, providing 568 sq metres of floor space. The two upper floors would consist of residential accommodation in the form of 12 no. two bedroom apartments. Thus the proposal would provide a mixture of retail, commercial and residential uses, all accommodated within a single building.

1.3 The proposal incorporates improvements to the junction of Bootham Row with Bootham, in addition to the provision of new/wider footpaths on both sides of Bootham Row. Whilst the ground and first floors of the building would occupy the entire site area, the majority of the second and third floors would be set back from the northeastern boundary, with the recessed area providing access to the proposed apartments in the form of a roof terrace (second floor) and a raised walkway (third floor). The site is immediately adjacent to 33 Bootham (used as dormitory accommodation for Bootham School), a three storey Grade II listed building, which contains a number of windows in its exposed gable end, overlooking the application

site. However, in August 2006 planning permission and listed building consent were granted for the blocking up and relocation of these windows in a manner which would enable the new development to be accommodated. The site is within the Central Historic Core conservation area and a separate application in respect of the demolition of the existing buildings has also been submitted.

1.4 An earlier application for a similar proposal was withdrawn in April of this year, and this new application incorporates further analysis and information in relation to sound attenuation, and also changes to the design and external appearance of the proposed new building.

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

2.2 Policies:

CYSP3

Safeguarding the Historic Character and Setting of York

CYSP6

Location strategy

CYSP8

Reducing dependence on the car

CYSP10

Strategic Windfalls

CYH3

Sequential test for new housing

CYH4

Housing devp in existing settlements

CYH5

Residential densities over 25 per ha

CYE3
Retention of existing employment sites

CYE4
Employment devt on unallocated land

CYHE2
Development in historic locations

CYHE4
Listed Buildings

CYGP1
Design

CYGP4
Environmental sustainability

CYT4
Cycle parking standards

CYL1
Open spaces in new residential devts

CYHE10
Archaeology

CYGP6
Contaminated land

3.0 CONSULTATIONS

3.1 INTERNAL

HIGHWAYS (NETWORK MANAGEMENT) - There are no highway objections to the principle of this proposed development however the following are noted: -

- the public highway within Bootham Row is to be improved by the provision of a footway along the full length of the application site, the widening of a substantial length of the footway opposite the application site, the realignment of the kerblines on both sides and both junction radii being increased. Construction details will therefore be required of all aspects of the works and a formal agreement entered into to guarantee the performance of the works.
- a "fire exit/deliveries" and a "possible substation" both show doors that open outwards over the "new" footway. The only type of door that is acceptable to open out over the public highway is one whose sole purpose is that of an emergency / fire exit.

- the cycle storage accords with the recommended standards as regards overall numbers but shows mass communal storage that has implications for security. Therefore details are requested of security measures.
- six operational parking spaces are to be provided, one of which is a disabled parking space. A lift is available to all floors but the disabled parking space and the lift are at opposite ends of the building.
- a lay-by for service vehicles is proposed within the widened Bootham Row but no details are submitted in the application. Whilst it is legally possible to create such a loading area by means of a Traffic Regulation Order, in the absence of details of its exact location it is not shown to be physically feasible. Details will need to be included with other details mentioned above.
- no details are shown of the style of door or method of operation of the door at the entrance to the parking area.

Conditions are recommended to address these matters.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

Conservation

The application now seems to be acceptable in most respects from a conservation point of view. I assume that the materials and colours used will be conditioned.

My only remaining concern is the junction of the roof with that of No 33 adjoining. It would be a great improvement if the new roof could finish no higher than the roof of No 33 rather than 150-200mm above it at the eaves, as seems to be the case at present: is there any chance that they could reduce or eliminate this change of level, by steepening the roof pitch and/or lowering the overall height of the building?

Countryside Officer

The majority of the buildings on this site are of limited interest but the range of old buildings on Bootham Row may be suitable for bats to use. It is recommended, therefore, that a bat survey is carried out to ascertain whether there are any present and whether the environment is suitable for them to be present.

Archaeology

This site lies in the Area of Archaeological Importance in an area which has produced important Roman, Anglo Scandinavian and medieval features and deposits.

An archaeological evaluation was undertaken at the former Charlie Brown Garage, Bootham, York (SE 6005 5234) by Field Archaeology Specialists Ltd, on behalf of ID Planning Ltd, for Bootham Row Ltd. A report has been submitted and is available in the City of York Historic Environment Record. Three 2.0m x 2.0m evaluation trenches were excavated to a depth of 1.50m, and a sequence of features and deposits dating from the late 14th century to the modern day was encountered. Medieval remains were represented by a series of pits, apparently representing domestic activity, potentially associated with occupation towards the frontage of the

site. The main phase of activity has been dated to the late 14th to late 15th centuries. Post-medieval (16th to 17th century) activity at the site was more limited, represented by the accumulation of soils and the possible deposition of levelling layers. Two further pits, and a culvert were identified, and may suggest that the land was managed but less intensively occupied. In the early 18th century, a public house with associated outbuildings was constructed at the site; the evaluation encountered the remains of a series of walls, which could be identified with these structures using cartographic sources. A sequence of demolition layers and levelling deposits sealed the walls, laid down when the buildings were demolished and the site became open land in the 19th century, before the garage complex that survives today was constructed in the 1930s or 1940s.

The archaeological evaluation has demonstrated that modern deposits, deriving from 18th to 20th century buildings, covers the whole of the site, to depths of 14.59m AOD towards the front of the property, and 14.15m AOD at the rear. Beneath this, medieval and post-medieval deposits are variable in depth and significance. Towards the northeast, these deposits are represented primarily by buried soils; evidence for rubbish pits and the potential for structural and occupation activity seems to be restricted to the Bootham frontage, which is likely to be heavily disturbed, and the southwestern part of the site. It should be anticipated that significant medieval deposits may be encountered at approximately 1-1.2m below current ground level in the southwestern third of the site.

Policy HE10 is to preserve at least 95% of archaeological deposits beneath any new development. In order to achieve this the following approach is recommended:

Pile foundations should be employed for all new construction within the development area. It will be necessary to accommodate pile caps, ground beams and services within 1m from the current ground surface, with consideration given to the raising of ground levels in order to achieve this.

Where it is not possible to avoid the disturbance of 5% of archaeological deposits, an appropriate scheme of archaeological recording should be agreed with the City of York Council and implemented prior to, or during construction.

Standard conditions ARCH1 ARCH2 and ARCH3 should be attached to any consent which is granted.

CONSERVATION AREA ADVISORY PANEL - The Panel felt that the quality of the detailing was key to this being a successful development. It was felt that the elevation along Bootham Row was too complicated and needed simplifying. It was felt that the art stone banding and lintels were too heavy and these features should be in brick. The Panel felt that the large window on the 2nd floor was over dominant and should be reduced in length to start below the dormer windows. The Panel would like clarification of this window, as the elevation does not accord with the plan drawing. The Panel were also concerned with regard to the potential damage that could be done to the bay windows by large delivery vehicles. It was also felt that all windows with the exception of the shop fronts and the larger oriel windows should be in timber. The Panel would like to see this proposal again with revisions.

ENVIRONMENTAL PROTECTION - I have looked at the supplementary noise report which looked specifically at early morning deliveries to the nearby supermarket and at the activities of Colin Hick Motors to the rear of the site.

The report indicates that for most of the flats a higher glazing specification would reduce noise levels inside the flats to an acceptable level, except for three flats where the report states "more robust glazing specifications will be required". Two suggestions for "robust" glazing have been put forward. I would like to see non-opening windows in the Bootham and Bootham Row facades to bedrooms and lounges, with other means of ventilation. However I still have concerns about ventilation in view of my colleagues comments from the Air Quality Unit, as follows:

"In January 2002 City of York Council declared an Air Quality Management Area (AQMA) based on predicted exceedances of the annual average nitrogen dioxide objective in five areas of the city. The declaration of the AQMA placed a legal duty on the council to improve air quality in the city and to demonstrate that it is actively pursuing the 40ug/m³ annual objective to be achieved by 31st December 2005. In order to demonstrate a commitment to improving air quality the council was required to prepare an Air Quality Action Plan (AQAP). The AQAP identifies measures the council intends to take to improve air quality in the city following the declaration of the AQMA.

The proposed development site is adjacent to, but not within City of York Council's AQMA - at this precise location on Bootham only the carriageway is included. Air quality monitoring in this area of the city would suggest that nitrogen dioxide concentrations are relatively high (approaching, and in some locations above, the governments health based objective levels). If further residential is introduced at this location without us/the developer taking reasonable steps to minimise exposure, we may be faced with having to consult on a new AQMA boundary - this would have cost implications for the council since it would mean us having to consult on a new Air Quality Action Plan (AQAP). Since City of York Council has a legal obligation to show that it is actively pursuing the air quality objectives, the Environmental Protection Unit feel that any extension of the current AQMA boundary would not be acceptable.

From an air quality perspective, it is encouraging to see that the ground floor is maintaining its retail use, and that residential is proposed for second floor and above only. This will, to some extent, protect future occupants from poor air quality if the air quality situation should worsen in future years. The traffic assessment has indicated that the proposed redevelopment of the application site will not materially change its traffic generating potential. There is therefore unlikely to be any significant deterioration in air quality as a direct result of additional traffic from this development (please note that comments are provided on the understanding that City of York Council's Highways Department have approved the traffic assessment submitted in support of the application).

Balconies of any description would not be desirable in this location."

The report details three types of mechanical ventilator and observes that the units themselves may add to the audible noise levels inside the flats, after a lot of expense

in eliminating noise with high specification glazing units. This is not a very satisfactory situation. In addition, any mechanical ventilation in flats with facades onto Bootham or Bootham Row will potentially be drawing in air which may be of poor quality. My advice would be to look at ventilation situated on the roof which serves all the flats. The drawback of this would be, that again any plant proposed will need to be looked at in terms of how much noise it produces and if it needs attenuating.

The report suggests that mechanical ventilation could be situated on facades that are less noisy than the Bootham or Bootham Row facades. However this leaves very little option other than to put the units on the rear of the building near the repair garage. During hours of opening it is possible that there could be exhaust fumes arising from the garage which could be very unpleasant if drawn into the flats or business units. The garage does currently have a stove with a low level flue, again there is the possibility of fumes being drawn in through windows or ventilation systems.

Additional noise sources are anticipated which have not been considered, those of refrigeration and air conditioning units serving the food store, possible air conditioning in the business units and doors to the delivery area at ground level. The proposed location and specifications for any plant and machinery should be considered at this early stage rather than being add ons during construction. Obviously if the applicant pursues the desire for 24 hour operating hours, any plant and equipment associated with air conditioning in the business or shop, will be operating continuously without the reprieve of being switched off during the night.

We have not considered the noise climate within the business units. British Standard 8233:1999 , "Sound Insulation and Sound Reduction for Buildings - Code of Practice", recommends for study and work requiring concentration a level of between 35-40dB, considered as 'Good', or between 45-50dB considered as 'Reasonable'. Some work may need to be done by the acoustic consultant to indicate the likely noise levels within the business units. Some compromise may have to be made as to what will be considered acceptable for "business use", as a result of traffic noise and how the offices are to be ventilated.

It was noted from the plans that the delivery entrance to the food store appeared to be roller shutter doors. These can make considerable noise when opened and shut, particularly in the early mornings. The noise levels from these should be considered in any noise survey/assessment.

As some windows in some flats may require a higher specification of glazing and ventilation, it is important that any conditions proposed will have to indicate the flats by number. Any changes to the layout of the flats could affect the consequences of conditions suggested.

In order to fully explore our concerns regarding potential loss of amenity for occupiers of the proposed building as a result of any noise source and the issue of ventilation (or lack of it), I do feel that a meeting would be beneficial, with all parties concerned, as I do not feel that environmental protection can support this application in it's current form.

CITY DEVELOPMENT

As the proposal incorporates office floorspace (Use Class B1), it is unlikely that the removal of the existing use (Use Class B2) will result in any loss of employment. However, Policy E3b of the Draft Local Plan states that sites or premises either currently or previously in employment use should be retained within their existing use class. Consideration should therefore be given as to whether the loss of the existing Class B2 (Industrial) use is acceptable in this city centre location.

Policy H3c (Mix of Dwellings on Housing Sites) states that a mix of new house types, size and tenures will be required on all new residential development sites where appropriate to the location and nature of development. Given that this is a mixed scheme, and taking into account the site size and design of the scheme, it would be difficult to provide anything other than flatted units. However, as all the flats proposed are two bed, a better mix of unit size could perhaps be achieved.

Furthermore given there is currently an adequate supply of housing, consideration should be given as to whether an appropriate balance of uses is being achieved on the site.

In terms of residential density, the proposal is above the required 60 dwellings per hectare. As the site size is below 0.03ha and the number of units less than 15, an element of affordable housing is not required on the site. A retail development of this scale is generally supported on this site. Policies relating to the provision of open space (L1c), cycle parking standards (T4) and sustainability (GP4a) are also relevant to this application.

LIFELONG LEARNING AND LEISURE - As there is no on site open space commuted sums should be paid to the Council for:

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

EDUCATIONAL PLANNING OFFICER - As the local schools have surplus capacity, no Section 106 contribution is required.

3.2 EXTERNAL

GUILDHALL PLANING PANEL - We were concerned to confirm that brick will be the dominant exterior cladding, we were not entirely certain.

ENGLISH HERITAGE - There have been a number of relatively minor elevations to the elevations but sketch views of the two main frontages now give the impression of a less harsh building. However, we are concerned about the impact of the rear

elevation on the historic buildings which it would overlook. There do not appear to have been any changes to this elevation which is regrettable and we would encourage further design thought to be given to this aspect.

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

THIRD PARTY REPRESENTATIONS - Three letters have been received, making the following points:

- inaccurate and incomplete plans
- the additional noise report fails to provide an acceptable solution in terms of ventilation to the apartments
- it would be unacceptable to provide ventilation on the facade of the building as there are noise sources affecting all four elevations
- mechanical ventilation to habitable rooms would not comply with Building Regulations, is noisy in itself and would not be energy efficient
- fumes from a stove within the adjacent workshop in addition to fumes from revving engines would be a source of potential nuisance
- the adjacent workshop is an integral part of the existing building at the rear of the site, and no detail has been submitted of how this wall is to be treated after the building has been demolished
- construction methods should be clarified, in particular where scaffolding is to be erected, as this could cause severe disruption to the adjacent business
- maintenance of the existing wall could only be carried out from one side
- the drawings show windows on the site boundary which would have no right to light and thus could be blocked up by the adjacent occupier at any time. This may also be an issue on the northwest elevation.
- the location of the "high level ventilation" is not shown on any of the elevations.
- the extension of retail uses beyond Bootham Row, as proposed, is disappointing and there are many other uses which would be more appropriate.
- the suggestion that ample parking is available in the adjacent public car park is unfortunate as reliance on this car park will be a barrier to its future comprehensive redevelopment.
- compared to the original design, the building is less fragmented and less fussily detailed, with a better "fit" within the conservation area.
- the 300mm set back from the Bootham frontage is inadequate and should be increased to 500mm.
- the new building remains slightly higher than no. 33; it could easily be slightly lower.
- the string course on the Bootham frontage is pastiche; it should be omitted or suggested by a detail in brickwork.
- the roof stack on the corner of Bootham does not sit well with the most traditional part of the design.
- future tenants should be aware that they will be living in close proximity to late opening pubs and takeaways. It would be unfair if complaints are made against these premises.
- demolition work could disrupt beer deliveries to the adjacent public house, which would have to pay to make alternative arrangements.

4.0 APPRAISAL

4.1 Key Issues

- principle of the development
- design - impact on character and appearance of the conservation area and adjacent listed buildings
- noise issues - amenity of future occupiers
- impact on adjacent occupiers
- highway issues
- sustainability
- open space, education provision

POLICY BACKGROUND

Regional Planning Guidance

4.2 Regional Planning Guidance(RPG) is contained within the Draft Yorkshire and Humber Plan, which was submitted to Government in December 2005 and issued for public consultation between January and April 2006. An "Examination in Public" took place in September 2006, and proposed changes to the Plan are to be the subject of a further consultation exercise. One of the fundamental objectives of RPG is to strengthen the role of existing city and town centres as a key focus of commercial activity. In particular, Policy E2 states that the role and performance of existing city and town centres will be strengthened, and that city and town centres will be the main focus for (amongst other things) office, comparison shopping, public services, business services and other uses which generate a high level of people movements. Policy E3 relates to the supply of land and premises for economic development and emphasises the need to take account of the regional pattern of projected growth in floorspace demand for office, retail and leisure uses, and the considerable scope for this to be accommodated mainly in or adjacent to city and town centres.

Approved North Yorkshire Structure Plan

4.3 Policy S1 states that shopping development will normally be permitted in or as an extension to existing shopping centres or in new residential developments or existing residential areas with local shopping deficiencies provided that it does not seriously prejudice the continued existence of existing shops, it would not cause traffic congestion, and it would not have a substantial adverse environmental impact. In relation to the environment, Policy E4 states that buildings and areas of special townscape, architectural or historic interest will be afforded the strictest protection.

Draft City of York Local Plan

4.4 Strategic Policy SP3 gives a high priority to the protection of the historic character and setting of York, particularly key historic townscape features in the city centre, that contribute to the unique historic character and setting of the city. Policy SP6 seeks to concentrate new development on brownfield land within the built up urban area of the city and urban extensions, followed by surrounding settlements and selected existing and proposed public transport routes. Policy SP8 requires

applications for large new developments (e.g. housing, shopping or employment proposals) to demonstrate that they will reduce dependence on the private car by providing for more environmentally friendly modes of transport. Policy SP10 prefers strategic windfall sites within the city centre or highly sustainable locations to be promoted for major travel generating uses, including retail and employment uses.

4.5 The application relates to a mixed use development on a "brownfield" site located within the urban area. The site is occupied by a vacant building previously occupied by a tyre and exhaust fitting centre. Policy H4a of the Draft Local Plan states that proposals for residential development on land not already allocated on the Proposal 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. The policy requires new developments to be of an appropriate scale and density to surrounding development, and not to have a detrimental impact on existing landscape features. Policy H3c seeks to achieve a mix of house types, sizes and tenures on all residential development sites where appropriate to the location and nature of the development. Policy H5a requires the scale and design of proposed residential developments to be compatible with the surrounding area and not to harm local amenity. Within the city centre, new residential developments should seek to achieve a net residential density of greater than 60 dwellings per hectare.

4.6 Policy E3b seeks to retain sites or premises either currently or previously in employment use within their existing use class. In terms of new 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.

4.7 The site is within the Central Historic Core conservation area. Policy HE2 states that within or adjoining conservation areas, and in locations which affect the setting of listed buildings, development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials. Proposals will be expected to maintain or enhance existing urban spaces, views, landmarks and other townscape elements which contribute to the character or appearance of the area. Policy HE4 states that development in the immediate vicinity of listed buildings will only be permitted where there is no adverse effect on the character, appearance or setting of the building.

4.8 Policy GP1 of the City of York Draft Local Plan states that development proposals will be expected to respect or enhance the local environment, and 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. Proposals should also ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures. Development proposals will also be expected to have regard to the principles of sustainable development referred to in Policy GP4a of the Draft Local Plan.

4.9 Policy T4 requires all new developments to provide cycle parking in accordance with standards set out in Appendix E of the Local Plan. Policy L1c requires developments for all housing sites to make provision for the open space needs of future occupiers, in addition to any areas required for landscaping. Policy GP6 emphasises the importance of addressing the implications of possible contamination when development proposals are considered, and the need to incorporate appropriate mitigation measures, where appropriate. The site is within the York City Centre Area of Archaeological Importance. Policy HE10 emphasises the importance of ensuring that archaeological deposits within this area are properly evaluated, protected and preserved as an integral part of any development proposal.

PRINCIPLE OF THE DEVELOPMENT

4.10 The proposal consists of a mixed use development on a brownfield site within the urban area, close to public transport routes and a wide range of job opportunities, services and other amenities located within the city centre. The site is presently vacant and underused at the present time, and the poor architectural quality of the majority of the buildings on the site has a negative impact on the streetscene. The redevelopment of the site is, therefore, to be welcomed in principle, and the nature of the proposal, which includes retail, commercial and residential uses, would complement the mix of uses which already characterises the area. Although the proposal would result in the loss of the buildings on the site, which were previously used for employment purposes, it is considered that more than adequate compensation would be provided by the proposed use of the first floor of the building as offices, and to a lesser extent by the retail use on the ground floor. Overall, it is considered that the proposal would provide an overall level of employment at least equivalent to the previous use of the site, and that the proposal is not in conflict with the underlying objectives of Policy E3b.

4.11 In terms of the residential element of the proposal, the proposal relates to the development of a "windfall" site within the urban area, the principle of which would comply with Policy H4a of the Draft Local Plan. Policy H3c seeks to achieve a mix of house types, sizes and tenures on all new residential developments, where appropriate to the location and nature of the development. Although the proposal would provide only two bedroom apartments (twelve in number) with small variations in floor space, it is not considered that the nature and relatively small scale of the proposal readily lends itself to the provision of a mix of house types and sizes within the development.

DESIGN - IMPACT ON CHARACTER AND APPEARANCE OF THE CONSERVATION AREA AND ADJACENT LISTED BUILDINGS

4.12 The site is within a designated conservation area (Central historic Core). Within such areas, the Council has a statutory duty to consider the desirability of preserving or enhancing the character or appearance of the area. This duty is re-iterated in Planning Policy Guidance Note 15: "Planning and the Historic environment" (PPG15). The existing buildings on the site are of little architectural merit and do not contribute positively to the character or appearance of the conservation area. No objections are raised to the demolition of the existing buildings, which would clearly present an opportunity for the redevelopment and enhancement of this part of the

conservation area. A separate application for listed building consent has been submitted in respect of the demolition works. Central Government advice in relation to design is contained within Planning Policy Statement 1: "Delivering Sustainable Development" (PPS1), which states that good design is indivisible from good planning. It states that good design should contribute to making places better for people, and that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.

4.13 The juxtaposition of the new building with no. 33 Bootham, a Grade II listed building, was originally considered to be unacceptable, being flush with no. 33 and with only a shallow recess at the junction of the two buildings. In the revised application, the new building has been set 300mm back from no.33 with a deeper 700mm recess at the junction, and thus at high level would be clear of the existing cornice. It is now considered that this detail has been satisfactorily resolved. In elevation, the new building would be 150 - 200mm higher than no. 33 at both the eaves and the ridge. The Conservation Architect considers that the juxtaposition of the two buildings would be greatly improved if the new building were to be no higher than the roof of no. 33. The applicant has been requested to investigate this possibility with a view to the submission of a revised drawing.

4.14 So far as the detailed design is concerned, the Bootham frontage of the new building has been simplified, and now displays much of the traditional design and symmetry of its neighbours. The design of the building features a curved elevation at the junction of Bootham and Bootham Terrace, and this has been expressed by an elongated glazed opening at second floor level, consisting of a mullion screen with windows set behind. A streetscene perspective of this elevation illustrates that the overall appearance would have a generally positive impact on the streetscene. There is a danger that if this feature were to be reduced in length, as has been suggested, some of the symmetry would be lost resulting in an unresolved appearance to the elevation. A number of minor amendments have been made to the Bootham Row frontage of the building, in particular the deletion of rendered panels in favour of the use of brickwork throughout. It is considered that this narrower palette of external finishes will add cohesiveness to the building, in addition to providing a degree of consistency with the Bootham frontage. The use of artstone banding (or "stringing") has been criticised, and the applicant has been requested to re-examine this feature with a view to it being omitted or alternatively expressed in brickwork.

4.15 The rear (northeastern) elevation of the building would be set back from the boundary, with a recessed area providing access to the proposed apartments in the form of a roof terrace (second floor) and a raised walkway (third floor). This elevation would not be readily visible from public vantage points, and would be of a similar height to the adjacent (listed) buildings. It is considered that the scale and design of the building is acceptable in this context, particularly if the suggested amendments are incorporated, and would enhance the character and appearance of this part of the conservation area, which at the present time is blighted by the derelict appearance of the existing buildings on the site.

NOISE ISSUES - AMENITY OF FUTURE OCCUPIERS

4.16 Firstly, it is pointed out that there is a balance to be achieved between the advantages of living in a city centre location, close to all amenities, and the standard of amenity that future occupiers can reasonably expect to enjoy, and it is almost inevitable that city centre dwellers will suffer a greater degree of noise, smells etc than those living in quieter, less populated suburban areas. The site is adjacent to a busy arterial road into the city where the occupants of the proposed apartments could be affected by high levels of traffic noise, and as a consequence, a Noise Assessment has been submitted with the application. The Noise Assessment places the site within Noise Exposure Category "C"(NEC C), during both daytime and night time periods, as defined by Planning Policy Guidance Note 24 "Planning and Noise" (PPG24). Where a development site falls within NEC C, PPG24 states that planning permission should not normally be granted. However, where it is considered that permission should be given, conditions should be imposed to ensure a commensurate level of protection against noise. Due to the highly sustainable location of the site within the city centre, and the environmental benefits arising from the development of the site, it is considered that an element of residential accommodation could be permitted on this site, particularly on the upper floors. The Environmental Protection Unit are satisfied that conditions could be attached to mitigate against traffic noise, including the provision of non-opening windows on the Bootham and Bootham Row elevations, and the use of mechanical ventilation.

4.17 A supplementary noise report has been submitted which assesses the impact of early morning deliveries to the adjacent supermarket and the activities at a motor vehicle repair workshop (Colin Hick Motors) at the rear of the site. The report indicates that for most of the flats a higher glazing specification would reduce noise levels inside the flats to an acceptable level, except for three flats where the report states "more robust glazing specifications will be required". Two suggestions for "robust" glazing have been put forward. As stated above, the Environmental Protection Unit have recommended the use of non-opening windows in the Bootham and Bootham Row facades to bedrooms and lounges, with other means of ventilation provided. However, concerns still remain in relation to ventilation, in particular the noise that the mechanical ventilation units themselves may generate within the flats, and also the quality of the air they may draw into the building. In this latter respect a rooftop location may have to be investigated, with appropriate sound attenuation measures for any plant or equipment. Mechanical ventilation installed on the rear of the building (i.e. away from the Bootham or Bootham Row facades), may draw in fumes from the adjacent workshop, which would not be acceptable and could result in complaints. Other potential noise sources include the refrigeration and air conditioning units serving the ground floor retail unit (which would be exacerbated by extended opening times as proposed), air conditioning to the first floor offices, and roller shutter doors at the delivery area. Due to the specific issues identified, it is considered that the proposed locations and specifications for any plant or machinery should be considered as part of the application rather than being "add ons" during the construction phase. The applicant is investigating these matters and a further update on progress will be given at the meeting.

IMPACT ON ADJACENT OCCUPIERS

4.18 The new building would be immediately abutting a long established motor vehicle workshop (Colin Hick Motors) along part of its northeastern boundary. This has resulted in objections being lodged on behalf of the owner, in particular that future occupiers of the apartments would be adversely affected by noise and fumes from the workshop, resulting in complaints being made to the Council. The owner feels it would be unreasonable for his lawful business activities to be curtailed as a result of future complaints given the long established nature of the business. This issue is referred to in the preceding section of this report. Clearly, further investigations are required by the applicant, in particular in relation to ventilation, and a further update will be given at the meeting. It is pointed out, however, that there is an existing block of eighteen residential apartments (Bootham Place), planning permission for which was granted in 2002, which is already in relatively close proximity to the motor vehicle garage.

4.19 Bootham Place is a four storey block of apartments located to the northeast of the application site. There would be a separation distance of approximately 13 metres between this block and the proposed building, the end wall of which would be relatively narrow (10.5 metres approx) for a building of this height. Whilst there would be some loss of views from southwestern facing windows in some of the apartments, it is not considered that this would be so serious as to warrant the refusal of planning permission, particularly bearing in mind the urban nature of the location. The end wall of the new building would contain a limited number of openings in the form of a fire exit/refuse store exit at ground floor, toilets serving the office accommodation at first floor and two secondary bedroom windows on each of the third and fourth floors. It is not considered, therefore, that any significant overlooking or loss of privacy would occur as a result of the proposal.

HIGHWAY ISSUES

4.20 The proposed development would provide six car parking spaces (including one disabled space) together with cycle parking within a secure area at ground floor level towards the rear of the building. Separate refuse areas would be provided for the residential and commercial elements of the building. Central Government advice contained within Planning Policy Guidance Note 13 ("Transport") states that in order to encourage more sustainable transport choices (i.e. other than the private car), developers should not be required to provide more car parking spaces than they themselves wish. The application site is within walking distance of the city centre and is close to a wide range of public transport routes and it is considered, therefore, that the limited level of parking provision associated with the development is acceptable in this location. Although the cycle storage is shown to be in a large communal area, it would be possible to provide better security by sub-dividing the storage into smaller enclosures. This matter could be dealt with by a planning condition.

4.21 At the present time, vehicular and pedestrian separation within Bootham Row, which gives access to a large public car park, is poor and is restricted by a "pinch point" created by the existing buildings. The proposal would incorporate significant improvements to Bootham Row, in terms of the junction alignment, carriageway

width, visibility, and the provision of proper pedestrian footways. Through these improvements, the proposal would bring significant benefits to the area in terms of vehicular and pedestrian safety.

SUSTAINABILITY

4.22 Policy GP4a of the Draft Local Plan requires all developments to have regard to the principles of sustainable development. The building would be located in a highly sustainable location, close to the city centre and a wide range of amenities including public transport. As a "new build" project, the would be constructed to a high standard, and the achievement of a BREEAM rating of at least "very good" could be secured by condition. The mixed nature of the development would require a "bespoke" BREEAM assessment to be carried out in order to secure this objective.

OPEN SPACE AND EDUCATION PROVISION

4.23 As no on-site open space would be provided, Policy L1c of the Draft Local Plan requires a commuted sum to be paid towards the upgrading of local facilities. This has been calculated at £9,936 (8 x £1242) and could be secured by means of a Section 106 Agreement. This could be used for improving a local site such as Clarence or Museum Gardens. No contribution is required towards education facilities as at the present time the local schools all have spare capacity.

5.0 CONCLUSION

5.1 The proposal would result in the redevelopment of a derelict site that has had a negative impact on the streetscene for a number of years. It is considered that the proposal would result in an overall enhancement of this part of the conservation area, in addition to securing much needed highway improvements along Bootham Row. The mixed use nature of the development is considered to be appropriate for the location, and would contain an element of employment use in compensation for the loss of the existing employment site. Minor amendments have been requested to the design of the building. Further investigations are required in relation to sound insulation and ventilation of the proposed apartments, in order to ensure that future residents are provided with a satisfactory living environment. An update on progress on this matter will be given at the meeting. Provided that sufficient progress has been made on this matter, it is requested that officers be given delegated authority to approve the application, provided that all other matters are satisfactory.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Delegated authority to approve

- 1 TIME2 Commence within three years
- 2 The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:-

KFB 201 rev J - ground and first floors
KFB 202 rev G - second and third floors
KFB 301 rev H - typical sections and roof plan
KFB 401 rev H - 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 VISQ7 Sample panel of materials to be approved
- 4 VISQ8 Sample of exterior materials to be approved
- 5 VISQ10 Details of external services to be approved
- 6 Prior to the development commencing full detailed drawings showing the design and materials for roads, footways, and any other new adoptable highway or highway improvement areas, in all respects in accordance with the City of York Council Highway Design Guide and specification, shall be submitted to and approved in writing by the Local Planning Authority. Such highway works shall be constructed in accordance with the approved plans prior to the occupation of any residence or commercial property which requires access from that highway.

Reason: In the interests of good planning and road safety.

- 7 HWAY18 Cycle parking details to be approved
- 8 No gate door or window shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

- 9 Prior to the commencement of the works hereby approved, a detailed method of works statement shall be submitted to and agreed in writing by the Local Planning Authority. This statement shall include the precautions to be taken to ensure the safety of the general public, the method of securing the site, the access to the site, the route taken by vehicles transporting demolition waste and construction materials to the site, and the hours of operation.

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

- 10 Prior to the commencement of the development hereby approved details of the design and means of operation of the vehicular gates shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent obstruction to other highway users

- 11 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

Footway provision within Bootham Row adjacent to the site
Footway widening within Bootham Row opposite the site
Kerb realignment on both sides of Bootham Row
Adjustments and amendments to signing, lighting and lining as a consequence of the road improvements
Provision of loading bay

Reason: In the interests of the safe and free passage of highway users.

- 12 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.

- 13 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 £9,936

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.

- 14 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 16 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.

- 15 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 (L_{Amax}(f)) and average (L_{Aeq}) 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 the proposed apartments and those in nearby buildings.

- 16 The building envelope of all residential dwellings within the development, with a facade onto Bootham and Bootham Row, shall be constructed so as to provide sound attenuation against external noise of not less than 33dB(A) with non-opening windows and other means of ventilation provided. The detailed scheme shall be approved in writing by the Local Planning Authority and fully implemented prior to the first occupation of any dwelling.

Reason: To protect the amenity of future occupiers.

- 17 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 0800 to 1800

Saturday 0900 to 1300

Not at all on Sundays and Bank Holidays

Reason: To protect the amenity of adjacent occupiers

- 18 A desk study shall be undertaken in order to identify any potentially contaminative uses which have or are currently occurring on 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.

Reason: To protect the health and safety of future occupiers

- 19 (a) 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.
- (b) A risk-based remedial strategy shall be developed based on the findings of the site investigation. The remedial strategy shall be submitted to and approved by the Local Planning Authority in writing. The approved strategy shall be fully implemented prior to any development commencing 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).
- (c) A validation report shall be submitted to and approved by the Local Planning Authority, detailing sample locations and contaminant concentrations prior to any development commencing on site.
- (d) Any contamination detected during site works that has not been considered within the remedial strategy shall be reported to the Local Planning Authority. Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development of the site.

Reason: To protect the health and safety of future occupiers

- 20 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 the health and safety of future occupiers

- 21 ARCH1 Archaeological programme required
- 22 ARCH2 Watching brief required
- 23 ARCH3 Foundation design required

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:

- principle of the development
- design - impact on character and appearance of the conservation area and adjacent listed buildings
- noise issues - amenity of future occupiers
- impact on adjacent occupiers
- highway issues
- sustainability
- open space, education provision

As such the proposal complies with Policies S1 and E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies SP3, SP6, SP8, SP10, H3c, H4a, H5a, E3b, E4, HE2, HE4, GP1, GP4a, T4, L1c, GP6 and HE10 of the City of York Local Plan Deposit Draft.

2. 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:

General power of improvement - section 62 - Mr. M. Kitchen 01904 551336

Adoption of highway - section 38/278 - Mr. M. Kitchen

3. 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.

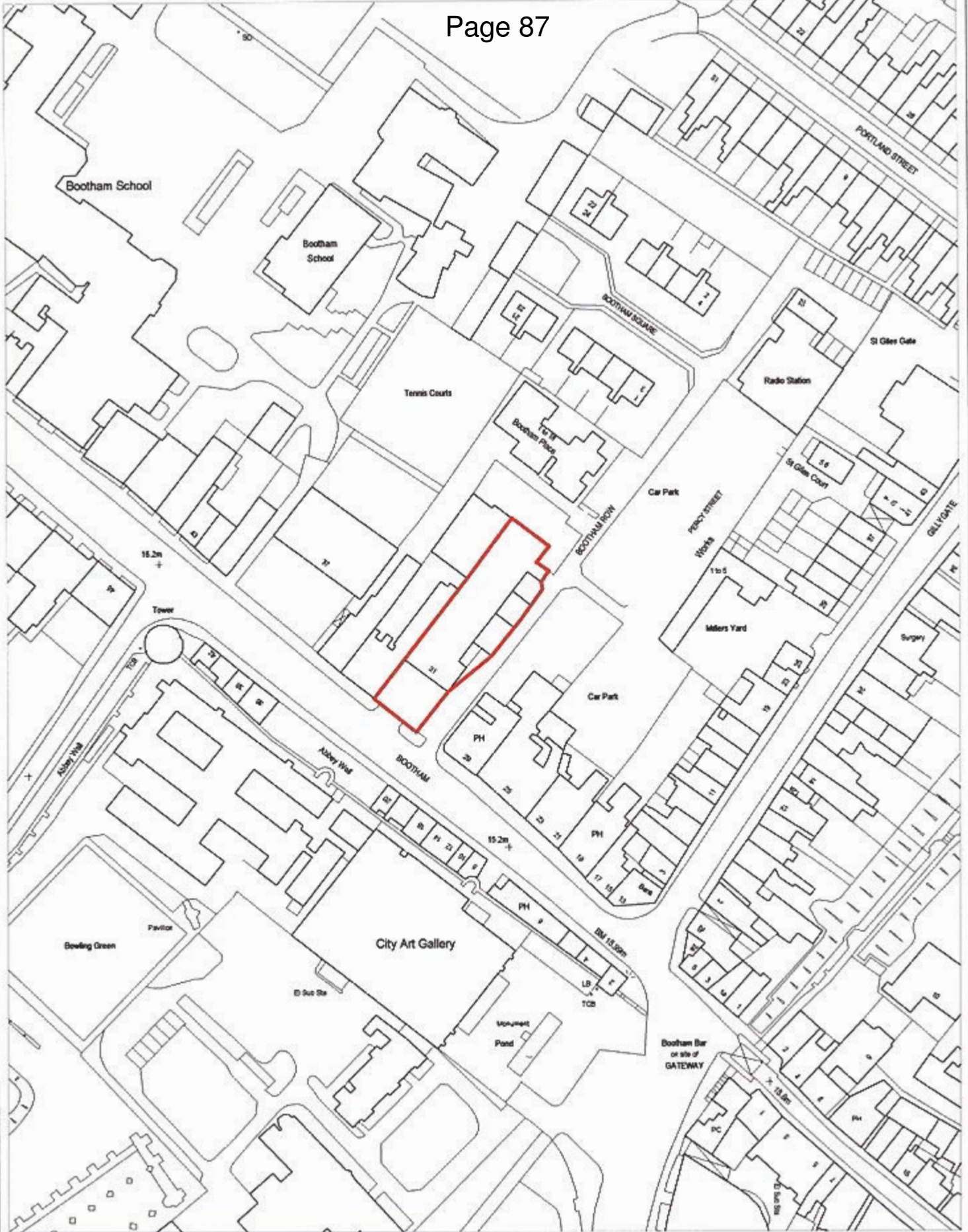
(iv) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(v) There shall be no bonfires on the site.

Contact details:

Author: Simon Glazier Assistant Area Team Leader

Tel No: 01904 551351



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

CHARLIE BROWN AUTOCENTRE - 31 BOOTHAM

SCALE 1:1250
Originating Group

DRAWN BY PSL
Project

DATE 19/7/2007
Drawing No.



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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Guildhall
Date: 31 July 2007 **Parish:** Guildhall Planning Panel

Reference: 07/01161/CAC
Application at: Charlie Brown Autocentres 31 Bootham York YO30 7BT
For: Demolition of building in the Conservation Area (resubmission)
By: Bootham Row Ltd
Application Type: Conservation Area Consent
Target Date: 10 July 2007

1.0 PROPOSAL

1.1 The application relates to the demolition of buildings previously occupied by the former Charlie Browns Autocentre in Bootham in association with the redevelopment of the site for retail, office and residential development, a proposal which is considered separately on this agenda (06/00202/FULM). The buildings are situated within a designated conservation area (Central Historic Core), hence separate conservation area consent is required for the demolition of the buildings. The buildings consist of a modern two storey flat roofed showroom/office at the front of the site, with a mixture of one and two storey brick and pantile buildings at the rear, fronting onto Bootham Row.

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

Listed Buildings Grade 2; 33 Bootham York YO3 7BT 0607

2.2 Policies:

CYHE5

Demolition of Listed Buildings and Buildings in Conservation Areas

3.0 CONSULTATIONS

3.1 INTERNAL

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

Conservation - No objections

CONSERVATION AREA ADVISORY COMMITTEE - No objections

3.2 EXTERNAL

GUILDHALL PLANNING PANEL - No objections

ADJACENT OCCUPIERS - No replies received

4.0 APPRAISAL

4.1 Key Issues

- architectural quality of building
- impact on character and appearance of the conservation area

4.2 The application relates to the demolition of a range of buildings associated with the former Charlie Browns Autocentre in Bootham, to allow the redevelopment of the site for retail, office and residential purposes. 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 HE5 of the City of York Deposit Draft Local Plan states that conservation area consent will not be granted for the demolition of buildings which positively contribute to the character or appearance of conservation areas. Where exceptionally demolition or partial demolition is permitted, Policy HE5 requires that no demolition takes place until a building contract for the carrying out of works of redevelopment has been made, and planning permission for those works has been granted.

4.3 Central Government advice in relation to demolition within conservation areas is contained within Planning Policy Guidance Note 15 (PPG15) - "Planning and the Historic Environment". In exercising conservation area controls, Local Planning Authorities are required to pay special attention to the desirability of preserving or enhancing the character or appearance of the area in question. Account should be taken of the part played in the architectural or historic interest of the area by the building for which demolition is proposed, and the wider effects of demolition on the surroundings and on the conservation area as a whole.

4.3 PPG15 states that the general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area. The Secretary of State expects that proposals to demolish such buildings should be considered against the same broad criteria to demolish listed buildings. Where a building makes little or no contribution, full information about what

is proposed for the site after demolition should be provided. Consent for demolition should not be given unless there are acceptable and detailed plans for any redevelopment. It has been held that the decision maker is entitled to consider the merits of any proposed development in determining whether consent should be given for the demolition of an unlisted building in a conservation area.

4.4 The existing building on the front of the site occupies a prominent position in the streetscene and is an unattractive two storey structure of modern appearance with a flat roof. The building is of no architectural merit and has few, if any, redeeming features, and is considered to have a negative impact on the character and appearance of the streetscene. The buildings at the rear are of more traditional construction and appearance, being of brick construction with pantiled roofs. However, they are of utilitarian appearance and are not considered to be of listable quality. Nor are they particularly prominent in the streetscene. It is considered that the opportunity that exists for the redevelopment of the whole site should be taken into account in determining this application for the demolition of the buildings.

4.5 In this particular case, it is considered that the proposed proposals for the site, as set out in the previous item on the agenda, are acceptable and would result in the redevelopment of a site that has had a negative impact on the streetscene for a number of years. It is considered that the proposal would result in an overall enhancement of this part of the conservation area, in addition to securing much needed highway improvements along Bootham Row. No objections are raised, therefore, to the demolition of the existing buildings. However, it is considered that the imposition of the standard condition requiring a contract for the redevelopment of the site to be made prior to the demolition of the existing building is justified in this instance, in order to avoid the possibility of a cleared site within the conservation area, in the event that the redevelopment proposals do not take place.

5.0 CONCLUSION

5.1 Bearing in mind the architectural quality of the buildings that it is proposed to demolish, and the merits of the alternative proposals for the site, it is not considered that the character or appearance of the conservation area would be adversely affected by the proposal. The redevelopment proposals for the site are considered to be acceptable. As such, the granting of conservation area consent is considered to be acceptable, and not in conflict with Policy E4 of the Approved North Yorkshire Structure Plan or Policy HE5 of the Draft Local Plan.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 TIMEL2 Commence within three years
- 2 DEM1 Contract for redevelopment prior to demolition

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:

- architectural quality of building
- impact on character and appearance of the conservation area

As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policy HE5 of the City of York Local Plan Deposit Draft.

Contact details:

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